

# **REQUEST FOR ORDER**

**(With request for emergency orders)**

## **Family Law**

What you will find in this packet:

- **Request for Order with Temporary Emergency Orders Instructions** (FamLaw-007a)
- **Temporary Emergency Court Orders** (FL-305)
- **Child Abduction Prevention Order Attachment** (FL-341(B))
- **Request for Child Abduction Prevention Order** (FL-312)
- **Declaration To Support Request for Order Shortening Time For Service and Hearing** (FamLaw-007b)
- **Information About Emergency Orders** (FamLaw-007c)
- **Additional Page** (MC-020)
- **Ex Parte Intake Form-with Children** (FamLaw-213)
- **Notice Upon Ex Parte Application for Orders Coversheet** (FamLaw-206)
- **Declaration Re Notice Upon Ex Parte Application For Orders** (FamLaw-107)
- **Serving the Other Parties – Request for Order** (FamLaw-104c)
- **Responsive Declaration to Request for Order** (FL-320)
- **Proof of Personal Service** (FL-330)
- **Information Sheet for Proof of Personal Service** (FL-330-INFO)

***You Can Get Court Forms FREE at: [www.cc-courts.org/forms](http://www.cc-courts.org/forms)***

*If you don't find what you're looking for here, you may want to check out the additional resources listed on the back of this page*

# How to Set or Change **EMERGENCY** Custody, Visitation, Support and/or Other Orders

**NOTE:** These forms are not to be filed by themselves. They can only be filed as a SUPPLEMENT to the forms in the packet on “How to Set or Change Custody, Visitation, Support and/or Other Orders”

<b>STEP 1</b>	Read Local Rules 5.2, 5.3 and 5.4 (available at <a href="http://www.cc-courts.org">www.cc-courts.org</a> )
<b>STEP 2</b>	<p>Complete:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> <b>How to Set or Change Custody, Visitation, Support and/or Other Orders</b> packet.</li> <li><input type="checkbox"/> <b>Notice Upon Ex-Parte Application for Orders</b> (FamLaw-206)</li> <li><input type="checkbox"/> <b>Temporary Emergency (Ex Parte) orders</b> (FL-305)</li> </ul> <p>If needed:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> <b>Declaration to Support Request for Order Shortening Time for Service and Hearing</b> (FamLaw-007b) (optional – use only if needed)</li> <li><input type="checkbox"/> <b>Ex Parte Intake Form</b> (FamLaw-213) (<b>CONFIDENTIAL</b> – for court use only. Do NOT serve on the other party. Use <u>ONLY</u> if there are children in the case)</li> <li><input type="checkbox"/> <b>Interpreter Request</b> (MC-300e&amp;s) (Optional – use only if need an interpreter) Available on the Court’s Website or upon request at any filing window</li> </ul>
<b>STEP 3</b>	<p>The law requires you to give 1 copy of the forms to the other party before 10:00 am the day <u>before</u> you want the judge to read them. After you deliver the copy to the other party or parties, complete:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> <b>Declaration Re: Notice Upon Ex Parte Application for Orders</b> (FamLaw-107)</li> </ul>
<b>STEP 4</b>	<p>Depending on where your case is assigned, deliver the originals of all your documents to the Ex Parte window at:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> the Spinetta Family Law Center, 751 Pine Street in Martinez; OR</li> <li><input type="checkbox"/> the Arnason Justice Center at 1000 Civic Drive in Pittsburg.</li> </ul> <p>A fee or fee waiver may be required. You will be given a telephone number to call to check if your documents are ready for pick up.</p>
<b>STEP 5</b>	When your documents are ready for pick-up, you will pick them up at the Ex Parte window at the Spinetta or Arnason courthouse. The clerk will give you instructions on next steps.

ATTORNEY OR PARTY WITHOUT ATTORNEY: _____ STATE BAR NO.: _____ NAME: _____ FIRM NAME: _____ STREET ADDRESS: _____ CITY: _____ STATE: _____ ZIP CODE: _____ TELEPHONE NO.: _____ FAX NO.: _____ E-MAIL ADDRESS: _____ ATTORNEY FOR (name): _____	<b>FOR COURT USE ONLY</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF _____</b> STREET ADDRESS: _____ MAILING ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____	
PETITIONER: _____ RESPONDENT: _____ OTHER PARENT/PARTY: _____	
<b>TEMPORARY EMERGENCY (EX PARTE) ORDERS</b> <input type="checkbox"/> Child Custody <input type="checkbox"/> Visitation (Parenting Time) <input type="checkbox"/> Property Control <input type="checkbox"/> Other (specify): _____	CASE NUMBER: _____

1. **TO (name(s)):** \_\_\_\_\_  
☐ Petitioner    ☐ Respondent    ☐ Other Parent/Party    ☐ Other (specify): \_\_\_\_\_

A court hearing will be held on the *Request for Order* (form FL-300) served with this order, as follows:

a. Date:	Time:	Dept.:	Room:
b. Address of court	<input type="checkbox"/> same as noted above	<input type="checkbox"/> other (specify): _____	

2. **Findings:** Temporary emergency (ex parte) orders are needed to: (a) help prevent an immediate loss or irreparable harm to a party or to children in the case, (b) help prevent immediate loss or damage to property subject to disposition in the case, or (c) set or change procedures for a hearing or trial.

**COURT ORDERS:** The following temporary emergency orders expire on the date and time of the hearing scheduled in (1), unless extended by court order:

3. ☐ **CHILD CUSTODY**

	<u>Date of Birth</u>	<u>Temporary physical custody, care, and control to:</u>		
a. <u>Child's name</u>		Petitioner	Respondent	Other Party/Parent

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Continued on Attachment 3(a)

b. ☐ **Visitation (Parenting Time)** The temporary orders for physical custody, care, and control of the minor children in (3) are subject to the other party's or parties' rights of visitation (parenting time) as follows (specify): \_\_\_\_\_

☐ See Attachment 3(b)

**THIS IS A COURT ORDER.**

Page 1 of 2

PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	CASE NUMBER:
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3. ☐ **CHILD CUSTODY (continued)**

c. **Travel restrictions**

- (1) The party or parties with temporary physical custody, care, and control of minor children **must not remove the minor children from the state of California unless the court allows it after a noticed hearing.**
- (2) ☐ Petitioner ☐ Respondent ☐ Other Parent/Party must not remove their minor children (*specify*):
- (a) ☐ from the state of California.
- (b) ☐ from the following counties (*specify*):
- (c) ☐ other (*specify*):

d. ☐ **Child abduction prevention orders** are attached (see form FL-341(B)).

e. (1) **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).

(2) **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.

(3) **Country of habitual residence:** The country of habitual residence of the child or children is (*specify*):

☐ The United States of America ☐ Other (*specify*):

(4) **If you violate this order, you may be subject to civil or criminal penalties, or both.**

4. ☐ **PROPERTY CONTROL**

a. ☐ Petitioner ☐ Respondent ☐ Other Parent/Party is given exclusive temporary use, possession, and control of the following property that the parties ☐ own or are buying ☐ lease or rent

b. ☐ Petitioner ☐ Respondent ☐ Other Parent/Party is ordered to make the following payments on the liens and encumbrances coming due while the order is in effect:

Pay to:	For:	Amount: \$	Due date:
Pay to:	For:	Amount: \$	Due date:
Pay to:	For:	Amount: \$	Due date:
Pay to:	For:	Amount: \$	Due date:

5. ☐ All other existing orders, not in conflict with these temporary emergency orders, remain in full force and effect.

6. ☐ **OTHER ORDERS** (*specify*): ☐ Additional orders are listed in Attachment 6.

Date: \_\_\_\_\_

\_\_\_\_\_  
JUDGE OF THE SUPERIOR COURT

**THIS IS A COURT ORDER.**

PETITIONER:	CASE NUMBER:
RESPONDENT:	

## CHILD ABDUCTION PREVENTION ORDER ATTACHMENT

TO ☐ **Child Custody and Visitation Order Attachment (form FL-341(A))** ☐ **Other (specify):**

1. **The court finds there is a risk that (specify name of parent):** **will take the child without permission because that parent (check all that apply):**

- a. ☐ has violated—or threatened to violate—a custody or visitation order in the past.
- b. ☐ does not have strong ties to California.
- c. ☐ has done things that make it easy for him or her to take the children away without any permission, such as (check all that apply):
- ☐ quit a job. ☐ sold his or her home.
- ☐ closed a bank account. ☐ ended a lease.
- ☐ sold or gotten rid of assets. ☐ hidden or destroyed documents.
- ☐ applied for a passport, birth certificate, or school or medical records.
- ☐ Other (specify):
- d. ☐ has a history of (check all that apply):
- ☐ domestic violence.
- ☐ child abuse.
- ☐ not cooperating with the other parent in parenting.
- e. ☐ has a criminal record.
- f. ☐ has family or emotional ties to another country, state, or foreign country.

(NOTE: If item "f" is checked, at least one other factor must be checked, too.)

## THE COURT ORDERS, to prevent the parent in item 1 from taking the children without permission:

2. ☐ **Supervised visitation.** Terms of visitation are (check one):
- ☐ as specified on attached form FL-341(A) ☐ as follows:
3. ☐ **The parent in item 1 must post a bond for \$** . The terms of the bond are (specify):
4. ☐ **The parent in item 1 must not move from the following locations with the children** without permission in writing from the other parent or a court order:
- ☐ Current residence ☐ Current school district (specify):
- ☐ This county ☐ Other (specify):
5. ☐ **The parent in item 1 must not travel with the children out of (check all that apply):**
- ☐ this county. ☐ the United States.
- ☐ California. ☐ other (specify):
6. ☐ **The parent in item 1 must register this order** in the state of (specify): before the children can travel to that state for visits.
7. ☐ **The parent in item 1 must not apply for a passport or any other document,** such as a visa or birth certificate, that can be used for travel, and must turn in the following documents (specify):

PETITIONER:	CASE NUMBER:
RESPONDENT:	

8. ☐ **The parent in item 1 must give the other parent the following *before* traveling with the children:**
- ☐ The children's travel itinerary
  - ☐ Copies of round-trip airline tickets
  - ☐ Addresses and telephone numbers where the children can be reached at all times
  - ☐ An open airline ticket for the other parent in case the children are not returned
  - ☐ Other (*specify*):
9. ☐ **The parent in item 1 must notify the embassy or consulate** of (*specify country*): \_\_\_\_\_ of  
this order and provide the court with proof of that notification within (*specify number*): \_\_\_\_\_ days.
10. ☐ **The parent in item 1 must get a custody and visitation order** equivalent to the most recent U.S. order before the children may travel to that country for visits. The court recognizes that foreign orders may be changed or enforced according to the laws of that country.
11. ☐ **Enforcing the order.** The court authorizes any law enforcement officer to enforce this order. In this county, contact the Child Abduction Unit of the Office of the District Attorney at (*phone number and address*): \_\_\_\_\_
12. ☐ **Other** (*specify*): \_\_\_\_\_
13. This order is valid in other states and in any country that has signed the Hague Convention on Child Abduction.

**NOTICE TO AUTHORITIES IN OTHER STATES AND COUNTRIES**

This court has jurisdiction to make child custody orders under California's Uniform Child Custody Jurisdiction and Enforcement Act (California Fam. Code, § 3400 et seq.) and the Hague Convention on Civil Aspects of International Child Abduction (42 U.S.C. § 11601 et seq.). If jurisdiction is based on other factors, they are listed in item 12 above.

Date:

\_\_\_\_\_  
JUDICIAL OFFICER

PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	CASE NUMBER:
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### 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 and explain your answers in the space provided in this section):
 

<input type="checkbox"/> domestic violence.	<input type="checkbox"/> child abuse.	<input type="checkbox"/> not cooperating with me in parenting.
<input type="checkbox"/> taking the children without my permission.		

*Explain your answers to item d.*
  - 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). I understand that the person I request to supervise the visits must meet the qualifications listed in *Declaration of Supervised Visitation Provider* (form FL-324)  
 The specific terms are attached (check one): ☐ form FL-311 ☐ 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 \_\_\_\_\_ and provide the court with proof of the registration before the children can travel to that state for child 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 and other documents (such as visas, birth certificates, and other documents used for travel) that are in his or her possession and control.  
☐ preventing the party from applying for passports or other documents (such as visas or birth certificates) that can be used to travel with the children.
  
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 at all times.  
☐ 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.
  
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 )



**DECLARATION TO SUPPORT REQUEST FOR  
ORDER SHORTENING TIME FOR SERVICE AND HEARING**

This image shows a blank sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

Date:

# FAMILY LAW

## INFORMATION ABOUT EMERGENCY ORDERS

California Rules of Court §1.151 states that the purpose of a request for emergency orders is to address matters that cannot be heard on the court's regular hearing calendar. In this type of proceeding, notice to the other party is shorter than in other proceedings. Notice to the other party can also be waived under exceptional and other circumstances as provided in these rules. The process is used to request that the court:

- (1) Make orders to help prevent an immediate danger or irreparable harm to a party or to the children involved in the matter;
- (2) Make orders to help prevent immediate loss or damage to property subject to disposition in the case; or
- (3) Make orders about procedural matters, including the following:
  - (A) Setting a date for a hearing on the matter that is sooner than that of a regular hearing (granting an order shortening time for hearing);
  - (B) Shortening or extending the time required for the moving party to serve the other party with the notice of the hearing and supporting papers (grant an order shortening time for service); and
  - (C) Continuing a hearing or trial.

Your declaration must tell the judge why this is such an **emergency** that it cannot be heard on the regular court calendar. Your declaration must also:

- contain **facts** that show the judge that irreparable harm or immediate danger will result if the matter is not heard on an emergency basis;
- disclose any previous applications that you have made for emergency relief on the same issue and whether any orders were made on those requests;
- disclose the name, address and telephone number of any attorneys involved in the case;
- tell the judge whether a change in the current situation will result if your order is granted. If you fail to do this and the other side has an attorney, you may have to pay the other side's attorney's fees.

If you are asking for emergency orders for custody or visitation, your declaration must contain the following information:

- detailed descriptions of the most recent incidents that show that **immediate** harm to the child will result if your request is not granted;
- or, if you think the other party plans to remove the child from the State, describe incidents that make you think the other party is going to take the child;
- specific dates of the incidents;
- a description of the current custody orders and a description of where and with whom the child is currently living

SHORT TITLE: _____	CASE NUMBER: _____
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1	_____
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22	_____
23	_____
24	_____
25	_____

26	(Required for verified pleading) The items on this page stated on information and belief are (specify item numbers, <b>not</b> line numbers):
27	<div>This page may be used with any Judicial Council form or any other paper filed with the court.</div> <div>Page _____</div>

# EX PARTE INTAKE FORM (CASES WITH CHILDREN)

**Office Use Only**

☐ Change of Custody ☐ Other  
☐ Initial Custody Order

## How This Form Will Be Used

This form is **CONFIDENTIAL** and will not be part of the public file in this case. You are required to complete and submit this form to the court. THIS INFORMATION IS FOR OFFICIAL USE ONLY. If you are seeking a custody order, the information you provide will be used by the court to assist the court in conducting a background check on all parties seeking custody of the minor child(ren) subject to this action for the purpose of determining whether to award custody to you. You **must** provide a response to each item.

\*\*\*\***CONFIDENTIAL**\*\*\*\*

### PRINT ONLY

## YOUR INFORMATION

LAST NAME FIRST NAME MIDDLE NAME

OTHER NAMES USED OR NICKNAMES

CASE NUMBER

STREET ADDRESS CITY STATE ZIP CODE

( ) ( ) ( )

HOME TELEPHONE NUMBER WORK TELEPHONE NUMBER OTHER TELEPHONE NUMBER

DATE OF BIRTH SOCIAL SECURITY NUMBER DRIVER'S LICENSE NUMBER STATE

## OTHER PARENT

LAST NAME FIRST NAME MIDDLE NAME

OTHER NAMES USED OR NICKNAMES

STREET ADDRESS CITY STATE ZIP CODE

SOCIAL SECURITY NUMBER DRIVER'S LICENSE NUMBER STATE

SEX: ☐ MALE ☐ FEMALE DATE OF BIRTH: OR HEIGHT: WEIGHT:

APPROX. AGE

RACE:

☐ WHITE ☐ BLACK ☐ HISPANIC  
☐ ASIAN ☐ AMERICAN INDIAN ☐ PACIFIC ISLANDER ☐ Other

EYE COLOR: HAIR COLOR:

☐ BLACK ☐ HAZEL ☐ BLACK ☐ RED  
☐ BLUE ☐ GREEN ☐ BLONDE ☐ GRAY  
☐ BROW ☐ GRAY ☐ BROWN ☐ Other

Name(s) and Date of Birth of your child(ren):	Name:	Name:	Name:
	DOB:	DOB:	DOB:
	Name:	Name:	Name:
	DOB:	DOB:	DOB:

Date: (Type or print name) (Signature)

### FOR OFFICE USE ONLY

Received by: Date:

## Re: NOTICE UPON EX-PARTE APPLICATION FOR ORDERS

DATE: \_\_\_\_\_

FROM: \_\_\_\_\_

TO: \_\_\_\_\_

Attached please find copies of an Ex-Parte Request for Orders.

Pursuant to Local rule 5.2(b), I am hereby giving you 24 hours' notice of my intent to submit an Ex-Parte request to the Court. If you wish to respond:

<b>STEP 1</b>	<p>You have <u>24 hours</u> from the time you receive these documents to complete the attached <b>Responsive Declaration to Request for Order</b> (FL-320) and deliver it during regular court hours:</p> <ul style="list-style-type: none"><li><input type="checkbox"/> for cases assigned to Martinez, the Ex Parte window at: 751 Pine Street in Martinez; OR</li><li><input type="checkbox"/> for cases assigned to Pittsburg, the DV/Ex Parte window at: 1000 Center Drive in Pittsburg.</li></ul>
<b>STEP 2</b>	<p>After the Ex Parte application has been processed, you can pick up your response at the Ex Parte window during business hours.</p> <p>You should then file the Response and pay any required fee.</p>
<b>STEP 3</b>	<p>Serve copies by mail on all the other parties in your case.</p>

Court hours are Monday through Friday, 8:00 am to 3:00 pm, excluding holidays.

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF CONTRA COSTA**

Petitioner:	)	Case No:
	)	
vs.	)	Declaration Re Notice
	)	Upon Ex Parte Application
Respondent:	)	For Orders
	)	
Other Parent/Claimant:	)	
_____	)	

I, \_\_\_\_\_, declare:

1. That I am (Counsel for) (Petitioner) (Respondent) (Other: \_\_\_\_\_) in the within action. The application for ex parte orders will be submitted to the Family Law Department in Martinez, (751 Pine Street, Martinez, CA) on \_\_\_\_\_ (date) at \_\_\_\_\_ (time.)

2. That pursuant to local rules of court, I *have* given notice of this Ex Parte request **by having copies of the Declaration and all supporting documentation along with the proposed order delivered to the opposing party(ies) in the following manner:**

**Notice was sent to:** \_\_\_\_\_ (name of party)

\_\_\_\_ (a) By personal service on (date) \_\_\_\_\_, 201\_\_ at  
(location) \_\_\_\_\_, California at \_\_\_\_\_ a.m. /p.m.

\_\_\_\_ (b) By mail on \_\_\_\_\_, 201\_\_; **addressed as follows:**  
\_\_\_\_\_ (provide mailing address.)

\_\_\_\_ (c) By facsimile (fax) on \_\_\_\_\_, 201\_\_, at \_\_\_\_\_ a.m. /p.m., sent to  
fax number ( ) \_\_\_\_\_.

3. The opposing party has responded to my notice in the following manner:

\_\_\_\_ 4. I *have not* given notice of the present application for Ex Parte Orders for the following reason(s) indicated:

\_\_\_\_ (a) Notice of this application would frustrate the purpose of the order sought herein.  
**EXPLAIN:** \_\_\_\_\_

\_\_\_\_ (b) The applicant would suffer immediate and irreparable harm before the other party could be heard in opposition. **EXPLAIN:** \_\_\_\_\_

\_\_\_\_ (c) No significant direct burden or inconvenience to the other party is likely to result from the orders sought. **EXPLAIN:** \_\_\_\_\_

\_\_\_\_ (d) I made the following reasonable and good faith effort to notify the other party and further efforts to give notice would probably be futile or unduly burdensome.  
**EXPLAIN:** \_\_\_\_\_

\_\_\_\_ Other: \_\_\_\_\_

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

Dated: \_\_\_\_\_

Sign: \_\_\_\_\_

# **FAMILY LAW REQUEST FOR ORDER**

## **SERVING THE OTHER PARTIES** **Request for Order With Temporary Emergency Orders**

1. You must serve a copy of each filed document on the other side. You must include a blank Responsive Declaration to Request for Order form (FL-320) If you filed a Declaration Under UCCJEA form (FL-105), you must include a blank FL-105. If you filed an Income and Expense Declaration form (FL-150,) you must include a blank FL-150.
2. A Request for Order must be served personally if it contains temporary emergency orders or an order shortening time for hearing or service,
3. Read the Information Sheet for Proof of Personal Service (FL-330-INFO) if you are serving the other side personally.
4. If you are not sure about service rules, come to the Help Desk at 751 Pine Street after you file your documents for information about serving the other side.
5. REMEMBER: YOU CANNOT SERVE YOUR OWN DOCUMENTS. SERVICE MUST BE DONE BY SOMEONE WHO IS OVER EIGHTEEN AND NOT A PARTY TO THE CASE.
6. Be sure to file the original and a copy of the proof of service.
7. SERVICE is a very important step; if you do not serve the other side correctly, the judge may not hear your case on the day of the hearing.

1. ☐ RESTRAINING ORDER INFORMATION

a. ☐ No domestic violence restraining/protective orders are now in effect between the parties in this case.

b. ☐ I agree that one or more domestic violence restraining/ protective orders are now in effect between the parties in this case.

2. ☐ CHILD CUSTODY

☐ VISITATION (PARENTING TIME)

a. ☐ I consent to the order requested for child custody (legal and physical custody).

b. ☐ I consent to the order requested for visitation (parenting time).

c. ☐ I do not consent to the order requested for ☐ child custody ☐ visitation (parenting time)  
☐ but I consent to the following order:

3. ☐ CHILD SUPPORT

a. I have completed and filed a current *Income and Expense Declaration* ([form FL-150](#)) or, if eligible, a current *Financial Statement (Simplified)* ([form FL-155](#)) to support my responsive declaration.

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:

4. ☐ SPOUSAL OR DOMESTIC PARTNER SUPPORT

a. I have completed and filed a current *Income and Expense Declaration* ([form FL-150](#)) to support my responsive declaration.

b. ☐ I consent to the order requested.

c. ☐ I do not consent to the order requested ☐ but I consent to the following order:



PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	CASE NUMBER:
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5. ☐ PROPERTY CONTROL
- a. ☐ I consent to the order requested.
- b. ☐ I do not consent to the order requested ☐ but I consent to the following order:
- 
6. ☐ ATTORNEY'S FEES AND COSTS
- a. I have completed and filed a current *Income and Expense Declaration* ([form FL-150](#)) to support my responsive declaration.
- b. I have completed and filed with this form a *Supporting Declaration for Attorney's Fees and Costs Attachment* ([form FL-158](#)) or a declaration that addresses the factors covered in that form.
- c. ☐ I consent to the order requested.
- d. ☐ I do not consent to the order requested ☐ but I consent to the following order:
- 
7. ☐ DOMESTIC VIOLENCE ORDER
- a. ☐ I consent to the order requested.
- b. ☐ I do not consent to the order requested ☐ but I consent to the following order:
- 
8. ☐ OTHER ORDERS REQUESTED
- a. ☐ I consent to the order requested.
- b. ☐ I do not consent to the order requested ☐ but I consent to the following order:
- 
9. ☐ TIME FOR SERVICE / TIME UNTIL HEARING
- a. ☐ I consent to the order requested.
- b. ☐ I do not consent to the order requested ☐ but I consent to the following order:
- 
10. ☐ FACTS TO SUPPORT my responsive declaration are listed below. The facts that I write and attach to this form cannot be longer than 10 pages, unless the court gives me permission. ☐ [Attachment 10.](#)

I declare under penalty of perjury under the laws of the State of California that the information provided in this form and all attachments is true and correct.

Date:

\_\_\_\_\_  
(TYPE OR PRINT NAME)



\_\_\_\_\_  
(SIGNATURE OF DECLARANT)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):  <hr/> TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	<b>FOR COURT USE ONLY</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b>  STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER: _____ RESPONDENT: _____ OTHER PARTY: _____	
GUARDIANSHIP OF (Name): _____ Minor	CASE NUMBER: _____
<b>DECLARATION UNDER UNIFORM CHILD CUSTODY JURISDICTION AND ENFORCEMENT ACT (UCCJEA)</b>	

1. I am a party to this proceeding to determine custody of a child.
2. ☐ My present address and the present address of each child residing with me is confidential under Family Code section 3429 as I have indicated in item 3.
3. There are (specify number): \_\_\_\_\_ minor children who are subject to this proceeding, as follows:  
*(Insert the information requested below. The residence information must be given for the last FIVE years.)*

a. Child's name		Place of birth	Date of birth	Sex
Period of residence to present	Address <input type="checkbox"/> Confidential	Person child lived with (name and complete current address) <input type="checkbox"/> Confidential	Relationship	
to	Child's residence (City, State)	Person child lived with (name and complete current address)		
to	Child's residence (City, State)	Person child lived with (name and complete current address)		
to	Child's residence (City, State)	Person child lived with (name and complete current address)		
b. Child's name		Place of birth	Date of birth	Sex
<input type="checkbox"/> Residence information is the same as given above for child a. (If NOT the same, provide the information below.)				
Period of residence to present	Address <input type="checkbox"/> Confidential	Person child lived with (name and complete current address) <input type="checkbox"/> Confidential	Relationship	
to	Child's residence (City, State)	Person child lived with (name and complete current address)		
to	Child's residence (City, State)	Person child lived with (name and complete current address)		
to	Child's residence (City, State)	Person child lived with (name and complete current address)		

- c. ☐ Additional residence information for a child listed in item a or b is continued on attachment 3c.
- d. ☐ Additional children are listed on form FL-105(A)/GC-120(A). (Provide all requested information for additional children.)

SHORT TITLE: _____	CASE NUMBER: _____
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4. Do you have information about, or have you participated as a party or as a witness or in some other capacity in, another court case or custody or visitation proceeding, in California or elsewhere, concerning a child subject to this proceeding?

☐ Yes ☐ No (If yes, attach a copy of the orders (if you have one) and provide the following information):

Proceeding	Case number	Court (name, state, location)	Court order or judgment (date)	Name of each child	Your connection to the case	Case status
a. <input type="checkbox"/> Family						
b. <input type="checkbox"/> Guardianship						
c. <input type="checkbox"/> Other						

Proceeding	Case Number	Court (name, state, location)
d. <input type="checkbox"/> Juvenile Delinquency/ Juvenile Dependency		
e. <input type="checkbox"/> Adoption		

5. ☐ One or more domestic violence restraining/protective orders are now in effect. (Attach a copy of the orders if you have one and provide the following information):

Court	County	State	Case number (if known)	Orders expire (date)
a. <input type="checkbox"/> Criminal				
b. <input type="checkbox"/> Family				
c. <input type="checkbox"/> Juvenile Delinquency/ Juvenile Dependency				
d. <input type="checkbox"/> Other				

6. Do you know of any person who is not a party to this proceeding who has physical custody or claims to have custody of or visitation rights with any child in this case? ☐ Yes ☐ No (If yes, provide the following information):

<p>a. Name and address of person</p>   <p><input type="checkbox"/> Has physical custody  <input type="checkbox"/> Claims custody rights  <input type="checkbox"/> Claims visitation rights</p> <p>Name of each child</p>	<p>b. Name and address of person</p>   <p><input type="checkbox"/> Has physical custody  <input type="checkbox"/> Claims custody rights  <input type="checkbox"/> Claims visitation rights</p> <p>Name of each child</p>	<p>c. Name and address of person</p>   <p><input type="checkbox"/> Has physical custody  <input type="checkbox"/> Claims custody rights  <input type="checkbox"/> Claims visitation rights</p> <p>Name of each child</p>
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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)

7. ☐ Number of pages attached: \_\_\_\_\_

**NOTICE TO DECLARANT: You have a continuing duty to inform this court if you obtain any information about a custody proceeding in a California court or any other court concerning a child subject to this proceeding.**

CASE NAME: _____	CASE NUMBER: _____
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**ATTACHMENT TO  
DECLARATION UNDER UNIFORM CHILD CUSTODY JURISDICTION AND ENFORCEMENT ACT (UCCJEA)**

_____ Child's name <input type="checkbox"/> Residence information is the same as given on form FL-105/GC-120 for child a. (If NOT the same, provide the information below.)		Place of birth	Date of birth	Sex
Period of residence	Present address	Person child lived with (name and complete current address)	Relationship	
to present	<input type="checkbox"/> Confidential	<input type="checkbox"/> Confidential		
to	Child's residence (City, State)	Person child lived with (name and complete current address)		
to	Child's residence (City, State)	Person child lived with (name and complete current address)		
to	Child's residence (City, State)	Person child lived with (name and complete current address)		

  

_____ Child's name <input type="checkbox"/> Residence information is the same as given on form FL-105/GC-120 for child a. (If NOT the same, provide the information below.)		Place of birth	Date of birth	Sex
Period of residence	Address	Person child lived with (name and complete current address)	Relationship	
to present	<input type="checkbox"/> Confidential	<input type="checkbox"/> Confidential		
to	Child's residence (City, State)	Person child lived with (name and complete current address)		
to	Child's residence (City, State)	Person child lived with (name and complete current address)		
to	Child's residence (City, State)	Person child lived with (name and complete current address)		

  

_____ Child's name <input type="checkbox"/> Residence information is the same as given on form FL-105/GC-120 for child a. (If NOT the same, provide the information below.)		Place of birth	Date of birth	Sex
Period of residence	Address	Person child lived with (name and complete current address)	Relationship	
to present	<input type="checkbox"/> Confidential	<input type="checkbox"/> Confidential		
to	Child's residence (City, State)	Person child lived with (name and complete current address)		
to	Child's residence (City, State)	Person child lived with (name and complete current address)		
to	Child's residence (City, State)	Person child lived with (name and complete current address)		

ATTORNEY OR PARTY WITHOUT ATTORNEY OR GOVERNMENTAL AGENCY (under Family Code, §§ 17400, 17406 <i>(Name, State Bar number, and address):</i>         TELEPHONE NO.: _____ FAX NO.: _____ ATTORNEY FOR <i>(Name)</i> : _____	<b>FOR COURT USE ONLY</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF _____</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	CASE NUMBER:  <i>(If applicable, provide):</i> HEARING DATE: HEARING TIME: DEPT.:
PETITIONER/PLAINTIFF:  RESPONDENT/DEFENDANT:  OTHER PARENT/PARTY:	
<b>PROOF OF PERSONAL SERVICE</b>	

1. I am at least 18 years old, not a party to this action, and not a protected person listed in any of the orders.
2. Person served *(name)*:
3. I served copies of the following documents *(specify)*:
  
4. By personally delivering copies to the person served, as follows:
 

a. Date:	b. Time:
c. Address:	
  
5. I am
 

a. <input type="checkbox"/> not a registered California process server.	d. <input type="checkbox"/> exempt from registration under Business & Profession Code section 22350(b).
b. <input type="checkbox"/> a registered California process server.	
c. <input type="checkbox"/> an employee or independent contractor of a registered California process server.	e. <input type="checkbox"/> a California sheriff or marshal.
6. My name, address, and telephone number, and, if applicable, county of registration and number *(specify)*:
  
7. ☐ I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
8. ☐ I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date:

(TYPE OR PRINT NAME OF PERSON WHO SERVED THE PAPERS)	 (SIGNATURE OF PERSON WHO SERVED THE PAPERS)
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## INFORMATION SHEET FOR PROOF OF PERSONAL SERVICE

Use these instructions to complete the *Proof of Personal Service* (form FL-330).

A person at least 18 years of age or older must serve the documents. There are two ways to serve documents: (1) personal delivery and (2) by mail. See the *Proof of Service by Mail* (form FL-335) if the documents are being served by mail. The person who serves the documents must complete a proof of service form for the documents being served. **You cannot serve documents if you are a party to the action.**

### INSTRUCTIONS FOR THE PERSON WHO SERVES THE DOCUMENTS (TYPE OR PRINT IN BLACK INK)

You must complete a proof of service for each package of documents you serve. For example, if you serve the respondent and the other parent, you must complete two proofs of service; one for the respondent and one for the other parent.

*Complete the top section of the proof of service forms as follows:*

**First box, left side:** In this box print the name, address, and phone number of the person for whom you are serving the documents.

**Second box, left side:** Print the name of the county in which the legal action is filed and the court's address in this box. Use the same address for the court that is on the documents you are serving.

**Third box, left side:** Print the names of the petitioner/plaintiff, respondent/defendant, and other parent in this box. Use the same names listed on the documents you are serving.

**First box, top of form, right side:** Leave this box blank for the court's use.

**Second box, right side:** Print the case number in this box. This number is also stated on the documents you are serving.

**Third box, right side:** Print the hearing date, time, and department. Use the same information that is on the documents you are serving.

1. You are stating that you are over the age of 18 and that you are neither a party of this action nor a protected person listed in any of the orders.
2. Print the name of the party to whom you handed the documents.
3. List the name of each document that you delivered to the party.
4.
  - a. Write in the date that you delivered the documents to the party.
  - b. Write in the time of day that you delivered the documents to the party.
  - c. Print the address where you delivered the documents.
5. Check the box that applies to you. If you are a private person serving the documents for a party, check box "a."
6. Print your name, address, and telephone number. If applicable, include the county in which you are registered as a process server and your registration number.
7. You must check this box if you are not a California sheriff or marshal. You are stating under penalty of perjury that the information you have provided is true and correct.
8. Do not check this box unless you are a California sheriff or marshal.

**Print your name, fill in the date, and sign the form.**

*If you need additional assistance with this form, contact the family law facilitator in your county.*