

GRANDPARENT VISITATION (WITH FAMILY LAW CASE)

- **Self Help Info & Free Forms:** www.courts.ca.gov/selfhelp OR www.sb-court.org (Court Website)
➤ **Email Assistance:** flworkshop@sb-court.org

Resource Center Services & Hours:

First Come, First Served . . . Arrive early!

MONDAYS 8:30am to 12:00pm & 1:00pm to 3:00pm (brief services only)
Brief Services Only – No Document Review – “5 Minute Family Law Clinic”

TUESDAYS to THURSDAYS 8:30am to 12:00pm & 1:00pm to 3:00pm
Document review & all regular services

Demand for self help services may exceed staff availability on any given day.
First Come, First Served... Arrive early!

Locations:

- San Bernardino Historic Courthouse, 351 N. Arrowhead, Room 326
- Rancho Cucamonga Courthouse, 8303 Haven Avenue, Basement
- Victorville Courthouse, 14455 Civic Drive, Near V-10

For Government Child Support Cases: Child Support Courthouse, 655 W. 2nd Street, 2nd Floor, San Bernardino Hours: Monday to Thursday 8:30am – 12:00pm & 1:30pm to 4:00pm. Fridays – 8:00am to 12:00pm

Joshua Tree Services: 2nd & 4th Fridays of the month. 9:00am to 12:00pm & 1:00 pm to 3:00pm

INSTRUCTIONS FOR PETITION FOR GRANDPARENT VISITATION

(Existing Case)

Everyone: Use the sample to fill out your forms in BLACK INK.

SAN BERNARDINO AND RANCHO CUCAMONGA COURTHOUSES:

- ◆ **Copy:**
 - Make 2 copies of your packet.
- ◆ **File:**
 - Take the original and your copies to the Clerk's Office/Family Law Window and file. ***At that time, the clerk will assign a date and time for your hearing.***
 - You will have to pay a filing fee unless you have a fee waiver application
- ◆ **Serve:**
 - Someone else over the age of 18 must serve each of the child(ren)'s parents, any stepparent, and any person who has physical custody of the child.
 - Service must be done by mailing a copy of the forms by certified mail, return receipt requested, postage prepaid, to the person's last known address, or to the attorneys of record of the parties to the existing family law case.
 - Your server must fill out the Proof of Service.
 - **File the completed Proof of Service with the signed return receipts attached.**

VICTORVILLE AND JOSHUA TREE COURTHOUSES:

- ◆ **Resource Center Phone Call:**
 - We will call the clerk's office to get a court date for you and write it on your Notice of Motion.
- ◆ **Copy:**
 - Make 2 copies of your packet.
- ◆ **Serve:**
 - Follow the service instructions above.
- ◆ **File:**
 - Bring your original forms + 1 copy to the clerk's office to file.
 - You will have to pay filing fees unless you have a fee waiver
 - **Be sure to bring your completed Proof of Service form with the signed return receipts attached.**

Everyone: **DEADLINE FOR MAILING: 16 "court days" before hearing plus 5 calendar days.** You only count the days when the court is open. Never count Saturday or Sunday. If you do not want to figure it out, then get the mailing done at least 4 full weeks before the hearing date.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): TELEPHONE NO. (Optional): _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
MARRIAGE OF PETITIONER: RESPONDENT:	
CLAIMANT:	
SUMMONS (JOINDER)	CASE NUMBER:

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

¡AVISO! Usted ha sido demandado. El tribunal puede decidir contra Ud. sin audiencia a menos que Ud. responda dentro de 30 días. Lea la información que sigue.

If you wish to seek the advice of an attorney in this matter, you should do so promptly so that your response or pleading, if any, may be filed on time.

Si Usted desea solicitar el consejo de un abogado en este asunto, debería hacerlo inmediatamente, de esta manera, su respuesta o alegación, si hay alguna, puede ser registrada a tiempo.

1. TO THE PETITIONER RESPONDENT CLAIMANT
 A pleading has been filed under an order joining (name of claimant):

as a party in this proceeding. If you fail to file an appropriate pleading within **30** days of the date this summons is served on you, your default may be entered and the court may enter a judgment containing the relief requested in the pleading, court costs, and such other relief as may be granted by the court, which could result in the garnishment of wages, taking of money or property, or other relief.

2. TO THE CLAIMANT EMPLOYEE BENEFIT PLAN
 A pleading on joinder has been filed under the clerk's order joining (name of employee benefit plan):

as a party claimant in this proceeding. If the employee benefit plan fails to file an appropriate pleading within **30** days of the date this summons is served on it, a default may be entered and the court may enter a judgment containing the relief requested.

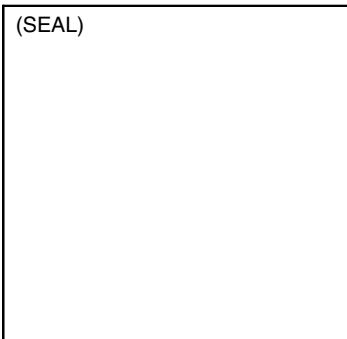
Dated: _____ Clerk, By _____, Deputy

3. NOTICE TO THE PERSON SERVED: You are served

- a. As an individual.
 b. As (or on behalf of) the person sued under the fictitious name of:
 c. On behalf of:

- Under: CCP 416.10 (Corporation) CCP 416.60 (Minor)
 CCP 416.20 (Defunct Corporation) CCP 416.70 (Incompetent)
 CCP 416.40 (Association or Partnership) CCP 416.90 (Individual)
 Other: FC 2062 (Employee Benefit Plan)

- d. By personal delivery on (date):



PROOF OF SERVICE—SUMMONS (JOINDER)
(Use separate proof of service for each person served)

1. I served the

a. *Summons and* (1) *Request for Joinder of Employee Benefit Plan and Order, Pleading on Joinder-Employee Benefit Plan, blank Notice of Appearance and Response of Employee Benefit Plan*

(2) *Notice of Motion and Declaration for Joinder* (3) *Order re Joinder*

(4) *Pleading on Joinder* (specify title):

(5) *Other:*

b. On *(name of party or claimant):*

c. By serving (1) *Party or claimant.* (2) *Other (name and title or relationship to person served):*

d. *By delivery at* *home* *business* (1) *Date of:*
(2) *Time of:* (3) *Address:*

e. *By mailing* (1) *Date of:* (2) *Place of:*

2. Manner of service: *(check proper box)*

a. **Personal service.** By personally delivering copies. (CCP 415.10)

b. **Substituted service on corporation, unincorporated association (including partnership), or public entity.** By leaving, during usual office hours, copies in the office of the person served with the person who apparently was in charge and thereafter mailing (by first-class mail, postage prepaid) copies to the person served at the place where the copies were left. (CCP 41 5.20(a))

c. **Substituted service on natural person, minor, incompetent, or candidate.** By leaving copies at the dwelling house, usual place of abode, or usual place of business of the person served in the presence of a competent member of the household or a person apparently in charge of the office or place of business, at least 18 years of age, who was informed of the general nature of the papers, and thereafter mailing (by first-class mail, postage prepaid) copies to the person served at the place where the copies were left. (CCP 415.20(b)) **(Attach separate declaration or affidavit stating acts relied on to establish reasonable diligence in first attempting personal service.)**

d. **Mail and acknowledgment service.** By mailing (by first-class mail or airmail) copies to the person served, together with two copies of the form of notice and acknowledgment and a return envelope, postage prepaid, addressed to the sender. (CCP 415.30) **(Attach completed acknowledgment of receipt.)**

e. **Certified or registered mail service.** By mailing to address outside California (by registered or certified airmail with return receipt requested) copies to the person served. (CCP 415.40) **(Attach signed return receipt or other evidence of actual delivery to the person served.)**

f. *Other (specify code section):*
 Additional page is attached.

3. The notice to the person served (item 3 on the copy of the summons served) was completed as follows (CCP 412.30, 415.10, and 474):

a. *As an individual.*

b. *As the person sued under the fictitious name of:*

c. *On behalf of:*

Under: CCP 416.10 (Corporation)
 CCP 416.20 (Defunct Corporation)
 CCP 416.40 (Association or partnership)

CCP 416.60 (Minor)
 CCP 416.70 (Incompetent)
 CCP 416.90 (Individual)
 FC 2062 (Employee Benefit Plan)

d. *By personal delivery on (date):*

4. At the time of service I was at least 18 years of age and not a party to this action.

5. Fee for service: \$

6. Person serving

- a. *Not a registered California process server.*
- b. *Registered California process server.*
- c. *Exempt from registration under Bus. & Prof. Code 22350(b).*
- d. *California sheriff, marshal, or constable.*

e. Name, address, telephone number, and, if applicable, county of registration and number:

I declare under penalty of perjury that the foregoing is true and correct and that this declaration is executed on *(date):* _____ at *(place):* _____, California.

(For California sheriff, marshal, or constable use only)
I certify that the foregoing is true and correct and that this certificate is executed on *(date):* _____ at *(place):* _____, California.

(Signature)

(Signature)

ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>Name, state bar number, and address</i>): <hr/> <p style="text-align: center;">TELEPHONE NO.: FAX NO. (<i>Optional</i>):</p> <p>E-MAIL ADDRESS (<i>Optional</i>):</p> <p>ATTORNEY FOR (<i>Name</i>):</p>	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
MARRIAGE OF PETITIONER: RESPONDENT:	
NOTICE OF MOTION AND DECLARATION FOR JOINDER	CASE NUMBER:

NOTICE OF MOTION

1. TO Petitioner Respondent

2. A hearing on this motion for joinder will be held as follows:

a. Date:	Time:	Dept.:	Rm.:
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b. The address of court: is shown above is:

c. Petitioner Respondent Claimant will apply to this court for an order joining claimant as a party to this proceeding on the grounds set forth in the Declaration below.

3. The pleading on joinder accompanies this notice of motion.

Dated:

_____ (TYPE OR PRINT NAME)		_____ (SIGNATURE)
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DECLARATION FOR JOINDER

4. The name of the person to be joined is:

5. Facts showing that each person sought or seeking to be joined possesses or controls or claims to own any property subject to disposition by this court, or that such person has or claims custody, physical control, or visitation rights with respect to any minor child of the marriage, are (*specify*):

PETITIONER: RESPONDENT:	CASE NUMBER:
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6. Facts showing that it would be appropriate for this court to determine the particular issue in the proceedings are:

7. Facts showing that each person sought or seeking to be joined is either indispensable to a determination of the particular issue or necessary to the enforcement of any judgment rendered on the issue are:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

(TYPE OR PRINT NAME)

(SIGNATURE OF DECLARANT)

Attorney or Party Without An Attorney (Name, State Bar No. & Address)	For Court Use Only
Telephone No. Attorney for:	
Superior Court of California, County of San Bernardino <input type="checkbox"/> Barstow District; 235 East Mountain View, Barstow, CA 92311 <input type="checkbox"/> Big Bear District; 477 Summit Boulevard, Big Bear Lake, CA 92315 <input type="checkbox"/> Joshua Tree District; 6527 White Feather Road, Joshua Tree, CA 92252 <input type="checkbox"/> Needles District, 1111 Bailey Avenue, Needles, CA 92363 <input type="checkbox"/> Rancho Cucamonga District; 8303 N. Haven Ave., Rancho Cucamonga, CA 91730 <input type="checkbox"/> San Bernardino District; 351 N. Arrowhead Ave., San Bernardino, CA 92415 <input type="checkbox"/> Victorville District; 14455 Civic Drive, Suite 100, Victorville, CA 92392	
Petitioner:	
Respondent:	
PETITION FOR GRANDPARENT VISITATION	CASE NUMBER

1. Petitioner is the grandparent of the minor child(ren) listed below.
2. My son _____ is the parent of the child(ren) I wish to visit.
 My daughter _____ is the parent of the child(ren) I wish to visit.

Name of Child	Birthdate	Identify Person Living With & County of Residence	Other Parent's Name

3. The parents of the child(ren): *(mark all boxes/complete spaces for all which apply)*
 - are divorced. A Judgment for Dissolution of Marriage or Domestic Partnership was entered on the following date _____, in _____ County, _____ (State).
 Case No. _____. The child(ren) have resided in San Bernardino County for the last 6 months or more.
 - are currently involved in a divorce proceeding in San Bernardino County, Case No. _____.
 - have never been married nor in a registered domestic partnership.
 - my daughter son who is the parent is deceased and the child(ren) have not been adopted (or if adopted, adoption was by stepparent or grandparent of the child(ren)).
 - are currently married or have a registered domestic partnership and one of the parents has been absent for more than one month without the other parent knowing the whereabouts of the absent parent.
 - are currently married or have a registered domestic partnership and the parents are currently living separately and apart on a permanent or indefinite basis.

Petitioner:	Case Number
Respondent:	

- are currently married or have a registered domestic partnership and one of the parents joins in this petition with the grandparent, as shown by the signature of the parent below.
- are currently married or have a registered domestic partnership and the child(ren) is not residing with either parent.
- are currently married or have a registered domestic partnership and the child(ren) has been adopted by a stepparent.

4. Describe the relationship and the bonding between each child and the petitioner(s). Explain the reason why grandparent visitation is in the best interest of each child: See attachment

5. Describe the duration and frequency of visitation that is being requested: See attachment

6. A completed Declaration under the Uniform Child Custody Jurisdiction and Enforcement Act (Form FL-105) is attached, as there is no existing Family Law Case and this Petition shall start a new matter.

7. Petitioner(s) requests that the court grant reasonable visitation with the above-named child(ren), and such other relief as the court may deem appropriate, pursuant to Family Code Section 3100 through 3104. A Request for Order is concurrently filed with this Petition in order to request a hearing date.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
Date:

(Type or Print Name Here)

(Sign Name Here)

(Type or Print Name Here)

(Sign Name Here)

PARENT'S CONSENT to Petition for Grandparent Visitation

Mother Father hereby consents to and joins in this Petition for Grandparent Visitation.

Date:

(Type or Print Name Here)

(Sign Name Here)

NOTICE: The Court shall balance the interests of the child in having grandparent visits against the rights of the parents.

In the following circumstances, a rebuttable presumption against best interests/visitation is created:

1. If the parents agree that visitation is not in the best interests of the child.
2. If the parent awarded sole legal and physical custody (or the parent with whom the child resides if no custody order) objects.

ATTORNEY OR PARTY WITHOUT ATTORNEY <i>(Name, State Bar number, and address):</i> <hr style="width: 20px; margin-left: 0;"/> TELEPHONE NO.: _____ FAX NO. <i>(Optional):</i> _____ E-MAIL ADDRESS <i>(Optional):</i> _____ ATTORNEY FOR <i>(Name):</i> _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT/PARTY:	CASE NUMBER: <i>(If applicable, provide):</i> HEARING DATE: HEARING TIME: DEPT.:
PROOF OF SERVICE BY MAIL	

NOTICE: To serve temporary restraining orders you must use personal service (see form FL-330).

1. I am at least 18 years of age, not a party to this action, and I am a resident of or employed in the county where the mailing took place.
2. My residence or business address is:

3. I served a copy of the following documents *(specify):*

by enclosing them in an envelope AND

- a. **depositing** the sealed envelope with the United States Postal Service with the postage fully prepaid.
- b. **placing** the envelope for collection and mailing on the date and at the place shown in item 4 following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.

4. The envelope was addressed and mailed as follows:
 - a. Name of person served:
 - b. Address:

 - c. Date mailed:
 - d. Place of mailing *(city and state):*

5. I served a request to modify a child custody, visitation, or child support judgment or permanent order which included an address verification declaration. *(Declaration Regarding Address Verification—Postjudgment Request to Modify a Child Custody, Visitation, or Child Support Order (form FL-334) may be used for this purpose.)*

6. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

(TYPE OR PRINT NAME)



(SIGNATURE OF PERSON COMPLETING THIS FORM)