



MONTEREY COUNTY SUPERIOR COURT  
1200 Aguajito Road  
Monterey, CA 93940  
(831) 647-5800  
[www.monterey.courts.ca.gov](http://www.monterey.courts.ca.gov)

## NOTICE OF MOTION AND MOTION FOR SIMPLIFIED MODIFICATION OF ORDER (Packet #13)

*The purpose of these instructions is to provide information about how to complete the forms and a link to the forms that you can use to ask the court to make or modify orders about child support or spousal support.*

To ask the court for a court date to make or modify orders about child support or spousal support you will need to file a *Notice of Motion and Motion for Simplified Modification of Order (FL-390)*. The *Notice of Motion* can be filed after the other party has filed the paperwork or has filed any responsive papers in the case (it can be served by mail). The *Notice of Motion and Motion for Simplified Modification of Order* can be filed in cases in which the Department of Child Support Services (DCSS) is involved.

### STEP 1: Complete the forms.

You **must** complete the following forms:

- **Notice of Motion and Motion for Simplified Modification of Order** ([FL-390](#))
- **Income and Expense Declaration** ([FL-150](#))

Who is the Petitioner and who is the Respondent?

If you file the Petition and Summons, you are the “Petitioner.”

If you were served with the Petition and Summons, you are the “Respondent.”

**Note:** *Once a person is the Petitioner or Respondent, they will always be the Petitioner or Respondent throughout the case.*

- All forms must be completed in a clear and legible manner and either typed (completed online) or neatly written in **black or blue ink**.
- **Do not use white-out liquid or correction tape on your forms!** If you make a mistake, simply mark a single line through the mistake, initial it and then enter the correct information.
- Complete the caption on **every** page of the form. Most forms have a caption box at the top where you will enter your name, address, phone number, and a second box for the Court’s information and a third box where the names of the parties are written.
- If you have any questions regarding completing these forms or would like someone to review your forms before you file them, please schedule a document check with the Self-Help Center. You can do this online at [www.monterey.courts.ca.gov/SelfHelp/](http://www.monterey.courts.ca.gov/SelfHelp/).

## How to complete the forms.

Complete the information on the caption (see picture below), check the appropriate boxes to indicate what you are requesting, and fill in information where required.

<b>FL-390</b>	
<small>ATTORNEY OR PARTY WITHOUT ATTORNEY OR GOVERNMENTAL AGENCY (pursuant to FC §§ 17400, 17406) (Name, State Bar Number, and Address):</small> John Doe 123 Main Street Salinas, CA 93902  In Pro Per	<small>TELEPHONE NO.:</small> 831-123-4567  <b>FOR COURT USE ONLY</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF MONTEREY</b>	
<small>STREET ADDRESS:</small> 1200 Aguajito Road <small>MAILING ADDRESS:</small> 1200 Aguajito Road <small>CITY AND ZIP CODE:</small> Monterey, CA 93940 <small>BRANCH NAME:</small> Monterey	
<small>PETITIONER/PLAINTIFF:</small> Jane Doe  <small>RESPONDENT/DEFENDANT:</small> John Doe  <small>OTHER PARENT:</small>	
<b>NOTICE OF MOTION AND MOTION FOR SIMPLIFIED MODIFICATION OF ORDER FOR <input checked="" type="checkbox"/> CHILD SUPPORT <input type="checkbox"/> SPOUSAL SUPPORT <input type="checkbox"/> FAMILY SUPPORT</b>	
<small>CASE NUMBER:</small> DR12345	

Leave item #1 blank on the Notice of Motion. This is where the court will enter the hearing information when you file your paperwork. Make sure to date, print and sign your name on the form, where required.

When you request a change to an existing order regarding child, spousal or family support, you need to include information that demonstrates a change in circumstances since the last order was made. For example: you have lost your job and cannot pay the amount of support; or one of your children has reached the age of majority and child support should terminate as to that child; or the other party has a new job and has higher income; or the time you spend with the children has significantly increased (or the other party's time has significantly decreased).

### **STEP 2: File the forms with the Court.**

There is no fee to file the motion if the Department of Child Support Services *is* involved in your case. If the Department of Child Support Services *is not* involved in your case then you will need to pay the court a fee when you file your forms. *(Please note that fees are subject to change.)* If you cannot afford the filing fees, you may qualify for a fee waiver. You will need to complete the fee waiver forms ([FW-001](#) and [FW-003](#)) (refer to Packet #1 Fee Waiver for details).

If you need to mail your forms to the court for filing, make sure to include two copies of all forms; and a return envelope with sufficient postage for the clerk to mail back your endorsed copies.

The court will keep your original papers and will file-stamp your copies for you. Keep one copy for your records and the other copy will be served on the Respondent.

### **STEP 3: Arrange to have the other party served.**

After you have completed the *Notice of Motion* form and had a Document Review at the Self-Help Center, you must have someone (other than yourself), who is over the age of 18, serve the other party by mail or in person (either placed by the other person in a mailbox, with sufficient postage, addressed to the other party, or handed directly to the other party by the server) with copies of all of the documents you have filed with the court (with the exception of a fee waiver application, if you have filed one). You must also serve a BLANK *Responsive Declaration (FL-320)* and a BLANK *Income and Expense Declaration (FL-150)* if you have requested child or spousal support orders. You can ask a friend to do this, a family member, or hire a professional process server (all must be over the age of 18). You must serve the other party with the following:

- **Notice of Motion and Motion for Simplified Modification of Order (FL-390)**
- **Income and Expense Declaration (FL-150)**
- **Blank *Responsive Declaration (FL-320)***
- **Blank *Income and Expense Declaration (FL-150)***

If you have had the documents served by mail, after the paperwork has been served, your server must complete page two of the *Notice of Motion (FL-390)*, at item 2(b), “PROOF OF SERVICE BY MAIL”, and then date, print and sign their name. If the documents were personally handed to the other party by a server, the server must complete item 2(a).

#### **IF DEPARTMENT OF CHILD SUPPORT SERVICES IS INVOLVED:**

If the Department of Child Support Services (DCSS) is involved in your case, by collecting or asking for child support orders against you or against the other party, you also are required to serve a copy of all of your documents on DCSS at: [Monterey County DCSS, 752 La Guardia, Salinas CA 93902](#)

The original documents must then be filed with the Court as soon as possible after they are served on the other party, so that the court can reserve the court date that you have requested on your paperwork.

### **STEP 4: Complete and file the Proof of Service.**

After the papers have been served and your process server has completed the **Proof of Service of Summons (FL-115)**, make a copy and bring both the original and the copy to the first floor Family Law filing window at the [Monterey Courthouse](#), located at 1200 Aguajito Road, Monterey.

If you need to mail the forms to the court, make sure to include a return envelope with sufficient postage so the court can mail the copy to you.

The court will keep the original and will file-stamp your copy for you. Keep the copy for your records.

**For additional assistance:** The Self-Help Center provides workshops and document reviews by appointment (or waitlist if space is available) and is located on the first floor at the Monterey Courthouse, 1200 Aguajito Road, in Monterey. To make an appointment, you can either come in person, call 831-647-5890, or sign up online (go to [www.monterey.courts.ca.gov](http://www.monterey.courts.ca.gov) and follow the links to the Self-Help Center and then select the workshop you would like to attend).

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You must complete the following forms:

- [FL-390](#) (Notice of Motion)
- [FL-150](#) (Income and Expense Declaration)

Process Server completes:

- [FL-115](#) (Proof of Service)

Blank forms to give to other party:

- [FL-320](#) (Response)
- [FL-150](#) (Income and Expense Declaration)