

**Superior Court of California,
County of Sacramento
William R. Ridgeway
Family Relations Courthouse
3341 Power Inn Road
Sacramento, CA 95826**

Public Line: (916) 875-3400



Superior Court of California,
County of Sacramento



FAMILY LAW: HOW IT WORKS

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The Superior Court of California, County of Sacramento wishes to thank the Judicial Council of the State of California for its support and acknowledges the special efforts of Judge Jerilyn Borack in writing this brochure.

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11. What should I do if I don't speak English?

The Court is not required to provide you an interpreter. However, at most times a Spanish language interpreter is available. You may bring a friend or relative to translate for you. If you wish to hire an interpreter, a list is available in the Family Law Facilitator's Office in Room 113.

12. What can I do if I am caring for my grandchildren, or a niece or nephew?

As a person who is not the child's parent, you can ask the court to appoint you as the child's **guardian**. This process requires the filing of a **Petition for Guardianship** and approval by the Probate Court, located in the Family Relations Courthouse. The guardianship procedure is complicated. If you cannot afford to hire an attorney to help you, the Facilitator's Office is available to help you elect and fill out the proper forms. There is a Probate Advisor in the Facilitator's Office on Thursday and Friday of each week to help people with guardianship questions. You must sign up for these help sessions in advance.



There is a simpler process which will allow you, as a relative of the child, to enroll the child in school and to get medical treatment for the child without having to go through a guardianship proceeding. You can do this by filling out and signing the **Caregiver's Authorization Affidavit**. The form affidavits are available on the second floor of the Family Law Courthouse in Room 214. If you need help in completing the affidavit, you may sign up and attend one of the sessions on Thursdays and Fridays in the Facilitator's Office.

1. How do I get started?

- If you want to begin a case, either to obtain a divorce (legal separation or nullity) or to have yourself or someone else declared to be the parent of your child, you start by filing a Petition and Summons. That will open your case.
- You must then have a copy of those documents served on the other party. **You may not serve the documents.** You must have someone else, a person over the age of 18 years, hand the documents personally to the other party.
- You must then have that person complete and sign a document (proof of service) stating that he or she has served the other party. Your case will not move forward until the service is completed.

2. What do I do if someone has served a Petition and Summons on me?

You must respond by completing a Response and filing it with the court. **You have 30 days from the day that you received the Petition and Summons to file a Response to the Petition.** If you fail to respond within 30 days the other party may go forward with the proceeding without you. Unless you file a Response, you may not be able to participate and present your side. You must have a copy of the Response served on the other party before you file it. You may serve it by mailing the copy to the other party at the address s/he has written on the Petition.

3. How long do I have to wait if I need some court orders?

Often when a divorce or legal separation action begins you and the other party will need some assistance in resolving some financial issues on a temporary basis until you can finally resolve all of your issues. Some of the questions you may have are:

- “Who is going to live in the house we have been living in?”
- “Will I be able to get some support from the other party if I don’t earn much money or don’t have an income at all?”
- “Who is going to continue to make the car payments?”

These may be some of the issues that the judge will have to decide. You can usually get a hearing date within four weeks from the date you complete and file your forms. A copy of your filed forms must be served on the other party at least **twenty-one (21) calendar days** prior to the hearing date. Be sure to file your Proof of Service prior to your hearing date and bring a copy with you on the day of the hearing. The judge must see the Proof of Service before he or she can make a decision on the issues you are raising.

4. What are the forms I must complete?

In order to obtain temporary court orders, you must file a **Notice of Motion** or **Order to Show Cause** and an **Application for Orders**. As part of the Application for Orders you will be required to write a few paragraphs about the facts that will help the judge to understand your need for the orders you are requesting. If the matter involves financial issues, you will also have to complete and file an **Income and Expense Declaration** and make certain that you have attached all information that the form requires. When you complete and file these documents, the clerk will give you a hearing date.

9. How does the Court make decisions about the children?

If you are having problems deciding when the children will be with each parent, you can get help from the Office of Family Court Services. The office is on the first floor of the courthouse. There are trained counselors who work there to help people who are having trouble with decisions about their children. Once you have started your case you can get an appointment at Family Court Services either by filing a **Motion or Order to Show Cause** and asking for child custody or visitation orders, or you can file a **Petition for Mediation**. Then you can go to the Family Court Services Office and make an appointment to see a counselor. Usually, it is best if both parents see the counselor together. This is called **mediation**. You discuss the problems you are having in making your decisions and the counselor will help you. If you and the other parent still cannot agree, the counselor will make a recommendation to you and to the court. If you want the judge to make an order, and you still cannot agree, the counselor will make a recommendation to you and to the court. If you want the judge to make an order, and you cannot agree, then you must file a **Motion or Order to Show Cause** so that you can get a hearing date scheduled.

10. What if the other party and I agree on everything?

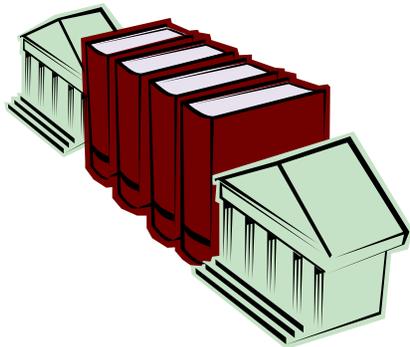
You may still need some help in getting all of the proper forms filled out and filed, but your case will be much easier. In most cases if you tell the judge that you and the other party agree, the judge’s orders will be just like your agreement. Remember that the Facilitator’s Office is there to help you fill out the paperwork you will need in order to let the judge know that you have reached an agreement about everything.

8. What happens at the hearing?

The judge will have read all the papers you have filed and will know something about your case. There will be many other people there who also have cases to be heard, so the amount of time for each case is limited. You will not be able to call witnesses at the hearing. You can do that only at trial. You will be able to make statements to the judge. The following guidelines are suggested:

- Be courteous to the judge, staff, and opposing party.
- Be prepared to make your points.
- Be brief and do not repeat yourself.
- Do not interrupt when someone else is speaking.

The judge will make a decision at the end of your hearing and you will be given a copy of the judge's order.



If you are the responding party, you should receive a copy of these papers at least 21 days prior to the scheduled hearing date. If you want the judge to consider your side, you must file a **Responsive Declaration**, and your own **Income and Expense Declaration**. These must be filed with the court and a copy must be provided to the other party at least **ten (10) days** prior to the hearing date. If you serve a copy on the other party by mail, you must place copies of all papers in the mail **fifteen (15) days** prior to the hearing date.

5. Are there people at the Family Relations Courthouse who will help me prepare the papers that I have to file?

Yes! In most family law matters you do **not** have the right to have the court appoint an attorney for you, free of charge. If you choose to have an attorney represent you, that attorney will help you, but you must hire that attorney yourself. If you need help and cannot afford an attorney, there is an office on the first floor of the Family Relations Courthouse, the Facilitator's Office, where you will find help. Almost all of the documents you must file, like the Petition, Response, Summons, and Motion, are printed on forms. The people at the Facilitator's Office will help you select and fill out the proper forms.



6. How can I get child support from the other parent for our children?

If you have already started a case, you can ask the Family Law Court to make an order for child support by following the steps given to you under Question 4. All the forms that you will need to complete are packaged with the instructions and are available at the Filing Window in Room 100 of the Family Relations Courthouse. If you need help in filling out the forms, go to the Facilitator's Office located in Room 113. If you do not already have an open case, you can get one started by following the steps given to you under Question 1, and by preparing, filing, and serving a **Petition for Dissolution/ Legal Separation** or a Petition to have the other party's parentage established.

Additional help is available to you from the Department of Child Support Services. That office is located directly across the street from the entrance to the Family Relations Courthouse. That Department helps people get child support orders from the court, collect child support that is due under an existing order, change the amount of child support that is due under an existing order, change the amount of child support you may be getting or may have to pay. If you want help from the Department of Child Support Services, telephone them at **(916) 875-7400** and tell them you wish to open a case with them. They will take your address and send you a packet with directions and an application. To complete the process, you must follow the directions contained in the packet and bring all papers with you to the class where your case will be opened. Classes are held every Tuesday and Thursday at 1:00 p.m. at the Department of Child Support Services. After you have started a case with them, the Department will follow through on getting support for your child. If a court hearing is necessary, an attorney from the Department will be at the hearing to present the case to the judge.

7. What if I have an emergency? Must I still wait three weeks for court orders?

No, but you must have a **real** emergency. If you are in a situation in which the health or safety of yourself or your child or children is being threatened, you may ask the court to make an immediate order which will protect you and your children. You may or may not have to notify the other party that you are going to court to get an emergency order. If notice is necessary, you must tell the other party that you are going to court **at least 24 hours ahead** of the time you plan to be in court. For example, if you telephone the other party at 10:00 a.m. today and tell him/her that you will be in court at 11:00 a.m. tomorrow, then you can go to court the next day at 11:00 a.m. and request your emergency orders.

Your **Application for Orders** should clearly tell the judge what the emergency is and what bad things will happen if you cannot get immediate orders.

If the judge makes an order on an emergency basis, that order will only last until the day that is set for you to return to court for a longer hearing on the issues you have raised. Sometimes the judge will allow you to have a hearing in just a few days. Again, you must remember to provide a copy to the other party of all papers you have filed with the court, and file a Proof of Service with the court. Without a copy of the papers being given to the other party, the judge will not be able to make more permanent orders, and you may not be able to extend the temporary orders for more than a few weeks.