

RESPONSIVE DECLARATION General Overview of Process

1	COMPLETE PAPERS & MAKE COPIES	 Complete the following forms to respond: FL-320 Responsive Declaration MC-025 Declaration Form FL-150 Income and Expense Declaration* FLF Family Law Policies and Procedures Declaration* FL-335 Proof of Service by Mail or FL-330 Proof of Personal Service Respond to each request made by the other party in their FL-300 Request for Order 2-hole punch all original documents (if you want the Self-Help Center to review your documents before you file, then do not make copies until after the Self-Help Center reviews your documents) 		
2	SERVE THE OTHER PARTY A COPY OF LEGAL PAPERS	Someone other than you who is 18 years or older must mail the completed legal documents to the other party's mailing address. The envelope should contain a copy of the FL-320 Responsive Declaration and attached declaration, and if completed, a copy of the FL-150 Income and Expense Declaration. The other side must receive the documents 9 court days before the hearing. The person who mails the documents must sign, date and complete FL-335 Proof of Service by Mail.		
3	FILE LEGAL PAPERS & COMPLETED PROOF OF SERVICE	Take all originals plus 1 copy to the courthouse for filing. Bring money to pay the filing fee if you do not qualify for a fee waiver.		
4	MEDIATION IF REQUIRED	If your Request for Order is regarding a child custody or visitation issue, then you must attend the mediation appointment on the date, time and location that appears on item 6 of page 1 of the FL-300 Request for Order. If there is no mediation appointment, then you should call 706-3608 to schedule one.		
5	ATTEND YOUR HEARING	On the day of the hearing, arrive at least 15 minutes early. When the judge first calls your name, tell the judge how much time you expect your case to take. When your case is called for the hearing part, the judge may want to ask either party more questions. The court may also allow each of you to question the other side if there is a dispute over some facts, such as income.		
6	PREPARE THE COURT ORDER	The judge will generally grant or deny the request at the end of your hearing. The judge usually will order the party who requested the hearing to prepare a Findings and Order after Hearing for the judge to sign. If you are ordered to prepare the Findings and Order after Hearing, you will need a copy of the Case Summary from the hearing. The Case Summary will be available either at the end of your hearing or at the clerk's office shortly after the hearing for a small fee. If you need help preparing the Findings and Order after Hearing, visit the Self-Help Center / Family Law Facilitator for help.		

WHERE TO GET FORMS:

Internet: For free, you can log onto www.courts.ca.gov/forms.htm and hover over "Forms
& Rules" and then click on "Browse All Forms." You can locate the forms needed by the
Family Law form group and then by form number.
Court Clerk's Office: For \$5, you may go to any of the County Courthouses to purchase a
packet of blank forms

COSTS INVOLVED:

Filing Fee: \$60 filing fee for the Request for Order. There is an additional fee of \$25 to modify or enforce child custody or visitation orders. The court will also charge a first appearance fee of \$435 if it was not previously paid or waived. There will also be a \$30 fee if you want a court reporter present at your hearing. If you do not have a court reporter present at your hearing, you will not be able to request a transcript of your hearing in the future.

Fee Waiver: If you cannot afford to pay the fee mentioned above, you may obtain the forms to apply for a fee waiver on the internet at www.courts.ca.gov/forms.htm or at any of our Courthouses. The fee waiver forms are:

FW-001	Application	for Order	on Wai	ver of C	Court Fee	es and	Costs
FW-003	Order on A	plication	for Wai	ver of C	Court Fee	es and	Costs

THE DECLARATION IS AN IMPORTANT PART OF YOUR PAPERWORK:

The declaration is an important part of your case. Your declaration must explain all the reasons the court should grant the orders you are requesting. Your declaration is a persuasive document that provides the judge as much detail as you can give. Remember, it is the judge's job to reach conclusions. It is your job to give the judge facts, details, dates, description of events, etc. so that the judge can consider them in making a decision. In your declaration, you must answer the question about why the judge should grant the orders you are requesting. On the day of the hearing, you may forget to tell the judge important facts. So, do your best to include in your declaration all the facts and details you want the judge to consider.

Your declaration may be up to 10 pages long, double-spaced using 12 point font. When writing or typing your declaration, keep in mind the judge will have to read this and refer to it at your hearing. Use descriptive headings for your paragraphs. This should tell the judge what the paragraph is about. You should start with the most important issue and the most recent event. When the judge is finished reading your declaration there should be no doubt about what you want, why you want it and why the judge should do what you want.

ATTACHING DOCUMENTS TO YOUR DECLARATION - EXHIBITS

Exhibits are documents that support something you are saying in your declaration. If you believe there are documents the judge should read, you may attach them to your declaration. You must properly describe the document in your declaration by stating what the document is, what exhibit number you have assigned it and why the document is important for the judge to consider. Your exhibit number will start with a P if you are the Petitioner and an R if you are the Respondent. If you previously filed exhibits then start with the number following your last exhibit. For example:

Attached as Exhibit P1 is a true and correct copy of my paystubs for the last 3 months which show that my gross monthly income is \$1550.

ORDERS YOU MAY BE RESPONDING TO:

You may only respond to requests made in the Request for Order. **Legal Custody**: Legal custody deals with the parents' right to make the decisions relating to the child's health, education and welfare. One or both parents can have legal custody. If both parents are making decisions about the child it is called joint legal custody. When writing your declaration you need to explain why it is in the child's best interest for one or both parents to make these decisions. **Physical Custody:** Physical custody deals with the days and times that the child will spend with each parent. If the child primarily lives with one parent it is called physical custody. If you are requesting that both parents spend a substantial period of time with the child, it is called Joint Physical Custody. When writing your declaration you need to explain why your proposed physical custody request is in the child's best interest. **Visitation**: Visitation is the time that the child spends with the parent who does not have primary physical custody. When writing your declaration you need to explain why your proposed visitation schedule is in the child's best interest. There are several options to choose from when it comes to visitation, generally they are: (1) Reasonable Visitation (2) Specific Visitation Schedule (3) Supervised Visitation. Reasonable visitation does not define the days and times that each parent will have physical custody of the child. A reasonable visitation court order usually works when both parents are in agreement about the time share that each is to have with the child. A specific visitation schedule defines the days and times that each parent will have physical custody of the child. A specific visitation schedule may be necessary for parents who have a difficult time agreeing on the days and times that each parent will spend with the child. Supervised Visitation requires that a responsible adult be present during any visitation times with the child. A supervised visitation order may be necessary if there are reasonable concerns that a parent may harm the child if left alone. **Prevent Child Abduction**: If there are facts that show that the other parent may be thinking of taking the child and hiding the child from you, then you may request orders to prevent the other parent from abducting the child. When writing your declaration you need to explain what the other party has done or plans to do to take and hide the child from you. Child Support: Both parents are required to financially support the minor child. Child support is the amount of money that one parent pays to the other to equalize the financial responsibility. The amount of child support is arrived by inputting several numbers into a formula. The main factors that are taken into consideration are: (1) Dad's gross monthly income (2) Mom's gross monthly income and (3) Percentage of time that is spent with the child. When writing your declaration, you must address each of these factors. The judge needs to know what you are claiming each of these numbers is and also how you arrived at those numbers. Other facts that may be discussed in your declaration are: (1) the other parent's ability to earn income, (2) the number of other biological children living with you (3) the amount of child care costs per month (4) the amount of rental income received (5) the amount of property taxes and mortgage interest paid per month and (6) the amount paid per month for health insurance premiums. You may attach any supporting documentation to your declaration as exhibits. Be prepared for what the amount of child support might be. Before you file your Request for Order, the Self-Help Center / Family Law Facilitator may help you calculate the amount of child support or you may go to https://www.cse.ca.gov/ChildSupport/cse/guidelineCalculator to calculate the child support amount on your own.

Spousal Support (formerly known as "ALIMONY"): The judge has discretion to order the payment of spousal support. The judge will consider several factors before deciding whether to award spousal support, the amount of spousal support and the length of time that spousal support will be received. Some of the factors the judge will consider are: (1) Spouse's ability to pay spousal support (2) Other spouse's need to receive spousal support and (3) Standard of living during your marriage. When writing your declaration, you must address each of these factors. The judge needs to know what you think your spouse's income is and how you arrived at that number. In addition, your declaration must give details that describe your standard of living during the marriage which may include the number and kinds of vacations you took together, the kind of home you lived in, the kind of cars you owned, etc. Other factors that you may include in your declaration are the following: (1) Length of marriage (2) Age and health of each spouse (3) How much income each spouse can earn on their own (4) What the expenses of each spouse are (5) The history of the way the couple handled money during the marriage (6) Whether having a job would make it too hard to take care of the children (7) Whether one spouse helped the other get an education, training, career, or professional license (8) Whether there was domestic violence in the marriage or domestic partnership and (9) Whether one spouse's career was affected by unemployment, or by taking care of the children or home.
Attorney's Fees and Costs: You may respond to request that the other party pay for your attorney's fees and costs. The judge has discretion to grant or deny this request. When writing your declaration, you must establish in sufficient detail that the other party has the financial ability to pay your attorney's fees and costs.
Property Restraint: You may respond to request that the other party be prohibited from cashing out 401K's, checking accounts, savings accounts, etc. When writing your declaration, you must describe why this order is necessary.
Property Control: You may respond to request an order giving you permission to use a car or live in the house. Your declaration must describe why this order is necessary.
Other Relief: You may respond to request any other relief not already covered. For example, you may request to (1) set aside default (2) change venue (3) reimbursement of half of uninsured health care expenses. Your declaration must describe why this order is necessary.

			. = 72
NAME: Pat S	ATTORNEY OR ATTORNEY: ample	STATE BAR NO.:	FOR COURT USE ONLY
CITY: San L TELEPHONE	: 1234 Main Street uis Obispo state: CA : No.: (805) 555-1234 FAX NO	ZIP CODE: 93408 .:	
E-MAIL ADDI	RESS: ame): Petitioner in Pro Per		
SUPERIOR CO	ourt of california, county of Sa odress: 1035 Palm Street, Roon	•	,
ı	DDRESS: P CODE: San Luis Obispo, CA 9 H NAME:	3408	
	ETITIONER: Pat Sample PONDENT: Sam Sample ENT/PARTY:		
RESI	PONSIVE DECLARATION TO REQU	UEST FOR ORDER	CASE NUMBER: FL070572
HEARING DATE: 4/15/2008	8:30	DEPARTMENT OR ROOM: 12	1 2070072
1. RESTF a. b. CHILD X VISITA a. b. Child	RAINING ORDER INFORMATION No domestic violence restraining/prote I agree that one or more domestic viol this case.	ective orders are now in effect bet lence restraining/ protective order nild custody (legal and physical cusitation (parenting time).	s are now in effect between the parties in stody) visitation (parenting time)
a. I ha	SUPPORT Ive completed and filed a current <i>Incom</i> tement (Simplified) (form FL-155) to sup I consent to the order requested. I consent to guideline support. I do not consent to the order requeste	oport my responsive declaration.	FL-150) or, if eligible, a current <i>Financial</i> llowing order:
	SAL OR DOMESTIC PARTNER SUPPO ave completed and filed a current <i>Incom</i>	PRT	

		FL-320
PETITIONER: Pat Sample RESPONDENT: Sam Sample OTHER PARENT/PARTY:		CASE NUMBER: FL070572
5. PROPERTY CONTROL a. I consent to the order requested. b. I do not consent to the order requested	but I consent to the followi	ng order:
 ATTORNEY'S FEES AND COSTS a. I have completed and filed a current <i>Income and</i> declaration. b. I have completed and filed with this form a <i>Suppleted Suppleted Suppleted</i>	porting Declaration for Attorney's	Fees and Costs Attachment (<u>form</u>
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 followi	ng 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 followi	ng 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 followi	ng order:
10. X FACTS TO SUPPORT my responsive declaration a longer than 10 pages, unless the court gives me pe		rite and attach to this form cannot be Attachment 10.
declare under penalty of perjury under the laws of the States true and correct. Date: 3/7/2008	e of California that the information	n provided in this form and all attachments
Pat Sample	Pat Sample	
(TYPE OR PRINT NAME)		(SIGNATURE OF DECLARANT)

				FL-311
PETITIONER: Pat Sai RESPONDENT: Sam Sa OTHER PARENT/PARTY:			CASE NUMBER: FL070572	
CHILD CUSTODY		ARENTING TIME) APPLIC ot a court order—	CATION ATTACHMEN	Γ
TO Petition Response Other (specify):	Request for Orde	er X Responsive Dec	laration to Request for C	order
Custody. Custody of the minor Child's Name	Date of Birth	Legal Custody to (person wabout health, education, etc.		
Chad Sample	1/2/05	Pat Sample	Pat Samp	ole
b. See the attached c. The parties will go to location):	parenting time (visitation) violence). page document of the control of t	to the party without physical	custody (not appropriate	in cases
d. No visitation (parenting te. Visitation (parenting te. Petitioner's Recognition (1) Weekends	ime). (Specify start and eespondent's Oti	ending date and time. If appli ner Parent's/Party's parenti		
(Note: The first v		he first weekend with a Satu 4th 🛣 5th weeke	rday.) and of the month	
	at 4:00 of week) (tim	a.m. X p.m./	If applicable, specify:	start of school after school
to Sunday (day of		a.m. X p.m./	If applicable, specify:	start of school after school
(b) The		ing the initial fifth weekend, vespondent other par	which starts (date): ent/party will have the f	spondent
	eekends starting (date).			
		(time) a.m. p		
to(da	y of week) at	ime)	.m./ If applicable, specify:	start of school after school
(3) Weekdays				Colored of colored
from We s	dnesday at 4:0 day of week)	00	.m./ If applicable, specify:	and sonoon
to Wedn (da		ime)	.m./ If applicable, specify:	start of school after school
(4) Other visitat as follo		and restrictions are:	listed in Attachment 2e(4	()

FL-311

	PETITIONER: Pat Sample CASE NUMBER:						
OTHE	RESPONDENT: Sam Sample ER PARENT/PARTY:	FL070572					
3.							
٠. لـــــا	a. If item 3 is checked, you must attach a declaration that shows why unsuper	ervised visitation (parenting time)					
	would be bad for your children. The judge is required to consider supervis	sed visitation if one parent or party is					
	alleging domestic violence and is protected by a restraining order.b. The person who supervises the visitation (parenting time) must meet the result.	equirements listed in Declaration of					
	Supervised Visitation Provider (form FL-324) under Family Code § 3200.5						
	c. I request that (name):	have supervised visitation (parenting time)					
	with the minor children according to the schedule set out on page 1. d. I request that the visitation (parenting time) be supervised by (name):						
	who is a professional nonprofessional supervisor.						
	The supervisor's phone number is (specify):						
	e. I request that any costs of supervision be paid as follows: petitioner: other parent/party: percent.	percent; respondent: percent;					
4. X							
	a. The children will be driven only by a licensed and insured driver. The car or truc	ck must have legal child restraint devices.					
	 b. Transportation to begin the visits will be provided by (name): c. Transportation from the visits will be provided by (name): 						
	d. The exchange point at the beginning of the visit will be (address):						
	e. The exchange point at the end of the visit will be (address):	Mary all and a decoration of the best and the second					
	f. During the exchanges, the party driving the children will wait in the car and home (or exchange location) while the children go between the car and the						
	g. Other (specify):	,					
5. X	Travel with children. The petitioner I respondent other pare	ent/party					
· (IIII	must have written permission from the other parent or party, or a court order, to take						
	a. X 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 chil-	dren out of California without the other					
٠. ــــــــــــــــــــــــــــــــــــ	party's permission. I request the orders set out on attached form FL-312.	dien out of Gamorina without the other					
7.	Children's holiday schedule. I request the holiday and vacation schedule set out o	n the attached form FL-341(C)					
	Other (specify):						
8.	Additional custody provisions. I request the additional orders regarding custody s	et out on the attached					
	form FL-341(D) Other (specify):						
9.	Joint legal custody provisions. I request joint legal custody and want the additional	al orders set out on the attached					
	form FL-341(E) Other (specify):						

SHORT TITL	E:	
-Sample	and	Sample

CASE NUMBER: FI-070572

ATTACHMENT (Number): to FL-300

(This Attachment may be used with any Judicial Council form.)

BRIEF SUMMARY:

1. I request that the Court grant me sole legal and sole physical custody of our minor child, Chad Sample, who is 2 years old. I also request that the Respondent be awarded specific days and times for visitation with the minor child.

LEGAL CUSTODY:

- 2. The Respondent and I separated shortly after our son was born. Our son was born with a rare skin condition that requires him to take special medications. Since the birth of our son, I have taken our son to all of his doctor's appointments. His condition has somewhat stabilized recently, however for the last 20 months our son has had approximately 50 doctor's appointments. Although, I inform the Respondent of all upcoming doctor's appointments, he has not been present to any of these appointments and he also has not offered to take our son to any of these appointments.
- 3. I have also administered to our son all the necessary nedications. It is my belief that the Respondent does not know the names of the medications or how often our son needs the medications.
- 1. After our son was born, I took on the responsibility of finding quality day-care for our son. I interviewed numerous persons and agencies and offered to give this information to the Respondent, nowever he was not interested in it and told me to make the decision.
- I believe that it would be in our son's best interest if I vere granted sole legal custody so that I may continue to make

If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under penalty of perjury.)

Page 1 of 2 (Add pages as required)

SHORT TITL	.E:	
-Sample	and	Sample

CASE NUMBER: FLi070572

ATTACHMENT (Number): to FL-300

(This Attachment may be used with any Judicial Council form.)

necessary decisions regarding our child's health and welfare.

PHYSICAL CUSTODY:

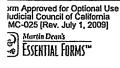
and loving environment for him since the day he was born. On weekends, our son and I have daily outings to the beach, park or library. We also spend lots of time visiting friends and family. During the week, I drop off and pick up our son from day-care. Some of our daily activities include reading to him before bed, eating a home cooked meal, and playing games. Our son is well adjusted and gets along well with the other children in his day-care.

VISITATION:

7. I believe that the Respondent plays an important role in our son's life. Since the Respondent and I separated, the Respondent has spent approximately 6 hours a month with our son. I believe that it would be in our son's best interest if he would spend more time with the Respondent. Respondent is a good father and loves our son. I believe Respondent wants to spend more time with our son and a set schedule between the two of us will help us accomplish this.

(If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under penalty of perjury.)

Page 2 of 2 (Add pages as required)



	FL-335
ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Pat Sample	FOR COURT USE ONLY
1234 Main Street San Luis Obispo, CA 93408 TELEPHONE NO.: (805) 555-1234 FAX NO. (Optional):	
E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): Petitioner in Pro Per	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Luis Obispo street address: 1035 Palm Street, Room 385 mailing address: city and zip code: San Luis Obispo, CA 93408 branch name:	
PETITIONER/PLAINTIFF: Pat Sample	CASE NUMBER: FL070572
RESPONDENT/DEFENDANT: Sam Sample	(If applicable, provide):
OTHER PARENT/PARTY:	HEARING DATE:
PROOF OF SERVICE BY MAIL	HEARING TIME: DEPT.:
NOTICE: To serve temporary restraining orders you must use personal servi	ce (see form FL-330).
 I am at least 18 years of age, not a party to this action, and I am a resident of place. 	or employed in the county where the mailing took
2. My residence or business address is: 1111 Main Street San Luis Obispo, CA 93401	
Income and	ancial issue, also list and serve Expense Declaration and SLO Family La d Procedures §2:8 Declaration
by enclosing them in an envelope AND a.	e place shown in item 4 following our ordinary for collecting and processing correspondence for

- business with the United States Postal Service in a sealed envelope with postage fully prepaid.
- 4. The envelope was addressed and mailed as follows:
 - a. Name of person served: Sam Sample
 - b. Address: 555 State Street

San Luis Obispo, CA 93401

- c. Date mailed: 3/8/2008
- d. Place of mailing (city and state): San Luis Obispo, CA
- 5. I served a request to modify a child custody, visitation, or child support judgment or permanent order which included an address verification declaration. (Declaration Regarding Address Verification-Postjudgment Request to Modify a Child Custody, Visitation, or Child Support Order (form FL-334) may be used for this purpose.)
- 6. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 3/8/2008

Mary Friend Mary Friend (TYPE OR PRINT NAME)

(SIGNATURE OF PERSON COMPLETING THIS FORM)

Page 1 of 1



		FL-330
ATTORNEY OR PARTY WITHOUT ATTORNEY OR GOVERNMENTAL AGENCY (unc (Name, State Bar number, and address):	der Family Code, §§ 17400, 17406)	FOR COURT USE ONLY
– Pat Sample		
•		
1234 Main Street		
San Luis Obispo, CA 93408		
TELEPHONE NO.: (805) 555-1234 FAX NO.:		
ATTORNEY FOR (Name): Petitioner in Pro Per		
SUPERIOR COURT OF CALIFORNIA, COUNTY OF San		
street ADDRESS: 1035 Palm Street, Room 385	•	
MAILING ADDRESS:		
city and zip code: San Luis Obispo, CA 93408		
BRANCH NAME:		
PETITIONER/PLAINTIFF:Pat Sample		CASE NUMBER:
DECRONDENTINEES NO AUT Cam Comple		FL070572
RESPONDENT/DEFENDANT:Sam Sample		(If applicable, provide):
OTHER DARRYTOARTY		HEARING DATE:
OTHER PARENT/PARTY:		HEARING TIME:
PROOF OF PERSONAL SERV	VICE	DEPT.:
 Person served (name): Sam Sample I served copies of the following documents (specify): Responsive Declaration 	Income and Ex	cial issue, also list and serve pense Declaration and SLO Family ocedures §2:8 Declaration
 4. By personally delivering copies to the person served, as a. Date: 3/8/2008 c. Address: 555 State Street 	follows: b. Time: 5:30p.m.	
San Luis Obispo, CA 93401		
5. Iam		nistasiis maadaa Baadaa aa G. Baadaa i
a. X not a registered California process server.b. a registered California process server.		gistration under Business & Profession
	Code section 22 e. a California she	
c. an employee or independent contractor of a registered California process server.	e. a Camornia sne	illi oi maisnai.
6. My name, address, and telephone number, and, if applice Mary Friend 1111 Main Street San Luis Obispo, CA 93401	cable, county of registration ar	nd number (specify):
(805)555-1111		
7. X I declare under penalty of perjury under the laws of 3. I am a California sheriff or marshal and I certify that		
Date: 3/8/08		
		_
Mary Friend	Mary Frie	nd
(TYPE OR PRINT NAME OF PERSON WHO SERVED THE PAPERS)	(SIC	SNATURE OF PERSON WHO SERVED THE PAPERS)

Page 1 of 1

