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INVITATION TO COMMENT W14-1&

Title	Action Requested
Family Law: Changes to Request for Order Rules and Forms	Review and Submit Comments by January 24, 2014
Proposed Rules, Forms, Standards, or Statutes	Proposed Effective Date
Amend Cal. Rules of Court, rules 5.12, 5.62, 5.63, 5.92, 5.94; 5.151, and 5.170; adopt form FL-303; and revise forms FL-300, FL-300-INFO, FL-305, FL-306, FL-311, FL-312, FL-320, FL-336, FL-337, FL-341(C), FL-341(D), and FL-341(E)	July 1, 2014
Proposed by	Contact
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Executive Summary and Origin

Effective July 1, 2012, the Judicial Council adopted California Rules of Court, rule 5.92 (*Request for Order; response*), *Request for Order* (form FL-300), and *Information Sheet to Request for Order* (form FL-300-INFO) to implement the recommendations in the *Elkins Family Law Task Force Final Report and Recommendations* and simplify the forms for motions in family law proceedings. Form FL-300 combines elements of motions (formerly filed using *Notice of Motion* (form FL-301)) with orders to show cause (formerly filed using *Order to Show Cause* (form FL-300)) so that one form is used for both purposes.

Since the implementation of form FL-300, its associated rule 5.92, and information sheet (form FL-300-INFO), judicial officers, court clerks, and attorneys have identified changes to make them easier for litigants to understand and complete and more efficient for court clerks to process. In addition to including their suggestions in this proposal, the committee proposes

The proposals have not been approved by the Judicial Council and are not intended to represent the views of the council, its Rules and Projects Committee, or its Policy Coordination and Liaison Committee. These proposals are circulated for comment purposes only.

needed updates to other associated rules¹ and forms² to revise captions, delete references to revoked order to show cause or motion forms, and incorporate other recommendations submitted by the family law legal community during the spring 2013 circulation of the proposal titled *Family Law: Improvements to Request for Order Rules and Forms*.

Finally, the committee proposes the adoption of optional form *Declaration Regarding Notice and Delivery of Request for Temporary Emergency Orders* (form FL-303) to help parties comply with rule 5.151 and assist courts that do not offer a local form for parties to file a mandatory declaration in support of their request.

Prior Circulation

A proposal titled *Family Law: Improvements to Request for Order Rules and Forms* was circulated in the spring 2013 cycle and cosponsored by the Family and Juvenile Law Advisory Committee and the Elkins Family Law Implementation Task Force.³ The spring 2013 comment period generated a number of suggestions to change the rules and forms.

Due to the number of substantive changes suggested by commentators, an additional public circulation would have been required before the advisory committee and task force could make a recommendation to the Judicial Council that the revisions be adopted effective January 1, 2014. Given the costs and workload ramifications of changing rules and forms, the committee and task force elected to defer the spring 2013 changes. In the interim, committee and task force members met to discuss the comments received from the spring 2013 cycle and made recommendations about those changes that they believed would best meet the needs of family law litigants, family law practitioners, and the courts. Although the Elkins Family Law Implementation Task Force sunsetted on October 31, 2013, the proposed revisions to the rules and forms in this proposal reflect the recommendations of both the committee and task force.⁴

The Proposal

This proposal is intended to revise the request for order rules, forms, and update associated attachments so they are more effective and user friendly. The proposal is needed to respond to the concerns of the legal community about the mandatory request for order rules and forms adopted effective July 1, 2012.

In addition, the proposal recommends adoption of a new, optional form *Declaration Regarding Notice and Delivery of Request for Temporary Emergency Orders* (form FL-303) to help parties comply with rule 5.151 (Request for emergency orders; application; required documents) which

¹ Rules 5.12, 5.62, 5.63, 5.94, 5.151, and 5.170.

² FL-311, FL-312, FL-336, FL-337, FL-341(C), FL-341(D), and FL-341(E)

³ Family Law: Improvements to Request for Order Rules and Forms (SPR13-22 may be found at: <http://www.courts.ca.gov/documents/SPR13-22.pdf>.)

⁴ Following the sunset of the Elkins Family Law Implementation Task Force to October 31, 2013, the Family and Juvenile Law Advisory Committee continued the work on this proposal as the sole sponsor.

requires, among other things, that a party's request for temporary emergency orders include a written declaration regarding notice of application for emergency orders based on personal knowledge. The proposed new form would also assist courts who do not provide a local form for this purpose.

The proposal would benefit the judicial branch, along with attorneys and self-represented litigants who use the forms by clarifying, reorganizing, and rewording specific items that have caused some confusion to persons who complete the forms and to court clerks who process them.

Specific changes proposed to rules of court relating to form FL-300

Rule 5.12. Discovery motions

This rule would be updated to refer to a request for order regarding discovery instead of referring to discovery motions. This change would avoid confusion for persons who may look use a form titled "motion" which no longer exists, as *Notice of Motion* (form FL-301) was revoked, effective July 1, 2012. However, the rule would be revised substantively to clarify that a request for order regarding discovery is subject to the same requirements for motions under the Code of Civil Procedure.

Appearance by respondent or defendant

This rule would be revised to include subdivision (a)(5) that a party can appear in the case by "Intentionally submitting to the jurisdiction of the court by seeking to obtain a ruling or court order that goes to the merits of the case, other than merely contesting jurisdiction." This new language is based on California case law.⁵ The rule would also be amended to specify that Code of Civil Procedure section 1014 and Family Code sections 2012 and 3409 also fall outside of the scope of the rule.

Rule 5.63. Motion to quash proceeding or responsive relief

This rule would be amended to delete the reference to "motions." Instead, "motions" would be replaced with "request for order". This change is needed to avoid confusion to parties and attorneys since the Judicial Council previously revoked *Notice of Motion* (form FL-301), effective July 1, 2012.

⁵ *Chaplin v. Superior Court in and for Los Angeles County* (1927) 81 Cal.App. 367, 373-74; *Botsford v. Pascoe* (1979) 94 Cal.App.3d 62, 67.

Rule 5.92. Request for court order; response.

Proposed changes to this rule are more extensive than proposed in the spring 2013 invitation to comment because they incorporate the suggestions received from commentators for improving various areas of the rule.

The most significant change proposed to the rule would track the proposed change to the *Request for Order* (form FL-300) deleting the standard orders to show cause check box (see pages 6 through 8 of this report for further information on this proposed change to form FL-300).

Proposed new rule 5.92(b)(4) would provide that a party who seeks an order for the other party to appear in court at the hearing on the court's regular calendar (to give any legal reason why the orders sought should not be granted) would not be required to pay an additional filing fee or seek temporary emergency orders for the other party's appearance. The committee believes that this rule would promote efficiencies in processing these requests; however, the committee does seek specific comment from the public about this proposed amendment (for example, would it reflect current practices or improve the processing of these requests?).

The committee proposes the following additional amendments to rule 5.92 to provide better guidance to court users and increase court efficiencies:

- Reformat the rule under new subheadings titled: (a) Request for Order; application, (b) Required forms; filing procedures, (c) Issuance by court clerk, (d) Service of Request for Order, (e) Responding papers, and (f) Memorandum of points and authorities;
- Under new subdivision (b)(3)(A)–(C), clarify that additional forms, rules, and local rules apply to requests for temporary emergency orders;
- Under new subdivision (b)(4), cover situations in which a party seeks an order for the other party to attend the hearing;
- Under new subdivision (c), authorize the court clerk to issue a *Request for Order* (form FL-300) to order that parties attend orientation and child custody mediation or recommending child custody counseling or in circumstances that do not require the use of judicial discretion; and
- Under new subdivision (d)(1)(A)–(C), provide a more meaningful description of when personal service on a party is required to be effected in the manner of a summons.

Finally, an advisory committee comment would be added following the rule to provide background information about the rule and form FL-300. It would specifically note that the rule and form were developed in response to the Elkins Family Law Task Force recommendations for one comprehensive form and related procedure to replace the former *Order to Show Cause* and *Notice of Motion*.

Rule 5.94. Order shortening time; other filing requirements

The proposal would amend the rule relating to reissuances of the request for order and temporary emergency orders. The substantive changes proposed to the rule would address the concerns of attorneys and court personnel that the current version of the rule provides insufficient guidance about the consequences of a party's failure to timely serve the moving papers. The proposal would amend rule 5.94 (c) as follows:

- Indicate in the opening paragraph the procedures to reissue form FL-300 apply if the moving party wishes to proceed with the filed request;
- Under subdivision (c)(2)(A), reference the proposed title change to form FL-306 as *Application and Order for Reissuance*;
- Under subdivision (c)(2)(B), specify that the completed form FL-306 must be attached as the cover page when serving the reissued documents; and
- Under subdivision (c)(3), clarify that failing to timely serve form FL-300 and any temporary orders granted by the court will result in the orders expiring on the actual hearing date.

Rule 5.151. Request for temporary emergency court orders; application; required documents

Rule 5.151 would be amended at subdivision (c)(4) to reference a proposed new, optional form that is titled *Declaration Regarding Notice and Delivery of Request for Temporary Emergency Orders* (form FL-303). That proposed form is included with this proposal.

Rule 5.170. Matters not requiring notice to other parties

This rule would be amended to be consistent with the proposed changes to subdivision (b)(4) in rule 5.92. Rule 5.170 would provide that notice is not required on the other party for a request for order made under rule 5.92 for the other party to appear in court and give any legal reason why the relief requested should not be granted.

Proposed changes to FL-300

Court operations managers, supervisors, and clerks from several counties provided suggestions for practical and clarifying changes to form FL-300. These suggestions informed the committee and task force's proposal for substantive and minor changes to the form that circulated in the SPR13-22 proposal. Those changes include the following:

- The following minor changes to the caption are proposed: (1) "Temporary Emergency Orders" would appear in all capital letters; (2) the "Spousal Support" checkbox would read "Spousal or Partner Support" to more accurately reflect that domestic partners may use the form to request support orders; (3) the term "parenting time" would be added to the "Visitation" check box; (4) the check boxes would be reformatted to better fit the space; and (5) additional fillable space would be provided following the check box for "Other (*specify*):".
- The form would be revised to provide more information to the party being served with form FL-300 to help better describe the consequences of failing to respond to the request

for order. The following new language (as underlined below) would be included within the existing notice box at the bottom of page 1:

NOTICE TO THE PERSON WHO WAS SERVED WITH THIS REQUEST FOR ORDER:

If you do not file and serve a *Responsive Declaration to Request for Order* (form FL-320) and appear at the hearing, the court may make orders without your input that affect your case, the custody of your children, your property, and your finances. Form FL-320 must be served on all parties at least nine court days before the hearing date unless the court has ordered a shorter period of time to complete service.”

In addition, the notice box would be revised to delete the phrase, “You do not have to pay a fee to file the *Responsive Declaration to Request for Order* (form FL-320) or any other declaration.....” Self-Help Centers have reported that this statement has caused confusion because a party’s responsive declaration to a request for order is frequently is the party’s first filing with the court—instead of a *Response*. Thus, a filing fee is required. Because the current statement assumes the responding party has already filed a *Response* in the case, the statement is incorrect in such cases and should be deleted.

- Item 2 would be shortened to state, “A COURT HEARING ON THE REQUEST FOR ORDER WILL BE HELD AS FOLLOWS:” and immediately followed by the details of the court hearing.
- The information about mediation which currently appears in item 2 would be placed in a separate item 3. In addition, the reference to “mediation” would be replaced by the terms “child custody mediation or child custody recommending counseling.” This change is needed because the process is not referred to as “mediation” in all courts.
- A new item 4 would refer parties to read *Information Sheet for Request for Order* (form FL-300-INFO) for information about completing the form.
- Item 5 would be revised to provide additional fillable space following the entry for “Other (specify):” as parties often use this space to indicate more than one or two attachments or documents filed with form FL-300.
- The date and signature line in the middle of the page would be deleted. This information was formerly included on a *Notice of Motion* (FL-301) (instead of a judicial officer’s signature line on the former *Order to Show Cause* (form FL-300)). Because the signature of the declarant is required on the last page of the form, the additional signature line on page 1 is viewed as redundant.

Changes to page 1 (items 6–9)

Most of the comments about form FL-300 concerned the bottom half of the first page—the COURT ORDER section. Court personnel expressed confusion about when this box is to be checked. Clerks noted differences in their local practices—some clerks check this box only if mediation is ordered; others check the box when any of the items in this section are checked. To avoid this confusion, the committee proposes eliminating the check box in front of “Court Orders” and placing below it “(For Court Use Only).”

There was also confusion about the “OSC language” currently at item 4 on form FL-300, which states: “YOU ARE ORDERED TO APPEAR IN COURT AT THE DATE AND TIME LISTED IN ITEM 2 TO GIVE ANY LEGAL REASON WHY THE ORDERS REQUESTED SHOULD NOT BE GRANTED.” The confusion related to when parties should be ordered to appear. Some court clerks indicated that they leave it up to the party to determine if the other party is ordered to appear. Other court clerks check this box if the respondent has not yet appeared in the case, which requires time to review the case history. Still, in other counties, court clerks check the box if the issue is determined to be in the nature of a “motion.”

To eliminate the confusion about the OSC language, the committee proposes deleting it from form FL-300. Although some commentators have expressed concern that removing the OSC language will result in litigants failing to appear at the hearing of the request for order, the committee believes that the proposed revision to the notice box will encourage parties to continue to appear at the hearing.

Deleting the OSC language from the form would:

- Reflect that, upon proper service of the FL-300, the court does not have to *also* issue an order requiring the party to attend the hearing before the court can make orders on the relief requested. The court acquires personal jurisdiction over a party who has not yet made a general appearance in the case when that party has been personally served with the *Request for Order*.
- Not interfere with a judge’s ability to order a party to appear at the hearing or issue a bench warrant. Committee members agreed that the court could issue an order for a litigant to appear if necessary to determine the case (the court could grant the order using the “Other Orders” box on page 1 (item 9) of form FL-300). Committee members also reported that they infrequently issue bench warrants if a litigant fails to appear at a hearing.
- Not prevent a party from requesting a specific court order requiring the other party to appear at the hearing. To do so, a party could request the appearance under item 8. “Other Relief” on page 4. The committee proposes this procedure in response to numerous commentators in the previous cycle who opposed having a specific check box on form FL-300 for a party to request an order for the other party’s appearance at the hearing.

In addition, the committee members discussed comments about deleting the orders shortening time for service or time for the hearing from form FL-300 and placing it on the proposed stand-alone form, *Temporary Emergency Orders* (form FL-305). After receiving input from small and large courts, the committee proposed that these orders remain on page 1 of the *Request for Order* (form FL-300). The input demonstrated that the requests for orders shortening time are one of the most frequently requested orders and are often the only order requested on form FL-300. Removing the order to shorten time to a separate document could decrease court efficiency in those cases by requiring the party to generate a second form for filing.

Changes to pages 2–4 on form FL-300.

- “This Is Not a Court Order” would be added to pages 2–4 of FL-300.
- Due to the level of concern in the previous proposal circulated in SPR13-22 in response to revising page 2 to add an entry for “Appearance at Hearing,” the committee decided not to include such a revision in the winter 2014 proposal. Any specific requests for an order for a party’s appearance could be made at item 8 (“Other Relief”) on page 4.
- The check boxes at items 1, 2, 6, and 7 would be changed. Instead of stating “To be ordered pending hearing,” these check boxes would be revised to state: “Applicant requests temporary emergency orders.” These revisions are needed to clarify that any request for relief on pages 2–4 pending a hearing is distinct from the actual temporary emergency orders granted by the court.
- Under item 6 on page 3 “Property Restraint,” the language in the check box under “a” would be expanded to reflect the full statutory language. A second sentence would be added to state: “However, the parties may use community property, quasi-community property, or separate property to pay for the help of an attorney or to pay court costs.”
- Item 9 would be expanded to distinguish between a request for an order shortening time and an order shortening time for the hearing of the request for order.
- The committee proposes other changes, including (1) expanding the space available to respond to items 1 through 4, (2) inserting “other parent/party” where appropriate throughout the form, and (3) reformatting items to clarify that a current *Income and Expense Declaration* (form FL-150) or a current *Financial Statement (Simplified)* (form FL-155) must be attached when relevant to the relief requested.

Proposed changes to FL-300-INFO

This form serves as the instruction sheet to help parties complete form FL-300. The committee has proposed the following extensive revisions of this form in response to comments from the legal community:

- The whole form would be reformatted similar to the plain-language format of *How Do I Ask for a Temporary Restraining Order?* (form DV-505-INFO);

- New sections to the form (on pages 1–3) would be added that provide: (1) information about when a party should or should not use form FL-300, (2) a check list of additional forms that might be needed depending upon the relief requested, (3) more detailed information about the additional requirements for seeking a temporary emergency (ex parte) order, and (4) more specific information and graphics that help explain the differences between personal service and service by mail of the request for order;
- New sections to the form on page 4 would be added to help: (1) parties understand when the *Request for Order* (form FL-300) should be served using personal service or service by mail (2) connect a party to legal services or information,(3) prepare a party for the court hearing;
- In addition, in items 4 and 7, the form would make parties aware that different local practices may apply that affect the completion or filing of the FL-300. For example, local practices differ as to whether the court clerk or the party completes page 1, item 7 of form FL-300 with the appointment date for the child custody mediation or child custody recommending counseling. Local procedures may also differ about how the court clerk processes requests for temporary emergency orders.

Proposed new form FL-303

Effective January 1, 2013, the Judicial Council adopted specific rules relating to requests for temporary emergency (ex parte) orders (rules 5.151 through 5.169). Rule 5.151 (Request for emergency orders; application; required documents) requires, among other items, that a party’s request for temporary emergency orders includes a written declaration regarding notice of application for emergency orders based on personal knowledge.

There is no current Judicial Council form to help a party comply with the requirement for such a written declaration. Historically, the reason has been because courts throughout the state had adopted a variety of rules and forms regarding notice of ex parte hearings in family law matters. Local rules and forms often differed from county to county about the time frame for providing notice, which presented particular challenges to proposing a statewide form that could serve the needs of self-represented litigants or attorneys who practice in more than one jurisdiction.

With the adoption of rule 5.165 (Requirements for notice), effective January 1, 2013, the Judicial Council implemented a uniform rule in family court addressing the time frame for providing notice to the other party about the request for temporary emergency orders. The rule requires, absent the court’s approval for shortened notice or a waiver of notice, that, “[a] party seeking emergency orders under this chapter must give notice to all parties or their attorneys so that it is received no later than 10:00 a.m. on the court day before the matter is to be considered by the court.”

While some local courts offer a form for parties to complete and demonstrate their compliance with the notice requirements of rule 5.165, the committee recognizes that other courts do not.

The *Declaration Regarding Notice and Delivery of Request for Temporary Emergency Orders* (form FL-303) would help fill a need for a standard form that can be accepted for filing in family courts across the state. Understanding that local courts may still require a party seeking temporary emergency orders to follow local rules and encourage parties to use local forms, the proposed FL-303 would include a notice box under the caption to advise parties that local procedures for this type of hearing may vary in each county and that parties should consult their county court's local rules. In addition, the notice box would include a link to a list of local court rules from the California Court's Online Self-Help Center.

Proposed changes to FL-305

Temporary Emergency Orders (form FL-305) serves as a court order that is attached to the *Request for Order* (form FL-300) when it is served on the other party. Judicial officers have expressed concern that when the current form FL-305 is attached as the second page of form FL-300, the actual court orders may not be easily distinguished from orders being requested by a party. To avoid confusion, courts have suggested revising the form to be a separate, stand-alone order that is served along with form FL-300. To respond to these concerns, and other suggestions from commentators to improve this form, the committee proposes the following changes to form FL-305:

- Insert standard captions and headings to create a separate, stand-alone form.
- Insert a new item 1 to reference the hearing date, time and location that appears in item 2 of the filed *Request for Order* (form FL-300) that would be served with form FL-305.
- Add a new item to list the names and ages of the children subject to the temporary emergency orders. This change would assist the parties and law enforcement to properly enforce the temporary orders.

Proposed changes to FL-306

Application and Order for Reissuance of Request for Order (form FL-306) is used by a party to reset the hearing date and reissue temporary emergency orders in family court if the other party could not be served before the hearing date. In response to comments received about this form, the committee proposes that:

- The form's title be simplified to *Application and Order for Reissuance*;
- The application portion of the form be reorganized and reflect some of the plain-language content in form DV-115, *Request to Continue Court Hearing and Reissue Temporary Restraining Order*;
- The terms "court mediator or family court services" be updated to "child custody mediator or "child custody recommending counselor"; and
- The form be revised to include a request and order to reissue an order shortening time for service.

Proposed changes to FL-320

Responsive Declaration to Request for Order (form FL-320) is completed by a party to respond to a filed *Request for Order* (form FL-300). Given the proposed changes to form FL-300 in this

cycle, the committee recommends only a few changes to the current version of form FL-320. The proposed changes would:

- Specify under check box 3 that, “A current *Income and Expense Declaration* (form FL-150) or, if eligible, a current *Financial Statement (Simplified)* (form FL-155) is attached.”
- Revise check boxes 4 and 5, item “a” to state, “A current *Income and Expense Declaration* (form FL-150) is attached.”
- Correct the titles of forms DV-100 and DV-120 in the box at the bottom of page 2.

Most of the proposed changes to form FL-320 will help parties better comply with rule 5.92(b)(3) (proposed herein for amendment as 5.92(e)(3)), which would provide that “[a] completed, current *Income and Expense Declaration* (form FL-150) or *Financial Statement (Simplified)* (form FL-155) must be filed with, or attached to, the *Responsive Declaration to Request for Order* (form FL-320) when relevant to the relief requested.” The proposed change could also contribute to court efficiencies by decreasing the number of filings rejected by the court due to a party’s failure to file an income and expense declaration or financial statement at the same time as the *Responsive Declaration to Request for Order*. Instead, a party could file a new form FL-150 or FL-155 or attach a “current” form (under rule 5.260(a)(3), “current” means the form has been completed within the past three months providing no facts have changed).

Proposed changes to related forms

Forms FL-311, FL-312, FL-336, FL-337, FL-341(C)–(D) were circulated for comment in spring 2013 with the proposal that they only be revised to delete references to “Order to Show Cause” and *Notice of Motion* (form FL-301) and replaced with *Request for Order* (form FL-300). In addition, the proposal included other technical changes such as inserting “Other parent/party” in the caption and throughout the forms.

The committee recommends additional substantive revisions to these forms. One global revision would be to replace references to “parents” with “parties” and also identify whether the term “parties” applies to the petitioner, respondent, or other parent/party in the case. This change would improve these forms by allowing for cases in which the petitioner may not be a parent, such as in actions involving a local child support agency (who may be listed as the petitioner in the case), or cases in which the court grants custody or visitation rights to a child’s grandparent or another relative. Descriptions of other proposed revisions are listed following the title of each form in this report.

Child Custody and Visitation Application Attachment (form FL-311)

Other revisions to this form would include the following:

- A statement under the title that form FL-311 is not a court order;
- Changing “visitation” to “visitation (parenting time)” throughout the form;
- Updating the form to use the terms “child custody mediation” or “child custody recommending counseling”;
- Following item 2, inserting a note to inform parties that a court ordered child’s holiday and vacation schedule has priority over the regular parenting time;

- In item 2e, adding an instruction for this section and including check boxes for a party to indicate if the visitation (parenting time) will begin at the start of or after school; and
- Changing item 2e(4) to indicate that form MC-025 may be used if space is needed to provide additional information about other visitation (parenting time) days and times.

Request for Child Abduction Prevention Orders (form FL-312)

The form would be revised under the title to clarify that it is not a court order. In addition, items 2 and 3 on this form would be revised so that the items read as a party's declaration instead of a questionnaire. For example, instead of asking, "Do you think the other parent might take the child without your permission?" this item would be changed to, "I think the party might take the children without my permission to (*check all that apply*):". In addition, item 10 would be revised to include a request for an order that the party turn in all the children's passports in his or her possession. This change would make the choices consistent with the item's title.

Order to Pay Waived Court Fees and Costs (Superior Court) (form FL-336)

Additional revisions to this form would:

- Change the check box at item 1 to "Contested or Trial" to help parties understand that "Contested" can also mean "Trial";
- Add a check box to item 1 for "On the *Request for Order* filed (*date*): ...by (*party*):" to clarify that the order to pay waived court fees costs can originate from a specific request filed by a party in the case; and
- Reorganize item 5 to make it easier to understand.

Application to Set Aside Order to Pay Waived Court Fees—Attachment (Family Law) (form FL-337)

No commentators proposed additional substantive changes to this form. Therefore, the committee proposes only technical changes to the form as previously described.

Children's Holiday Schedule Attachment (form FL-341(C))

The committee proposes a number of changes to this form, including the following:

- Inserting a note before the holiday table to inform parties that a court ordered child's holiday and vacation schedule has priority over the regular parenting time;
- Starting the preprinted list of holidays with December 31 (New Year's Eve);
- Including the specific date for Lincoln's birthday (February 12) and Veteran's Day (November 11) as these always occur on a specific date;
- Adding an entry for "December/January School Break" to include language commonly used in stipulations and orders;
- Adding 3 additional entries for "Child's birthday (*date*):" in the list of holidays under item 1 to cover cases in which there is more than one child;
- On page 2, reformatting item 2 to better organize and provide more space to complete the section on vacations; and
- Adding, under item 2, new items b(1) and (2)(A)—(D) to reflect language commonly used by parties to designate in advance how to resolve disagreements over a proposed vacation schedule without requesting a court hearing. Item (2)(B) would provide that "In even-numbered years, the parties will follow the suggestions of either Petitioner,

Respondent, or Other parent/party for resolving the disagreement. Item (2)(C) would have the same language but for odd-numbered years. Item (2)(D) would provide a space for a party to request another means of resolving any disagreement about a vacation schedule.

Additional Provisions—Physical Custody Attachment (FL-341(D))

This form would also be revised to include a new introductory paragraph to help identify whether the references to “parties” used throughout the form apply to the petitioner, respondent, or other parent/party.

Joint Legal Custody Attachment (form FL-341(E))

Substantive changes to this form include:

- Deleting, under item 2, a check box providing that the parents must consent in making decisions about participation in particular religious activities or institutions. This change would respond to the concerns of court professionals who believe that this entry could encourage disputes over these issues and interfere with a parent’s right to practice his or her religion during their time with the child.
- Changing the term “confer” in items 2 and 3 to a more plain-language term, “discuss.”

Alternatives Considered

The committee previously decided to defer action on the spring 2013 proposal *Family Law: Improvements to Request for Order Rules and Forms* to be responsive to the suggestions received from the family law legal community in June 2013. The committee considered deferring action on this updated proposal but recommends moving forward so that the revised request for order rules and forms would be available to court users and the courts effective July 1, 2014.

Implementation Requirements, Costs, and Operational Impacts

The committee anticipates that this proposal will result in some costs incurred by the courts to revise forms, train court staff about the changes to the rules and forms included in this proposal, and possibly to revise local court rules and forms so they are consistent with the changes adopted by the Judicial Council. However, the committee expects that the changes will save resources for the courts by clarifying and simplifying procedures.

Request for Specific Comments

In addition to comments on the proposal as a whole, the advisory committee and task force are interested in comments on the following:

- Are there changes that would improve the rules and forms in this proposal? (If so, please specify the rule, form, and the particular recommended changes)?
- Would the proposed changes to rule 5.92 and forms FL-300 and FL-300-INFO improve how the forms are completed by parties and processed by the courts?
- Forms FL-311, FL-312, FL-341(C), FL-341(D), and FL-341(E): would the proposed global revisions to delete all references to “parents” and replace them with “parties” improve the forms or confuse persons trying to complete them?
- Form: FL-311, should the form be revised at item 2.e. to include check boxes to indicate whether the visitation (parenting time) commences at the start of school or after school?

The advisory committee and task force also seek comments from *courts* on the following cost and implementation matters:

- Would the proposal provide cost savings? If so please quantify.
- What are the implementation requirements for courts? For example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems.
- Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?
- How well would this proposal work in courts of different sizes?

Attachments and Links

1. Rules 5, 2, 5.12, 5.62, 5.63, 5.92, 5.94, 5.151, and 5.170, at pages 15–22
2. Forms FL-300, FL-300-INFO, FL-303, FL-305, FL-306, at pages 23–35
3. Forms FL-311, FL-312, FL-320, FL-336, FL-337, at pages 36–44
4. Forms FL-341(C), FL-341(D), and FL-341(E), at pages 45–49

Rules 5.12, 5.62, 5.63, 5.92, 5.94, 5.151, and 5.170 of the California Rules of Court would be amended, effective July 1, 2014, to read:

1 **Rule 5.12. ~~Discovery motions~~ Request for order regarding discovery**

2
3 **(a) Applicable law**

4
5 Requests for orders regarding discovery in family court ~~Family law discovery~~ are subject
6 to the provisions ~~of~~ for discovery motions under Code of Civil Procedure sections
7 2016.010 through 2036.050 and Family Code section 2100 et seq. regarding disclosure of
8 assets and liabilities.

9
10 **(b) Applicable rules**

11
12 Discovery proceedings brought in a case under the Family Code must comply with
13 applicable civil rules for motions, including:

14
15 (1)–(5) * * *

16
17 **Rule 5.62. Appearance by respondent or defendant**

18
19 **(a) Appearance**

20
21 Except as provided in Code of Civil Procedure sections 418.10 and 1014 or Family Code
22 section 2012, a respondent or defendant is deemed to have ~~appeared~~ made a general
23 appearance in a proceeding when he or she ~~files~~:

24
25 (1) Files a response, ~~or~~ answer, or stipulation;

26
27 (2) Files a ~~notice of motion~~ request for order to strike, under section 435 of the Code of
28 Civil Procedure;

29
30 (3) Files a ~~notice of motion~~ request for order to transfer the proceeding under section
31 395 of the Code of Civil Procedure; ~~or~~

32
33 (4) Files a written notice of his or her appearance; or

34
35 (5) Intentionally submits to the jurisdiction of the court in the case by seeking to obtain a
36 ruling or court order that goes to the merits of the case, other than a ruling or court
37 order on jurisdiction.

38
39 **(b)–(c) * * ***

40
41 **Rule 5.63. ~~Motion~~ Request for order to quash proceeding or responsive relief**

42
43 **(a) * * ***

44
45 **(b) Service of respondent's ~~motion~~ request for order to quash**

46

1 The ~~motion request for order~~ to quash must be served in compliance with Code of Civil
2 Procedure section 1005(b). If the respondent files a ~~notice of motion~~ request for order
3 to quash, no default may be entered, and the time to file a response will be extended until 15
4 days after service of the court's order denying the motion to quash.

5
6 (c) * * *

7
8 (d) **Waiver**

9
10 The parties are deemed to have waived the grounds set forth in (a) if they do not file a
11 ~~motion request for order~~ to quash within the time frame set forth.

12
13 (e) **Relief**

14
15 When a ~~motion~~ request for order to quash is granted, the court may grant leave to amend
16 the petition or response and set a date for filing the amended pleadings. The court may also
17 dismiss the action without leave to amend. The action may also be dismissed if the ~~motion~~
18 request for order has been sustained with leave to amend and the amendment is not made
19 within the time permitted by the court.

20
21 **Rule 5.92. Request for court order; response**

22
23 (a) **Request for order; procedures application**

24
25 (1) In a family law proceeding other than an action under the Domestic Violence
26 Prevention Act or a local child support agency action under the Family Code, a
27 notice of motion or order to show cause must be filed on a *Request for Order* (form
28 FL-300), unless another Judicial Council form has been adopted or approved for the
29 specific motion or order to show cause.

30
31 (2) In an action under the Domestic Violence Prevention Act, a notice of motion or order
32 to show cause to modify existing orders that were entered after a hearing may be
33 filed on a *Request for Order* (form FL-300).

34 (3) In a local child support action under the Family Code, a notice of motion or order to
35 show cause filed by any party other than the local child support agency may be filed
36 on a *Request for Order* (form FL-300).

37
38 ~~(4) The *Request for Order* (form FL-300) must set forth facts sufficient to notify the~~
39 ~~other party of the declarant's contentions in support of the relief requested.~~

40
41 ~~(5) A completed *Income and Expense Declaration* (form FL-150) or *Financial*~~
42 ~~*Statement (Simplified)* (form FL-155) must be filed with the *Request for Order* (form~~
43 ~~FL-300) when relevant to the relief requested unless a current form is on file with the~~
44 ~~court.~~

1 (6) ~~The moving party must file the documents with the court to obtain a court date and~~
2 ~~then serve a copy on the responding party.~~

3
4 (A) ~~If the request for order seeks court orders pending a hearing or seeks an order~~
5 ~~that the other party attend the hearing, the *Request for Order* (form FL-300)~~
6 ~~and appropriate attachments must be served in the manner specified for the~~
7 ~~service of a summons in Code of Civil Procedure section 4.13.10 et seq.~~

8
9 (B) ~~If the *Request for Order* (form FL-300) is filed after entry of a judgment of~~
10 ~~dissolution of marriage, nullity of marriage, legal separation of the parties, or~~
11 ~~paternity, or after a permanent order in any other proceeding in which the~~
12 ~~visitation, custody, or support of a child was at issue, it must be served as~~
13 ~~specified in Family Code section 215.~~

14
15 (C) ~~All other requests for order and appropriate attachments may be served as~~
16 ~~specified in Code of Civil Procedure section 1010 et seq.~~

17
18 (7) ~~The documents served must include a blank copy of the following:~~

19
20 (A) ~~*Responsive Declaration to Request for Order* (form FL-320);~~

21
22 (B) ~~*Income and Expense Declaration* (form FL-150) or *Financial Statement*~~
23 ~~(*Simplified*) (form FL-155) when completed declarations are among the papers~~
24 ~~required to be served.~~

25
26 **(b) Responding papers Required forms; filing procedure**

27
28 ~~To respond to the issues raised in the *Request for Order* (form FL-300) and attached~~
29 ~~papers, the responding party must complete, file, and serve a *Responsive Declaration to*~~
30 ~~*Request for Order* (form FL-320).~~

31
32 (1) ~~The *Responsive Declaration to Request for Order* (form FL-320) must set forth facts~~
33 ~~sufficient to notify the other party of the declarant's contentions in response to the~~
34 ~~request for order and in support of any relief requested.~~

35
36 (2) ~~The responding papers may request relief related to the orders requested in the~~
37 ~~moving papers. Unrelated relief must be sought by filing a separate request for order~~
38 ~~as specified in (a).~~

39
40 (3) ~~A completed *Income and Expense Declaration* (form FL-150) or *Financial*~~
41 ~~*Statement (Simplified)* (form FL-155) must be attached to the *Responsive*~~
42 ~~*Declaration to Request for Order* (form FL-320) when relevant to the relief~~
43 ~~requested.~~

- 1 (1) The Request for Order (form FL-300) must set forth facts sufficient to notify the
2 other party of the declarant’s contentions in support of the relief requested.
3
4 (2) A completed Income and Expense Declaration (form FL-150) or Financial
5 Statement (Simplified) (form FL-155) must be filed with the Request for Order (form
6 FL-300) when relevant to the relief requested.
7
8 (3) If the moving party seeks temporary emergency orders pending the hearing, the
9 moving party must:
10
11 (A) Comply with rules 5.151 through 5.169 of the California Rules of Court;
12
13 (B) Complete and include a proposed Temporary Emergency Orders (form FL-
14 305) with the Request for Order (form FL-300), except when the moving
15 party only seeks an order shortening time; and
16
17 (C) Comply with local court procedures specified in local court rules about
18 reserving the day for the emergency hearing, submitting the paperwork to the
19 court, and use of local forms.
20
21 (4) If the moving party seeks a court order for the other party to attend the hearing on the
22 Request for Order that is scheduled on the court’s regular calendar, the moving party
23 is not required to:
24
25 (A) Pay an additional filing fee.
26
27 (B) Give notice to the other party as described in rules 5.151 through 5.169.
28
29 (C) Complete a proposed Temporary Emergency Orders (form FL-305). The
30 court may make the orders on form FL-300.
31
32 (5) The moving party must file the documents with the court clerk to obtain a court date
33 and then serve a copy on the responding party as described in (d).
34
35 (6) The moving party may be required to complete, file, and serve additional forms or
36 attachments along with a Request for Order (form FL-300) when seeking court
37 orders for child custody and visitation (parenting time), attorney fees and costs,
38 support, and other financial matters.
39

40 (c) ~~Memorandum of points and authorities~~ **Issuance by court clerk**

41
42 ~~No memorandum of points and authorities need be filed with a Request for Order (form~~
43 ~~FL-300) or a Responsive Declaration to Request for Order (form FL-320) unless required~~
44 ~~by the court on a case-by-case basis.~~

1 The court clerk’s authority to issue a *Request for Order* (form FL-300) as a ministerial act
2 is limited to those orders or notices:

- 3
- 4 (1) For the parties to attend orientation and confidential mediation or child custody
5 recommending counseling; and
- 6
- 7 (2) That may be delegated by a judicial officer and do not require the use of judicial
8 discretion.

9

10 **(d) Additional documents Service requirements**

11

12 ~~As specified in these rules, the moving and responding parties may be required to~~
13 ~~complete, file, and serve additional papers to request or respond to a *Request for Order*~~
14 ~~(form FL-300) about child custody and visitation (parenting time), attorney fees and costs,~~
15 ~~support, and other financial matters.~~

- 16
- 17 (1) The *Request for Order* (form FL-300) and appropriate documents or orders must be
18 served in the manner specified for the service of a summons in Code of Civil
19 Procedure sections 415.10 through 415.95, including personal service, if:
- 20
- 21 (A) The court granted temporary emergency orders pending the hearing;
- 22
- 23 (B) The responding party has not yet made a general appearance in the case as
24 described in rule 5.62; or
- 25
- 26 (C) The court ordered personal service on the other party.
- 27
- 28 (2) The *Request for Order* (form FL-300) and other appropriate documents or orders
29 must be served as specified in Family Code section 215 if filed after entry of a
30 judgment of dissolution of marriage, nullity of marriage, legal separation of the
31 parties, or paternity, or after a permanent order in any other proceeding in which the
32 visitation (parenting time), custody, or support of a child was at issue.
- 33
- 34 (3) All other requests for orders and appropriate documents may be served as specified
35 in Code of Civil Procedure section 1010 et seq., including service by mail.
- 36
- 37 (4) The documents served must include a blank copy of the following:
- 38
- 39 (A) *Responsive Declaration to Request for Order* (form FL-320); and
- 40
- 41 (B) *Income and Expense Declaration* (form FL-150), when completed declarations
42 are among the papers required to be served.
- 43

1 **(e) Responding papers**

2
3 To respond to the issues raised in the *Request for Order* (form FL-300) and accompanying
4 papers, the responding party must complete, file, and serve a *Responsive Declaration to*
5 *Request for Order* (form FL-320).

- 6
7 (1) The *Responsive Declaration to Request for Order* (form FL-320) must set forth facts
8 sufficient to notify the other party of the declarant’s contentions in response to the
9 request for order and in support of any relief requested.
- 10
11 (2) The responding papers may request relief related to the orders requested in the
12 moving papers. Unrelated relief must be sought by filing a separate request for order
13 as specified in (a).
- 14
15 (3) A completed *Income and Expense Declaration* (form FL-150) or *Financial*
16 *Statement (Simplified)* (form FL-155) must be filed with the *Responsive Declaration*
17 *to Request for Order* (form FL-320) when relevant to the relief requested.
- 18
19 (4) The responding party may be required to complete, file, and serve additional forms
20 or attachments along with a *Responsive Declaration to Request for Order* (form FL-
21 320) when responding to a *Request for Order* (form FL-300) about child custody and
22 visitation (parenting time), attorney fees and costs, support, and other financial
23 matters.

24
25 **(f) Memorandum of points and authorities**

26
27 No memorandum of points and authorities need be filed with a *Request for Order* (form
28 FL-300) or a *Responsive Declaration to Request for Order* (form FL-320) unless required
29 by the court on a case-by-case basis.

30
31 **Advisory Committee Comment**

32
33 The Family and Juvenile Law Advisory Committee and the Elkins Implementation Task Force
34 developed rule 5.92 and *Request for Order* (form FL-300) in response to *Elkins Family Law Task*
35 *Force: Final Report and Recommendations (April 2010)* for one comprehensive form and related
36 procedures to replace the *Order to Show Cause* (form FL-300) and *Notice of Motion* (form FL-
37 301). (See page 35 of the final report online at www.courts.ca.gov/elkins-finalreport.pdf.)

38
39 **Rule 5.94. Reissuance of orders; order shortening time; other filing requirements**

40
41 **(a)–(b) * * ***

42
43 **(c) Failure to timely serve moving papers**

1 If a *Request for Order* (FL-300) is not timely served on the opposing party, the moving
2 party must notify the court as soon as possible before the date assigned for the court
3 hearing and request a new hearing date to allow additional time to serve the *Request for*
4 *Order* (FL-300) and supporting documents.

5
6 The moving party must also request that the court reissue the *Request for Order* (FL-300)
7 and any temporary orders. To do so, the moving party must complete and submit to the
8 court an *Application and Order for Reissuance of Request for Order* (form FL-306).

9
10 If a *Request for Order* (FL-300) is not timely served on the opposing party and the moving
11 party wishes to proceed with the request, the moving party must:

12
13 (1) Notify the court as soon as possible before the date assigned for the court hearing
14 and request a new hearing date to allow additional time to serve the *Request for*
15 *Order* (FL-300), any temporary orders, and supporting documents; and

16
17 (2) Request that the court schedule a new hearing date and reissue the *Request for Order*
18 (FL-300) and any temporary orders. To do so, the moving party must complete and
19 submit to the court an *Application and Order for Reissuance* (form FL-306).

20
21 (A) The *Application and Order for Reissuance* (form FL-306) should be filed no
22 later than five court days before the scheduled hearing date or presented at the
23 hearing.

24
25 (B) A filed copy of form FL-306 must be attached as the cover page of the *Request*
26 *for Order* documents and orders and served on the party to whom the orders
27 are directed.

28
29 (C) If the moving party fails to timely serve the filed *Application and Order for*
30 *Reissuance* (form FL-306), form FL-300, and supporting orders, and the
31 moving party wishes to proceed with the request for orders, he or she must
32 repeat the reissuance procedure in this rule.

33
34 (3) Failure to timely serve the *Request for Order* (FL-300), any temporary emergency
35 orders and supporting documents or to obtain a reissuance will result in all orders
36 included in that *Request for Order* and *Temporary Emergency Orders* (form FL-305)
37 expiring on the actual hearing date.

38
39 (d)–(e) * * *

40
41 **Rule 5.151. Request for emergency orders; application; required documents**

42
43 (a)–(b) * * *

1 **(c) Required documents**

2
3 A request for emergency orders must be in writing and must include all of the following
4 completed documents when relevant to the relief requested:

- 5
6 (1) *Request for Order* (form FL-300) that identifies the relief requested;
7
8 (2) A current *Income and Expense Declaration* (form FL-150) or *Financial Statement*
9 *(Simplified)* (form FL-155) and *Property Declaration* (form FL-160);
10
11 (3) *Temporary Emergency Orders* (form FL-305) to serve as the proposed temporary
12 order;
13
14 (4) A written declaration regarding notice of application for emergency orders based on
15 personal knowledge. *Declaration Regarding Notice and Delivery of Request for*
16 *Temporary Emergency Orders* (form FL-303) may be used for this purpose); and
17
18 (5) * * *

19
20 **(d)–(e)** * * *

21
22 **Rule 5.170. Matters not requiring notice to other parties**

23
24 The courts may consider a party's request for order on the following issues without notice to the
25 other parties or personal appearance at a hearing:

- 26
27 (1)–(5) ***
28
29 (6) An order or judgment that the other party or opposing counsel approved or agreed not to
30 oppose; ~~and~~
31
32 (7) Application for an order waiving filing fees; and
33
34 (8) Requests made under rule 5.92 for a party to appear in court to give any legal reason why
35 the orders requested should not be granted.
36

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):

TELEPHONE NO.: _____ FAX NO. : _____

E-MAIL ADDRESS: _____

ATTORNEY FOR (Name): _____

FOR COURT USE ONLY

DRAFT

NOT APPROVED BY THE JUDICIAL COUNCIL

SUPERIOR COURT OF CALIFORNIA, COUNTY OF

STREET ADDRESS: _____

MAILING ADDRESS: _____

CITY AND ZIP CODE: _____

BRANCH NAME: _____

PETITIONER: _____

RESPONDENT: _____

OTHER PARENT/PARTY: _____

REQUEST FOR ORDER **MODIFICATION** **TEMPORARY EMERGENCY ORDERS**

Child Custody Visitation (Parenting Time) Child Support

Spousal or Partner Support Attorney Fees and Costs

Other (specify): _____

CASE NUMBER: _____

1. TO (name): _____
2. A COURT HEARING WILL BE HELD AS FOLLOWS:

a. Date: _____ Time: _____ Dept.: _____ Room.: _____

b. Address of court same as noted above other (specify): _____

3. If child custody or visitation is an issue in this proceeding, Family Code section 3170 requires that the parties attend a child custody mediation appointment or child custody recommending counseling (see item 7).
4. Read *Information Sheet for Request for Order* (form FL-300-INFO) for information about completing this form.
5. Other documents to be served with this *Request for Order*:
 - a. A **blank** *Responsive Declaration to Request for Order* (form FL-320)
 - b. Completed *Income and Expense Declaration* (form FL-150) and a **blank** *Income and Expense Declaration*
 - c. Completed *Financial Statement (Simplified)* (form FL-155) and a **blank** *Financial Statement (Simplified)*
 - d. Memorandum of Points and Authorities
 - e. Other (specify): _____

COURT ORDER
(FOR COURT USE ONLY)

It is ordered that:

6. a. Time for service hearing is shortened. Service must be on or before (date): _____
 b. Any responsive declaration must be served on or before (date): _____
7. The parties must attend an appointment for child custody mediation or child custody recommending counseling as follows (specify date, time, and location): _____
8. The orders in *Temporary Emergency Orders* (form FL-305) apply to this proceeding and must be served with all documents filed with this *Request for Order*.
9. Other (specify): _____

Date: _____

JUDICIAL OFFICER

NOTICE TO THE PERSON WHO WAS SERVED THIS REQUEST FOR ORDER:

If you do not file and serve a *Responsive Declaration to Request for Order* (form FL-320) and appear at the hearing, the court may make orders without your input that affect your case, the custody of your children, your property, and your finances. Form FL-320 must be served on all other parties at least nine court days before the hearing date unless the court has ordered a shorter period of time to complete service.

PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	CASE NUMBER:
---	--------------

REQUEST FOR ORDER AND SUPPORTING DECLARATION
—THIS IS NOT A COURT ORDER—

Petitioner Respondent Other Parent/Party requests the following orders

1. CHILD CUSTODY Applicant requests temporary emergency orders
- a. Child's name and age b. Legal custody to (name of person who makes decisions about child's health, education, etc.) c. Physical custody to (name of person with whom child will live)

- d. As requested in attached form:
- (1) Child Custody and Visitation Application Attachment (form FL-311)
 - (2) Request for Child Abduction Prevention Orders (form FL-312)
 - (3) Children's Holiday Schedule Attachment (form FL-341(C))
 - (4) Additional Provisions—Physical Custody Attachment (form FL-341(D))
 - (5) Joint Legal Custody Attachment (form FL-341(E))
 - (6) Other (Attachment 1d)

e. Modify existing order filed on (date): _____ ordering (specify): _____

2. CHILD VISITATION(PARENTING TIME) Applicant requests temporary emergency orders

- a. As requested in: (1) Attachment 2a (2) Child Custody and Visitation Application Attachment (form FL-311)
 (3) Other (specify): _____

b. Modify existing order filed on (date): _____ ordering (specify): _____

c. One or more domestic violence restraining/protective orders are now in effect between (specify):
 Petitioner Respondent Other Parent/Party (Attach a copy of the orders if you have one.)

- The orders are from the following court or courts (specify county and state):
- (1) Criminal: County/state (specify) Case No. (if known) :
 - (2) Family: County/state (specify) Case No. (if known) :
 - (3) Juvenile: County/state (specify) Case No. (if known) :
 - (4) Other: County/state (specify) Case No. (if known) :

3. CHILD SUPPORT (An earnings assignment order may be issued.)

- a. Child's name and age b. I request support based on the child support guidelines c. Monthly amount (\$) requested (if not by guideline)

Notice: The court will order child support based on the income of both parents. It normally continues until the child is 18 and has graduated from high school. You must supply the court with information about your finances by filing a current *Income and Expense Declaration (FL-150)* or *Financial Statement (Simplified) (FL-155)*. If you do not, the child support order will be based on information about your income that the court receives from other sources, including the other parent.

PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	CASE NUMBER:
---	--------------

—THIS IS NOT A COURT ORDER—

3. CHILD SUPPORT (continued)
- d. Modify existing order filed on (date): _____ ordering (specify): _____
- e. A current *Income and Expense Declaration* (form FL-150) or, if eligible, a current *Financial Statement (Simplified)* (form FL-155) is attached.
4. a. SPOUSAL OR PARTNER SUPPORT (*An earnings assignment order may be issued.*)
- (1) Amount requested (monthly): \$ _____
- (2) Modify existing order filed on (date): _____ ordering (specify): _____
- (3) Terminate existing order filed on (date) _____ ordering (specify): _____
- b. The *Spousal or Partner Support Declaration Attachment* (form FL-157) is attached (*for modification of spousal or partner support after judgment only*).
- c. A current *Income and Expense Declaration* (form FL-150) is attached.
5. ATTORNEY FEES AND COSTS
- a. Are requested on *Request for Attorney's Fees and Costs Attachment* (form FL-319) or a declaration that addresses the factors covered in that form.
- b. A current *Income and Expense Declaration* (form FL-150) is attached.
- c. A *Supporting Declaration for Attorney's Fees and Costs Attachment* (form FL-158) or a declaration that addresses the factors covered in that form will be filed with this *Request for Order*.
6. PROPERTY RESTRAINT Applicant requests temporary emergency orders
- a. The petitioner respondent other parent/party claimant be restrained from transferring, encumbering, hypothecating, concealing, or in any way disposing of property, real or personal, whether community, quasi-community, or separate, except in the usual course of business or for the necessities of life.
- The applicant be notified at least five business days before any proposed extraordinary expenditures, and an accounting of such will be made to the court. However, the parties may use community property, quasi-community property, or separate property to pay for the help of an attorney or to pay court costs.
- b. All parties be restrained and enjoined from cashing, borrowing against, canceling, transferring, disposing of, or changing the beneficiaries of any insurance or other coverage, including life, health, automobile, and disability, held for the benefit of the parties or their minor children.
- c. No party to incur any debts or liabilities for which the other may be held responsible, other than in the ordinary course of business or for the necessities of life.
7. PROPERTY CONTROL Applicant requests temporary emergency orders
- a. The petitioner respondent other parent/party be given exclusive temporary use, possession, and control of the following property that we own or are buying (specify): _____

NOTE: To obtain domestic violence restraining orders, you must use the forms *Request for Domestic Violence Restraining Order* (form DV-100), *Temporary Restraining Order (Domestic Violence)* (form DV-110), and *Notice of Court Hearing (Domestic Violence)* (form DV-109).

PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	CASE NUMBER:
---	--------------

—THIS IS NOT A COURT ORDER—

7. PROPERTY CONTROL (continued) Applicant requests temporary emergency orders
- b. The petitioner respondent other parent/party be ordered to make the following payments on liens and encumbrances coming due while the order is in effect:
- | <u>Debt</u> | <u>Amount of payment</u> | <u>Pay to</u> |
|-------------|--------------------------|---------------|
|-------------|--------------------------|---------------|

8. OTHER RELIEF (specify):

9. I request that time for (specify):
- a. Service of the *Request for Order* and accompanying papers be shortened so that these documents may be served no less than (specify number): _____ court days before the time set for the hearing. I need to have this order shortening time because of the facts specified below in item 10 or in the attached declaration.
- b. The hearing of the *Request for Order* and accompanying papers be shortened. I need to have this order shortening time because of the facts specified below in item 10 or the attached declaration.

10. FACTS IN SUPPORT of orders requested and change of circumstances for any modification are (specify):
 Contained in the attached declaration. (You may use Attached Declaration (form MC-031) for this purpose). The attached declaration must not exceed 10 pages in length unless permission to file a longer declaration has been obtained from the court.)

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 APPLICANT)



Requests for Accommodations

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the proceeding. Contact the clerk's office or go to www.courts.ca.gov/forms for *Request for Accommodations by Persons With Disabilities and Response* (form MC-410). (Civil Code, § 54.8.)

FL-300-INFO Information Sheet for Request for Order

1 USE *Request for Order* (form FL-300) to schedule a court hearing and ask for new orders or to change orders in your case. The request can be about child custody, parenting time (visitation), child support, spousal or partner support, property, finances, attorney's fees, procedural or other matters.

2 DO NOT USE *Request for Order* (form FL-300):

- Before the family law petition has been filed with the court.
- If you and the other party have an agreement and you don't need a judge to resolve any issues. For information about how to write up your agreement and get it approved by the court, see ____ (insert new link).
- To file a contempt action in a family law case. Use form FL-410, *Order to Show Cause and Affidavit for Contempt*.
- To ask for a domestic violence protective order under the Domestic Violence Protection Act. Use form DV-100. Note: You can use form FL-300 in a domestic violence protective order case, but only if you need to change your child custody, visitation, or support orders.
- For other types of hearings that require specific Judicial Council forms.

If you have a question about whether FL-300 is the right form for your situation, ask the family law facilitator, self-help center, or the clerk's office at the court.

3 Forms checklist

- a. To request court orders, you need a form FL-300, *Request for Order*
- b. To request court orders for child custody or parenting time, you may need to use additional forms, such as:
 - FL-105, *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act*
 - FL-311, *Child Custody and Visitation Application Attachment*
 - FL-312, *Request for Child Abduction Prevention Orders*
 - FL-341(C), *Children's Holiday Schedule Attachment*
 - FL-341(D), *Additional Provisions—Physical Custody Attachment*
 - FL-341(E), *Joint Legal Custody Attachment*
- c. If you want child support, you also need:
 - A current form FL-150,* *Income and Expense Declaration* or FL-155,* *Financial Statement (Simplified)*
* To know which form is right for you, read DV-570, *Which Financial Form—FL-150 or FL-155?*
- d. If you want spousal or partner support or orders about your finances, you also need:
 - A current FL-150, *Income and Expense Declaration*
 - FL-157, *Spousal or Partner Support Declaration Attachment* (if asking to change a support judgment)
- e. To request court orders for attorney's fees and costs, you also need:
 - A current FL-150, *Income and Expense Declaration*
 - FL-319,** *Request for Attorney's Fees and Costs Attachment*
 - FL-158,** *Supporting Declaration for Attorney's Fees and Costs*
**You may use the form or a declaration that addresses the factors covered in that form.
- f. To request temporary emergency (ex parte) orders, you also need:
 - FL-305, *Temporary Emergency Orders* to serve as the proposed temporary orders
 - Your declaration describing how and when you gave notice about the request for temporary emergency orders
 - Other forms required by local courts. See page 3 of this form for more information.
- g. If you plan on having witnesses testify at the hearing, you also need:
 - FL-321, *Witness List*
- h. If you want to request a separate trial (bifurcation) on an issue, you also need:
 - FL-315 *Request or Response to Request for Separate Trial*
- i. There are other forms you will need after you file the above forms (*do not fill them out now*):
 - FL-330 or FL-335 *Proof of Personal Service* or *Proof of Service by Mail*
 - Address Verification* (to serve a *Request for Order* by mail if you want to change a judgment or permanent order for child custody, visitation, or child support. You may use form FL-334 for this purpose.

FL-300-INFO Information Sheet for Request for Order**4 Complete form FL-300 (Page 1)**

Caption: Complete the top portion including your name, address, and telephone number, the court address, the name of all the parties in the case, and the case number.

Check all the boxes that apply to the orders you are requesting. Check the “Modification” box if you are requesting a change to an existing order. Check the “Temporary Emergency Orders” box if you are requesting that the court issue emergency orders that will be effective before the hearing date.

Item 1: Write the name of all the parties who will be served the *Request for Order*.

Item 2: Leave this blank. The court clerk will fill in the date, time, and location of the hearing.

Item 5: Indicate all of the forms that you have completed and will serve with form FL-300. These are the forms that you will have to provide to the other party.

Item 6: Leave this blank. If you asked for an order shortening time (at item 9, page 4), the court will complete item 6 if it grants the order.

Item 7: Court clerks in some counties will check item 7 and provide the details for your required child custody mediation or recommending counseling appointment. Other courts require the party or the party's attorney to make the appointment and then complete item 7 before filing form FL-300. Check your court's local rules or ask your court's family law facilitator or self-help center to find out about your court's procedures.

Items 8 and 9: Leave items 8-9 blank on page 1. The court will complete these items if they apply to your case.

5 Complete form FL-300 (Pages 2-4)

Complete the items on pages 2, 3, and 4 that apply to the orders you request.

For example, if you are asking the court to make child custody orders, on page 2 at item 2, check the box and complete this section. Then on page 4, write your declaration in item 10. If needed, you may also attach additional pages to complete your declaration. Then, sign and date page 4.

FL-300	
ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address) TELEPHONE NO. _____ FAX NO. _____ E-MAIL ADDRESS _____ ATTORNEY FOR (Name) _____ SUPERIOR COURT OF CALIFORNIA, COUNTY OF _____ STREET ADDRESS _____ MAILING ADDRESS _____ CITY AND ZIP CODE _____ BRANCH NAME _____	FOR COURT USE ONLY DRAFT - NOT APPROVED BY THE JUDICIAL COUNCIL
PETITIONER: _____ RESPONDENT: _____ OTHER PARENT/PARTY: _____	CASE NUMBER: _____
REQUEST FOR ORDER <input type="checkbox"/> MODIFICATION <input type="checkbox"/> TEMPORARY EMERGENCY ORDER <input type="checkbox"/> <input type="checkbox"/> Child Custody <input type="checkbox"/> Visitation (Parenting time) <input type="checkbox"/> Child Support <input type="checkbox"/> Spousal or Partner Support <input type="checkbox"/> Attorney Fees and Costs <input type="checkbox"/> Other (specify): _____	
1. TO (name): _____ 2. A COURT HEARING WILL BE HELD AS FOLLOWS: a. Date: _____ Time: _____ Dept.: _____ Room: _____ b. Address of court: <input type="checkbox"/> same as noted above <input type="checkbox"/> other (specify): _____	
3. If child custody or visitation is an issue in this proceeding, Family Code section 3170 requires that the parties attend a child custody mediation appointment or child custody recommending counseling (see item 7). 4. Read <i>Information Sheet for Request for Order</i> (form FL-300-INFO) for information about completing this form. 5. Other documents to be served with this <i>Request for Order</i> : a. <input type="checkbox"/> A blank <i>Responsive Declaration to Request for Order</i> (form FL-320) d. <input type="checkbox"/> Memorandum of Points and Authorities b. <input type="checkbox"/> Completed <i>Income and Expense Declaration</i> (form FL-150) and a blank <i>Income and Expense Declaration</i> e. <input type="checkbox"/> Other (specify): _____ c. <input type="checkbox"/> Completed <i>Financial Statement (Simplified)</i> (form FL-155) and a blank <i>Financial Statement (Simplified)</i>	
COURT ORDER (FOR COURT USE ONLY) It is ordered that: 6. a. <input type="checkbox"/> Time for <input type="checkbox"/> service <input type="checkbox"/> hearing is shortened. Service must be on or before (date): _____ b. Any responsive declaration must be served on or before (date): _____ 7. <input type="checkbox"/> The parties must attend an appointment for child custody mediation or child custody recommending counseling as follows (specify date, time, and location): _____ 8. The orders in <i>Temporary Emergency Orders</i> (form FL-305) apply to this proceeding and must be served with all documents filed with this <i>Request for Order</i> . 9. <input type="checkbox"/> Other (specify): _____ Date: _____ JUDICIAL OFFICER _____	
NOTICE TO THE PERSON WHO WAS SERVED THIS <i>REQUEST FOR ORDER</i> : If you do not file and serve a <i>Responsive Declaration to Request for Order</i> (form FL-320) and appear at the hearing, the court may make orders without your input that affect your case, the custody of your children, your property, and your finances. Form FL-320 must be served on all other parties at least nine court days before the hearing date unless the court has ordered a shorter period of time to complete service.	
Form Adopted for Mandatory Use Judicial Council of California FL-300 (Rev. July 1, 2014)	
Page 1 of 4 Family Code, §§ 2045, 2101, 2534, 6226, 6320-6326, 6340-6382 Government Code, § 26520 www.courts.ca.gov	

6 Complete additional forms and make copies

Complete any additional forms that you will need to give to the court clerk to process with the *Request for Order*. Make at least two copies of your full packet.

7 Take your documents to the court clerk

Give your original paperwork and the copies you made to the court clerk to process. The clerk will keep the original and give you back the copies you made with a court date and time stamped on the first page of the *Request for Order*. The procedure may be different in some courts if you are requesting temporary emergency orders.

8 Pay filing fees

A fee is due at the time of filing. If you can't afford to pay the filing fee, you can ask the court to waive the fee by completing and filing form FW-001, *Request to Waive Court Fees* and form FW-003, *Order on Court Fee Waiver*.

FL-300-INFO Information Sheet for Request for Order**9 Temporary Emergency (Ex Parte) Orders**

Courts can make temporary orders to respond to emergencies that cannot wait to be heard on the court's regular hearing calendar. *The emergency must involve an immediate danger or irreparable harm to a party or children in the case, or an immediate loss or damage to property.*

To request temporary emergency orders, you must:

- Include a written declaration describing the emergency and explaining why you need the orders.
- Include a written declaration describing how and when you notified the other party about the request for temporary emergency orders.
- Follow your court's local procedures for reserving the court day, submitting your paperwork, paying filing fees, and to find out if there are other local forms you need to complete and serve on the other party.

10 General information about "service"

"Service" is the act of giving your legal papers to the other person named in the case so that he or she knows: what orders you are asking for; whether temporary emergency orders were made before the hearing; the date, time, and location of the hearing; and how to respond to your request.

If the other party is NOT properly served, the judge cannot make the orders you requested on the date of the hearing. In addition, if the other party is NOT properly served with any temporary emergency orders, law enforcement cannot help enforce your order, and the temporary orders will expire on the date of the hearing.

11 Serving the Request for Order

You must make sure that the other party is "served" with a copy of the *Request for Order* and all the other filed forms, attachments, and temporary orders. A blank FL-320, *Responsive Declaration to Request for Order* must also be served. In addition, if you completed and filed a form FL-150, *Income and Expense Declaration* or a completed form

FL-155, *Financial Statement (Simplified)*, you must include a blank copy of form FL-150, *Income and Expense Declaration* for the other party to complete.

12 Time for Service

Generally, the other party must be served with the *Request for Order* and other forms at least 16 court days before the hearing.

If service is by mail, parties must be served at least 16 court days plus 5 calendar days before the hearing if the other parties are served within the state of California. Other timelines apply if the other parties need to be served by mail outside of California.

13 Types of "Service"

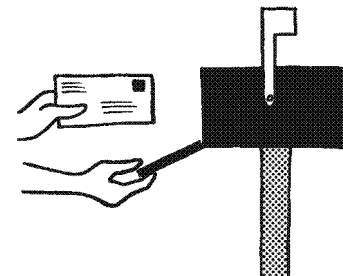
Sometimes, the other party must be served your *Request for Order* by "personal service." Sometimes service can be completed by mailing the papers. You cannot serve the papers. Have someone else (who is at least 18 years old) do it. The "server" can be a friend, a relative who is not involved in your case, a county sheriff, or a professional process server.

"Personal Service"

means that your "server" walks up to the person to be served, makes sure he or she is the right person, and then hand-delivers a copy of all the papers (and the blank forms) to him or her.

**"Service by mail"**

means that your "server" places copies of all the documents (and blank forms) in a sealed envelope and mails them to the address of the person being served. The server must be 18 years of age or over and must live in or be employed in the county where the mailing took place.



FL-300-INFO Information Sheet for Request for Order**14** What kind of service do I need to use—*personal service or service by mail*?

Generally, personal service is the preferred method to ensure that a party receives the *Request for Order* before the hearing. Personal service may be used even if it is not required.

Use *personal service* if you answer “true” to any one of the following statements. You may use service by mail or personal service if you answer “false” to ALL of the same statements:

- a. The papers include temporary emergency orders.
- b. The court ordered personal service.
- c. The person has not been served with a summons and petition in the case.
- d. The party being served has not made a general appearance in this case by:
 - Filing a *Response or Appearance, Stipulations, and Waivers*;
 - Filing a *Request for Order* to strike or transfer the case;
 - Filing a written notice of his or her appearance;
 - Filing any other document that requires a filing fee or fee waiver (unless the court decides that the document does not count as Respondent's general appearance).
- e. The papers request a change of a judgment or permanent orders.*

* NOTE: A *Request for Order* to change a judgment or permanent order for child custody, visitation (parenting time), or child support may be served by mail if the proof of service includes an address verification (see form FL-334).

If you are not sure how to serve the Request for Order or need additional assistance, consult with an attorney or contact the family law facilitator or self-help center in your county.

15 Server must complete a *Proof of Service*

After the server gives the forms to the other party, he or she should complete form FL-335, *Proof of Personal Service*. Form FL-330-INFO, *Information Sheet for Proof of Personal Service* has instructions to help the person complete the form. After the person mails the forms, he or she should complete form FL-335, *Proof of Service by Mail*. Form FL-335-INFO, *Information Sheet for Proof of Service by Mail* has instructions to help the person complete the form.

16 File the *Proof of Service* before your hearing date

The *Proof of Service* shows the judge that the person received a copy of the request for orders and any temporary emergency orders. Make three copies of the completed *Proof of Service*. Take the original and copies to the court clerk as soon as possible **before your hearing**. The clerk will keep the original and give you back the copies stamped “Filed.” Bring a copy stamped “Filed” to your hearing.

17 Need help?

- Contact the family law facilitator or self-help center for information, local rules and court forms, and referrals to local legal services providers.
- Find an attorney through your local bar association, the State Bar of California at <http://calbar.ca.gov>, or the Lawyer Referral Service at 1-866-442-2529.
- For free and low-cost legal help (if you qualify), go to www.lawhelpcalifornia.org.
- Find information at your local law library or ask at your public library.

18 Get ready for your hearing

- Take at least two copies of your documents and filed forms to the hearing.
- Find more information about preparing for your hearing at <http://www.courts.ca.gov>_____

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO. : _____ E-MAIL ADDRESS: _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY DRAFT - NOT APPROVED BY THE JUDICIAL COUNCIL
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	
DECLARATION REGARDING NOTICE AND DELIVERY OF REQUEST FOR TEMPORARY EMERGENCY ORDERS	CASE NUMBER:

NOTICE: A party requesting temporary emergency (ex parte) orders must file with the court a declaration showing compliance with rules about notice to the other party. Local court procedures for this type of hearing may vary. Check your court's local rules about temporary emergency (ex parte) hearings at <http://www.courts.ca.gov/3027.htm>.

1. I, (name): _____ am the attorney for petitioner respondent other parent/party
 other (specify): _____ in this case.

2. **NOTICE** (complete either a, b, or c)

a. **I gave notice of the request for temporary emergency orders**

(1) I told the following person the date, time, and place of the emergency hearing and the specific court orders I seek:

- (A) Petitioner Petitioner's Attorney
- (B) Respondent Respondent's Attorney
- (C) Other Parent/Party Other Parent/Party's Attorney
- (D) Other (specify): _____

(2) I gave notice by this method:

- (A) personally on (date): _____ at (location): _____, California; at _____ a.m./p.m.
- (B) telephone on (date): _____ telephone no.: _____ at _____ a.m./p.m.
- (C) voicemail on (date): _____ voicemail no.: _____ at _____ a.m./p.m.
- (D) fax on (date): _____ fax no.: _____ at _____ a.m./p.m.

(3) The time I gave notice:

- (A) By 10 a.m. the court day before this emergency hearing.
- (B) After 10 a.m. the court day before this emergency hearing because of the following exceptional circumstances (specify): _____

b. **I did not give notice to the opposing party** about this request for temporary emergency orders. I request that the court waive notice to the other party due to the following exceptional circumstances (check all that apply):

- (1) To help prevent an immediate danger or irreparable harm to myself (or my client) or to the children in the case.
- (2) There is an immediate risk that the children in the case will be removed from the state of California.
- (3) To help prevent immediate loss or damage to property subject to disposition in the case.
- (4) Other exceptional circumstances (specify): _____

(5) Facts in support of the request to waive notice (specify): _____

PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	CASE NUMBER:
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c. I did not give notice to the opposing party about this request for temporary emergency orders. I used my best efforts to tell the opposing party when and where this hearing would take place but was unable to do so. The efforts I made to inform the other person were (specify):

3. **DELIVERY**

a. The Request for Order (form FL-300) for temporary emergency orders, Temporary Emergency Orders (form FL-305) and related documents were delivered to:

- (A) Petitioner Petitioner's Attorney
- (B) Respondent Respondent's Attorney
- (C) Other Parent/Party Other Parent/Party's Attorney
- (D) Other (specify):

b. Method of delivery:

- (A) personal delivery on (date): _____ at (location): _____, California; at _____ a.m./p.m.
- (B) fax on (date): _____ fax no.: _____ at _____ a.m./p.m.
- (C) Overnight mail or other overnight carrier

c. Documents were not delivered to the opposing party due to the following exceptional circumstances (specify facts in support of the request to waive delivery of the documents):

4. I do do not believe the opposing party will oppose this request for temporary emergency orders.

5. **OTHER COURT CASES**

The parties in this case are involved in another family, probate, juvenile, or criminal court case (specify the type of case and the case number for each):

6. **PREVIOUS REQUEST FOR SAME ORDERS**

- a. I have not requested the same order from the court in the past.
- b. I have previously requested the same orders from the court, and the court denied my request in whole or in part as follows (specify):

7. Additional space to explain your answers to any of the above items (specify):

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)

ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>Name, State Bar number, and address</i>): TELEPHONE NO.: _____ FAX NO. : _____ E-MAIL ADDRESS: _____ ATTORNEY FOR (<i>Name</i>): _____	FOR COURT USE ONLY DRAFT - NOT APPROVED BY THE JUDICIAL COUNCIL
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER: _____ RESPONDENT: _____ OTHER PARENT/PARTY: _____	
<p style="text-align: center;">TEMPORARY EMERGENCY ORDERS</p> <input type="checkbox"/> Child Custody/Parenting Time <input type="checkbox"/> Property Restraint <input type="checkbox"/> Property Control <input type="checkbox"/> Other (<i>specify</i>): _____	CASE NUMBER: _____

1. **A COURT HEARING WILL BE HELD** on the date, time, and location that appears in item 2 of the *Request for Order* (form FL-300) , which is served with these temporary orders.

2. **THE COURT MAKES THE FOLLOWING** temporary emergency orders, which are effective immediately. These temporary court orders automatically expire at the end of the hearing of the *Request for Order*.

a. CHILD CUSTODY AND VISITATION (PARENTING TIME) _____

(1) Child's name and age _____

(2) Petitioner Respondent Other parent/party will have the temporary physical custody, care, and control of the minor children of the parties. subject to the other party's rights of visitation as follows:

(3) Petitioner Respondent Other parent/party must not remove the minor child or children of the parties

(A) from the state of California.

(B) from the following counties (*specify*):

(C) other (*specify*):

(4) (A) Jurisdiction: This court has jurisdiction to make child custody orders in this case under the Uniform Child Custody Jurisdiction and Enforcement Act (part 3 of the California Family code, commencing with section 3400).

(B) Notice and opportunity to be heard: The responding party was given notice and an opportunity to be heard as provided by the laws of the State of California.

PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	CASE NUMBER:
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b. CHILD CUSTODY AND VISITATION (PARENTING TIME) (continued)

- (4) (C) Country of habitual residence: The country of habitual residence of the child or children is
- (D) **Penalties for violating this order: If you violate this order, you may be subject to civil or criminal penalties, or both.**
- (5) Child abduction prevention orders are attached (see form FL-341(B)).

c. PROPERTY RESTRAINT

- (1) Petitioner Respondent Other parent/party Claimant is restrained from transferring, hypothecating, concealing, or in any way disposing of any property, real or personal, whether community, quasi-community, or separate, except in the usual course of business or for the necessities of life.
 - The other party is to be notified at least five business days before any proposed extraordinary expenditures, and an accounting of such is to be made to the court. However, the parties may use community property, quasi-community property, or separate property to pay for the help of an attorney or to pay court costs.
- (2) The parties are restrained and enjoined from cashing, borrowing against, canceling, transferring, disposing of, or changing the beneficiaries of any insurance or other coverage, including life, health, automobile, and disability, held for the benefit of the parties or their minor child or children.
- (3) None of the parties may incur any debts or liabilities for which the other may be held responsible, other than in the ordinary course of business or for the necessities of life.

d. PROPERTY CONTROL

- (1) Petitioner Respondent Other parent/party is given exclusive temporary use, possession, and control of the following property that the parties own or are buying (specify):

- (2) Petitioner Respondent Other parent/party be ordered to make the following payments on the liens and encumbrances coming due while the order is in effect:

<u>Debt</u>	<u>Amount of payment</u>	<u>Pay to</u>
-------------	--------------------------	---------------

e. OTHER ORDERS (specify):

- Additional orders are listed on Attachment 2e.

Date: _____

JUDGE OF THE SUPERIOR COURT

CLERK'S CERTIFICATE

[SEAL]

I certify that the foregoing is a true and correct copy of the original on file in my office.

Date: _____ Clerk, by _____, Deputy

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):

TELEPHONE NO.: FAX NO. (Optional):
E-MAIL ADDRESS:
ATTORNEY FOR (Name):

**DRAFT --
NOT APPROVED BY THE
JUDICIAL COUNCIL**

SUPERIOR COURT OF CALIFORNIA, COUNTY OF
STREET ADDRESS:
MAILING ADDRESS:
CITY AND ZIP CODE:
BRANCH NAME:

PETITIONER:
RESPONDENT:
OTHER PARENT/PARTY:

APPLICATION AND ORDER FOR REISSUANCE
 REQUEST FOR ORDER TEMPORARY EMERGENCY ORDERS
 Other (specify):

CASE NUMBER:

1. Name of Applicant:
2. I request that the court reset the hearing date and (check all that apply):
 - a. Reissue the Request for Order (form FL-300).
 - b. Reissue the order shortening time for service.
 - c. Reissue any temporary emergency orders granted on Temporary Emergency Orders (form FL-305).
3. a. The orders were originally issued on (date):
 b. The last scheduled hearing date was (date):
 c. Number of times the Request for Order (form FL-300) and any temporary orders have been reissued (specify):
4. I request a reissuance of the orders because:
 - a. The papers could not be served as required before the hearing date.
 - b. The parties were referred to a child custody mediator or recommending child custody counselor.
 - c. Other (specify):

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

ORDER

5. IT IS ORDERED that the Request for Order Temporary Emergency Orders Order shortening time for service
 Other (specify):
and any orders listed are reissued unless this order changes them. The hearing is reset as follows:

Date: Time: Dept.: Room:
at the street address of the court shown above.

6. a. Service must be on or before (specify):
 b. Any Responsive Declaration (form FL-320) must be served on or before (specify):
7. Other (specify):
8. A filed copy of this order must be attached as the cover page of the Request for Order documents and orders and served.
9. All orders will end on the date and time shown for the hearing in item 5 unless the court extends the time.

Date: 

JUDICIAL OFFICER

PETITIONER:	CASE NUMBER:
RESPONDENT:	
OTHER PARENT/PARTY:	

CHILD CUSTODY AND VISITATION (PARENTING TIME) APPLICATION ATTACHMENT

—This is not a court order—

TO Petition Response Request for Order Responsive Declaration to Request for Order
 Other (specify): _____

1. Custody. Custody of the minor children of the parties is requested as follows:

Child's Name	Date of Birth	Legal Custody to (person who decides about health, education, etc.)	Physical Custody to (person with whom the child lives)
--------------	---------------	---	--

2. Visitation (parenting time).

Note: Unless specifically ordered, a child's holiday schedule order has priority over the regular parenting timeshare.

- a. Reasonable right of visitation (parenting time) to the party without physical custody (not appropriate in cases involving domestic violence)
- b. See the attached _____-page document dated (specify date):
- c. The parties will go to mediation or recommending child custody counseling at (specify location below):

- d. No visitation (parenting time)
- e. Visitation (parenting time). (Specify start and ending date and time. If applicable, check "start of" or "after school.")

Petitioner's Respondent's Other parent/party's visitation (parenting time) will be as follows:

(1) Weekends starting (date):

(Note: The first weekend of the month is the first weekend with a Saturday.)

1st 2nd 3rd 4th 5th weekend of the month
 from _____ at _____ a.m. p.m./ start of after school
 (day of week) (time)
 to _____ at _____ a.m. p.m./ start of after school
 (day of week) (time)

- (a) The parties will alternate the fifth weekends, with the petitioner respondent other parent/party having the initial fifth weekend, which starts (date):
- (b) The petitioner respondent other parent/party will have the fifth weekend in odd even numbered months.

(2) Alternate weekends starting (date):

from _____ at _____ a.m. p.m./ start of after school
 (day of week) (time)
 to _____ at _____ a.m. p.m./ start of after school
 (day of week) (time)

(3) Weekdays starting (date):

from _____ at _____ a.m. p.m./ start of after school
 (day of week) (time)
 to _____ at _____ a.m. p.m./ start of after school
 (day of week) (time)

PETITIONER: _____ RESPONDENT: _____ OTHER PARENT/PARTY: _____	CASE NUMBER: _____
---	--------------------

- (4) Other visitation (parenting time) days and times as well as any additional restrictions (*specify*): _____
 Attachment 2e(4) has other visitation (parenting time) days and times (*form MC-025 may be used for this purpose*). _____

3. **Supervised visitation (parenting time).**

I request that (*name*): _____ have supervised visitation with the minor children according to the schedule set out on page 1 and that the visits be supervised by (*name*): _____ who is a professional nonprofessional supervisor. The supervisor's phone number is (*specify*): _____

I request that the costs of supervision be paid as follows: petitioner: _____ percent; respondent: _____ percent; other parent/party _____ percent.

If item 3 is checked, you must attach a declaration that shows why unsupervised visitation (parenting time) would be bad for your children. The judge is required to consider supervised visitation if one parent or party is alleging domestic violence and is protected by a restraining order.

4. **Transportation for visitation (parenting time) and place of exchange.**

- a. The children will be driven only by a licensed and insured driver. The car or truck must have legal child restraint devices.
- b. Transportation **to** the visits will be provided by (*name*): _____
- c. Transportation **from** the visits will be provided by (*name*): _____
- d. Drop-off of the children will be at (*address*): _____
- e. Pick-up of the children will be at (*address*): _____
- f. During the exchanges, the party driving the children will wait in the car and the other party will wait in his or her home while the children go between the car and the home.
- g. Other (*specify*): _____

5. **Travel with children.** The petitioner respondent other (*name*): _____

must have written permission from the other parent or party, or a court order, to take the children out of the following places:

- a. the state of California.
- b. the following counties (*specify*): _____
- c. other places (*specify*): _____

6. **Child abduction prevention.** There is a risk that one of the parties will take the children out of California without the other party's permission. I request the orders set out on attached form FL-312.

7. **Children's holiday schedule.** I request the holiday and vacation schedule set out on the attached form FL-341(C) Other (*specify*): _____

8. **Additional custody provisions.** I request the additional orders regarding custody set out on the attached form FL-341(D) Other (*specify*): _____

9. **Joint legal custody provisions.** I request joint legal custody and want the additional orders set out on the attached form FL-341(D) Other (*specify*): _____

10. **Other.** I request the following additional orders (*specify*): _____

PETITIONER: _____ RESPONDENT: _____ OTHER PARENT/PARTY: _____	CASE NUMBER: _____
---	--------------------

REQUEST FOR CHILD ABDUCTION PREVENTION ORDERS

—This is not a court order—

TO **Petition** **Response** **Request for Order** **Responsive Declaration to Request for Order**
 Other (specify): _____

1. Your name: _____

2. I request orders to prevent child abduction by (specify): **Petitioner** **Respondent** **Other parent/party**

3. I think that he or she might take the children without my permission to (check all that apply):

a. another county in California (specify the county): _____

b. another state (specify the state): _____

c. a foreign country (specify the foreign country):

(1) He or she is a citizen of that country. _____

(2) He or she has family or emotional ties to that country (explain): _____

4. I think that he or she might take the children without my permission because he or she (check all that apply):

- a. has violated—or threatened to violate—a custody or visitation (parenting time) order in the past.
Explain: _____
- b. does not have strong ties to California.
Explain any work, financial, social, or family situation that makes it easy for the party to leave California. _____
- c. has recently done things that make it easy for him or her to take the children away without permission. He or she has (check all that apply):
- | | |
|---|---|
| <input type="checkbox"/> quit his or her job. | <input type="checkbox"/> sold his or her home. |
| <input type="checkbox"/> closed a bank account. | <input type="checkbox"/> ended a lease. |
| <input type="checkbox"/> sold or gotten rid of assets. | <input type="checkbox"/> hidden or destroyed documents. |
| <input type="checkbox"/> applied for a passport, birth certificate, or school or medical records. | |
| <input type="checkbox"/> Other (specify): _____ | |
- d. has a history of (check all that apply)
- domestic violence.
 - child abuse.
 - not cooperating with me in parenting.
 - taking the children without my permission.
- Explain:* _____
- e. has a criminal record. *Explain:* _____

PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	CASE NUMBER:
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I REQUEST THE FOLLOWING ORDERS AGAINST (specify): Petitioner Respondent Other parent/party

5. **Supervised Visitation (Parenting Time)**

I ask the court to order supervised visitation (parenting time).

The specific terms are attached (check one): form FL-341(A) as follows:

6. **Post a Bond**

I ask the court to order the posting of a bond for \$ _____ . If the party takes the children without my permission, I can use this money to bring the children back.

7. **Do Not Move Without My Permission or Court Order**

I ask for a court order preventing the party from moving with the children, without my written permission or a court order.

8. **No Travel Without My Permission or Court Order**

I ask for a court order preventing the party from traveling with the children outside (check all that apply)

this county the United States

California Other (specify):

without my written permission or a court order.

9. **Notify Other State of Travel Restrictions**

I ask the court to order the party to register this order in the state of: _____ before the children can travel to that state for visitation (parenting time).

10. **Turn In and Do Not Apply for Passports or Other Vital Documents**

I ask for a court order (check all that apply):

requiring the party to turn in all the children's passports in his or her possession.

preventing the party from applying for passports or other documents (such as visas or birth certificates) that can be used for travel.

11. **Provide Itinerary and Other Travel Documents**

If the party is allowed to travel with the children, I ask the court to order the party to give me before leaving (specify):

the children's travel itinerary.

copies of round-trip airline tickets.

addresses and telephone numbers where the children can be reached.

an open airline ticket for me in case the children are not returned.

other (specify):

12. **Notify Foreign Embassy or Consulate of Passport Restrictions**

I ask the court to order the party to notify the embassy or consulate of: _____ of this order and to provide the court with proof of that notification within: _____ calendar days.

SIGNATURE

13. **Foreign Custody and Visitation Order**

I ask the court to order the party to get a custody and visitation (parenting time) order in a foreign country equal to the most recent United States order before the children can travel to that country for visits. I understand that foreign orders may be changed or enforced depending on the laws of that country.

14. **Other (specify):**

I declare under penalty of perjury under the laws of the State of California that the information on this form is true and correct.

Date:



(SIGNATURE)

ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>Name, State Bar number, and address</i>): TELEPHONE NO.: _____ FAX NO. (<i>optional</i>): _____ ATTORNEY FOR (<i>Name</i>): _____	DRAFT Not Approved by the Judicial Council
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	
RESPONSIVE DECLARATION TO REQUEST FOR ORDER	
HEARING DATE: _____ TIME: _____ DEPARTMENT OR ROOM: _____	CASE NUMBER: _____

1. CHILD CUSTODY
- a. I consent to the order requested.
- b. I do not consent to the order requested, but I consent to the following order:

2. CHILD VISITATION (PARENTING TIME)
- a. I consent to the order requested.
- b. I do not consent to the order requested, but I consent to the following order:

3. CHILD SUPPORT
- a. A current *Income and Expense Declaration* (form FL-150) or, if eligible, a current *Financial Statement (Simplified)* (form FL-155) is attached.
- b. I consent to the order requested.
- c. I consent to guideline support.
- d. I do not consent to the order requested, but I consent to the following order:
- (1) Guideline
- (2) Other (*specify*):

4. SPOUSAL OR PARTNER SUPPORT
- a. A current *Income and Expense Declaration* (form FL-150) is attached.
- b. I consent to the order requested.
- c. I do not consent to the order requested.
- d. I do not consent to the order requested, but I consent to the following order:

PETITIONER:	CASE NUMBER:
RESPONDENT:	
OTHER PARENT/PARTY:	

5. ATTORNEY'S FEES AND COSTS

- a. A current *Income and Expense Declaration* (form FL-150) is attached.
- b. I consent to the order requested.
- c. I do not consent to the order requested.
- d. I do not consent to the order requested, but I consent to the following order:

6. PROPERTY RESTRAINT

- a. I consent to the order requested.
- b. I do not consent to the order requested.
- c. I do not consent to the order requested, but I consent to the following order:

7. PROPERTY CONTROL

- a. I consent to the order requested.
- b. I do not consent to the order requested.
- c. I do not consent to the order requested, but I consent to the following order:

8. OTHER RELIEF

- a. I consent to the order requested.
- b. I do not consent to the order requested.
- c. I do not consent to the order requested, but I consent to the following order:

9. SUPPORTING INFORMATION

Contained in the attached declaration. (You may use *Attached Declaration* (form MC-031) for this purpose).

NOTE: To respond to domestic violence restraining orders requested in the *Request for Domestic Violence Restraining Order* (form DV-100), you must use the *Response to Request for Domestic Violence Restraining Order* (form DV-120).

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

Date:

(TYPE OR PRINT NAME)



(SIGNATURE OF DECLARANT)

ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>Name, State Bar number, and address</i>): TELEPHONE NO.: _____ FAX NO. (<i>optional</i>): _____ ATTORNEY FOR (<i>Name</i>): _____	DRAFT Not Approved by the Judicial Council
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	
ORDER TO PAY WAIVED COURT FEES AND COSTS (Superior Court)	CASE NUMBER: _____

1. This proceeding was heard as follows: Default or uncontested By declaration under Family Code section 2336
 Contested or Trial On the Request for Order filed (*date*): _____ by (*party*): _____

on (*date*): _____ at (*time*): _____ in Dept.: _____ Room: _____

- a. by Judge (*name*): Temporary Judge
- b. Petitioner/plaintiff present Attorney present (*name*): _____
- c. Respondent/defendant present Attorney present (*name*): _____
- d. Other present Attorney present (*name*): _____
- e. Other (*specify*): _____

2. THE COURT FINDS

- a. The court made an order waiving court fees and costs for petitioner respondent other parent/party in this matter on (*date*): _____
- b. The court made an order for support payable by petitioner respondent other parent/party to petitioner respondent other parent/party on (*date*): _____
- c. After considering information in the court file and other evidence, petitioner respondent other parent/party has the ability to pay all or part of the waived court fees and costs.

3. THE COURT ORDERS

- a. Petitioner Respondent other parent/party must pay his or her own Petitioner's Respondent's other parent/party's previously waived court fees and costs totalling (*specify*): _____
- b. Payment be made:
 - (1) \$ _____ per month until paid in full, beginning (*date*): _____
 - (2) Within 10 days from the date of service of this *Order to Pay Waived Court Fees and Costs* (see attached *Proof of Service*).
 - (3) After all current support and accrued support arrears have been paid (if ordered to pay the other party's waived court fees). (Gov. Code, § 68637(d).)
 - (4) Other (*specify*): _____
- c. Payment be sent to (*specify*): _____

PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	CASE NUMBER:
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5. **NOTICE TO** (check a, b, c, or d):

- a. The initial fee waiver recipient ordered to pay previously waived court fees and costs (specify): Petitioner
 Respondent Other parent/party
- b. The party ordered to pay the initial fee waiver recipient's previously waived court fees and costs (specify):
 Petitioner Respondent Other parent/party
- c. The party ordered to pay previously waived court fees and costs who did not receive the initial fee waiver AND who was not present at the trial or hearing when the court ordered that he or she pay waived court fees and costs.
- d. Other (specify):

**YOU HAVE AN OPPORTUNITY FOR A HEARING TO REQUEST THAT
THE COURT SET ASIDE THE ORDER TO PAY WAIVED COURT FEES AND COSTS**

- a. To request a hearing, complete and file with the court clerk:
(1) *Request for Order* (form FL-300) and
(2) *Application to Set Aside Order to Pay Waived Court Fees and Costs—Attachment* (form FL-337)
- b. The forms specified in item a must be completed and filed with the court clerk within 30 days from the date of service of this *Order to Pay Waived Court Fees and Costs* (see attached Proof of Service).
- c. In addition, the party requesting the hearing must serve the other party with:
(1) Copies of the documents in item a filed with the court; and
(2) A **blank** *Responsive Declaration to Request for Order* (form FL-320).
You can obtain these forms from the clerk of the court, your county law library, or online at www.courts.ca.gov.
- d. If a request for hearing is filed with the court clerk within the time specified in item b, the order to pay waived court fees and costs will not be enforced until after the hearing.

WARNING: The court has ordered that you pay court fees and costs. If you do not pay the court fees and costs, the court can institute collection proceedings and charge you interest and a collection fee.

Date:

 JUDICIAL OFFICER

PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	CASE NUMBER:
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APPLICATION TO SET ASIDE ORDER TO PAY WAIVED COURT FEES—ATTACHMENT
Attachment to Request for Order (form FL-300)

- I am the petitioner respondent other parent/party. I request that the court set aside the *Order to Pay Waived Court Fees and Costs*
- In making this request, I ask the court to consider the information in the court's case file, the information attached to this application, the information specified in the supporting declaration, and the evidence presented at the hearing.

NOTICE

To request a hearing, the party must complete and file with the court clerk the following: (1) *Request for Order* (form FL-300) and (2) *Application to Set Aside Order to Pay Waived Court Fees—Attachment (Family Law)* (form FL-337). These forms must be completed and filed with the court clerk within 30 days from the date of personal service of the *Order to Pay Waived Court Fees OR* within 35 days from the date the *Order to Pay Waived Court Fees* was served by mail.

In addition, the party requesting the hearing must serve the other party with (1) copies of the above-listed documents filed with the court and (2) a **blank** *Responsive Declaration to Request for Order* (form FL-320). You may obtain Judicial Council forms from the clerk of the court, your county law library, or www.courts.ca.gov/forms.

If the request for hearing is filed with the court clerk within this time, the *Order to Pay Waived Court Fees and Costs* will not be enforced until after the hearing.

- The reasons in support of this request are (*specify*):
 Complete supporting declaration attached. You may use *Attached Declaration* (form MC-031).

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)

PETITIONER: _____ RESPONDENT: _____ OTHER PARENT/PARTY: _____	CASE NUMBER: _____
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CHILDREN'S HOLIDAY SCHEDULE ATTACHMENT

TO **Petition** **Response** **Request for Order** **Responsive Declaration to Request for Order**
 Stipulation and Order for Custody and/or Visitation of Children **Findings and Order After Hearing or Judgment**

1. **Holiday parenting.** The following table shows the holiday parenting schedules. Write "Petitioner," "Respondent," "Other Parent," or "Other Party" to specify each parent's (or party's) years—odd or even numbered years or both ("every year")—and under "Times," specify the starting and ending days and times.

Note: Unless specifically ordered, a child's holiday schedule order has priority over the regular parenting timeshare.

Holiday	Times (from when to when) <i>(Unless noted below, all single-day holidays start at ____ a.m. and end at ____ p.m.)</i>	Every Year <i>Petitioner/ Respondent/ Other Parent/Party</i>	Even Numbered Years <i>Petitioner/ Respondent/ Other Parent/Party</i>	Odd Numbered Years <i>Petitioner/ Respondent/ Other Parent/Party</i>
December 31 (New Year's Eve)				
January 1 (New Year's Day)				
Martin Luther King's Birthday (weekend)				
February 12 (Lincoln's Birthday)				
Winter Break, first half				
Winter Break, second half				
President's Day (weekend)				
Spring Break, first half				
Spring Break, second half				
Mother's Day				
Memorial Day (weekend)				
Father's Day				
July 4th				
Labor Day (weekend)				
Columbus Day (weekend)				
Halloween				
November 11 (Veteran's Day)				
Thanksgiving Day				
Thanksgiving weekend				
December/January School Break				
Child's birthday (date):				
Child's birthday (date):				
Child's birthday (date):				
Child's birthday (date):				
Mother's birthday				
Father's birthday				
Breaks for year-round schools				
Summer Break				
Other (specify):				

PETITIONER: _____ RESPONDENT: _____ OTHER PARENT/PARTY: _____	CASE NUMBER: _____
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1. Holiday parenting (continued)

Holidays	Times (from when to when) <i>(Unless noted below, all single-day holidays start at ____ a.m. and end at ____ p.m.)</i>	Every Year <i>Petitioner/ Respondent/ Other Parent/Party</i>	Even Numbered Years <i>Petitioner/ Respondent/ Other Parent/Party</i>	Odd Numbered Years <i>Petitioner/ Respondent/ Other Parent/Party</i>

Any three-day weekend not specified in item 1 will be spent with the parent or party who would normally have that weekend.

Other (specify): _____

2. Vacations.

- The Petitioner Respondent Other parent/party: _____
- a. May take vacation with the children of up to (specify number): _____ days _____ weeks the following number of times per year (specify): _____
- b. Must notify the other parent or party in writing of vacation plans a minimum of (specify number): _____ days in advance and provide the other parent or party with a basic itinerary that includes dates of leaving and returning, destinations, flight information, and telephone numbers for emergency purposes.
- (1) The other parent or party has number): _____ days to respond if there is a problem with the vacation schedule.
- (2) If the parties cannot agree on the vacation plans (check all that apply):
- (A) They must confer to try to resolve any disagreement before filing for a court hearing.
- (B) In even-numbered years, the parties will follow the suggestions of Petitioner Respondent Other parent/party for resolving the disagreement.
- (C) In odd-numbered years, the parties will follow the suggestions of: Petitioner Respondent Other parent/party for resolving the disagreement.
- (D) Other (specify): _____
- c. This vacation may be outside the state of California.
- d. Any vacation outside California the United States requires prior written consent of the other parent or a court order.
- e. Other (specify): _____

PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	CASE NUMBER:
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ADDITIONAL PROVISIONS—PHYSICAL CUSTODY ATTACHMENT

TO **Petition** **Response** **Request for Order** **Responsive Declaration to Request for Order**
 Stipulation and Order for Custody and/or Visitation of Children **Findings and Order After Hearing or Judgment**

The additional provisions to physical custody apply to (*specify parties*): **Petitioner** **Respondent** **Other parent/party**

1. **Notification of parties' current address.** Each party must notify the other of his or her current address and telephone number within (*specify number*): _____ days of any change in his or her
 - a. address for residence mailing work
 - b. telephone/message number at home work the children's schools

The parties may not use such information for the purpose of harassing, annoying, or disturbing the peace of the other or invading the other's privacy. If a party has an address with the State of California's Safe at Home confidential address program, no residence or work address is needed.

2. **Notification of proposed move of child.** Each party must notify the other (*specify number*): _____ days before any planned change in residence of the children. The notification must state, to the extent known, the planned address of the children, including the county and state of the new residence. The notification must be sent by certified mail, return receipt requested.

3. **Child care.**
 - a. The children must not be left alone without age-appropriate supervision.
 - b. The parties must let each other know the name, address, and phone number of the children's regular child-care providers.

4. **Right of first option of child care.** In the event any party requires child care for (*specify number*): _____ hours or more while the children are in his or her custody, the other party or parties must be given first opportunity, with as much prior notice as possible, to care for the children before other arrangements are made. Unless specifically agreed or ordered by the court, this order does not include regular child care needed when a party is working.

5. **Canceled visitation (parenting time).**
 - a. If a party fails to arrive at the appointed time and fails to notify the other party that he or she will be late, then the other party need wait for only (*specify number*): _____ minutes before considering the visitation (parenting time) canceled.
 - b. In the event a party is unable to exercise visitation (parenting time) on a given occasion, he or she must notify the other party at the earliest possible opportunity.
 - c. The parties must give each other as much notice as possible if the children are ill and unable to participate in the scheduled visitation (parenting time). A doctor's excuse is required.

6. **Phone contact between parties and children.**
 - a. The children may have telephone access to the parties and the parties may have telephone access to the children at reasonable times, for reasonable durations.
 - b. The scheduled phone contact between the parties and children is (*specify*): _____
 - c. No party or any other third party may listen to or monitor the calls.

7. **No negative comments.** The parties will not make or allow others to make negative comments about each other or about their past or present relationships, family, or friends within hearing distance of the children.

8. **No use of children as messengers.** The parties will communicate directly with each other on matters concerning the children and may not use the children as messengers between them.

PETITIONER:	CASE NUMBER:
RESPONDENT:	
OTHER PARENT/PARTY:	

9. **Alcohol or substance abuse.** The petitioner respondent other parent/party may not consume alcoholic beverages, narcotics, or restricted dangerous drugs (except by prescription) within (*specify number*): _____ hours prior to or during periods of time with the children and may not permit any third party to do so in the presence of the children.
10. **No exposure to cigarette smoke.** The parties will not expose the children to secondhand cigarette smoke.
11. **No interference with schedule of any party without that party's consent.** The parties will not schedule activities for the children during the other party's scheduled visitation (parenting time) without the other party's prior agreement.
12. **Third-party contact.**
- The children will have no contact with (*specify name*): _____
 - The children must not be left alone in the presence of (*specify name*): _____
13. **Children's clothing and belongings.**
- Each party will maintain clothing for the children so that the children do not have to make the exchanges with additional clothing.
 - The children will be returned to the other party with the clothing and other belongings they had when they arrived.
14. **Log book.** The parties will maintain a "log book" and make sure that the book is sent with the children between their homes. Using businesslike notes (no personal comments), parties will record information related to the health, education, and welfare issues that arise during the time the children are with them.
15. **Terms and conditions of order may be changed.** The terms and conditions of this order may be added to or changed as the needs of the children and parties change. Such changes will be in writing, dated and signed by the parties; each party will retain a copy. If the parties want a change to be a court order, it must be filed with the court in the form of a court document.
16. **Other (*specify*):** _____

PETITIONER: _____ RESPONDENT: _____ OTHER PARENT/PARTY: _____	CASE NUMBER: _____
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JOINT LEGAL CUSTODY ATTACHMENT

TO **Petition** **Response** **Request for Order** **Responsive Declaration to Request for Order**
 Stipulation and Order for Custody and/or Visitation of Children **Findings and Order After Hearing or Judgment**

1. The parties (*specify*): Petitioner Respondent Other parent/party will have joint legal custody of the children.
2. In exercising joint legal custody, the parties will share in the responsibility and discuss in good faith matters concerning the health, education, and welfare of the children. The parents must discuss and consent in making decisions on the following matters:
 - a. Enrollment in or leaving a particular private or public school or daycare center
 - b. Beginning or ending of psychiatric, psychological, or other mental health counseling or therapy
 - c. Participation in extracurricular activities
 - d. Selection of a doctor, dentist, or other health professional (except in emergency situations)
 - e. Out-of-country or out-of-state travel
 - f. Other (*specify*):

In all other matters in exercising joint legal custody, the parties may act alone, as long as the action does not conflict with any orders concerning the physical custody of the children.

3. If a party does not obtain the consent of the other party to those items in 2, which are granted as court orders:
 - a. He or she may be subject to civil or criminal penalties.
 - b. The court may change the legal and physical custody of the minor children.
 - c. Other consequences (*specify*):
4. **Special decision making designation.**
 - a. The petitioner respondent other parent/party will be responsible for making decisions regarding the the following issues (*specify*):
 - b. Each party will have access to the children's school, medical, and dental records, and the right to consult with professionals who are providing services to the children.
5. **Health-care notification.**
 - a. Each party must notify the other of the name and address of each health practitioner who examines or treats the children; such notification must be made within (*specify number*): _____ days of the commencement of the first such treatment or examination.
 - b. Each party is authorized to take any and all actions necessary to protect the health and welfare of the children, including but not limited to consent to emergency surgical procedures or treatment. The party authorizing such emergency treatment must notify the other party as soon as possible of the emergency situation and of all procedures or treatment administered to the children.
 - c. The parties are required to administer any prescribed medications for the children.
6. **School notification.** Each party will be designated as a person the children's school will contact in the event of an emergency.
7. **Name.** The parties will not change the last name of the children or have a different name used on the children's medical, school, or other records without the written consent of the other party.
8. Other (*specify*):