



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

REQUEST FOR ORDER

(Packet #5)

The purpose of these forms is to ask the Court for a hearing date to make (or change) orders about child custody, visitation, child support, spousal support, or other issues requiring a court date. This packet contains instructions and the blank forms you can use to file with the court.

STEP 1: Complete the forms.

Please see the instructions on the attached Form FL-300 –INFO regarding filling out these forms.

All forms must be clear and legible and either typed (filled out online) or neatly written in **black or blue ink**. **Do not use white-out 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.

If you have any questions regarding filling out 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 on-line at www.monterey.courts.ca.gov/SelfHelp/Workshops/.

Item 10: Your Declaration: You can organize your written declaration by subject matter in the same order as set forth on the **Request for Order (FL-300)** (for example, start with Item 1, “Child Custody”, and then Item 2, “Child Visitation”, then on to Item 3, “Child Support”). When you are done, be sure to insert date, print your name, and sign your name.

Declaration: Begin your Declaration by telling the court who is making the Declaration (“I, JANE DOE, Petitioner in this action, declare as follows”). The Court will want to know the current custodial situation – who has primary physical custody of the child, how much time each parent spends with the child, and the history of each parent’s relationship with the child (for example, “The other parent and I lived together and shared responsibility for custody until July 2008, when we separated. Since that time, I have had the primary responsibility for caring for the child. The other parent has seen the other child on weekends and occasionally other days of the week, without a definite schedule.”). It may be important for the court to know the work schedules of the parties, school schedule for the child, whether there is day care, how far apart the parties live, any special needs of the child (medical problems, learning problems, etc.), how

the parties get along in arranging custody and visitation issues, extracurricular activities of the child, and who is responsible for transporting the child to and from school.

If relevant, you should also include in your Declaration issues of child abuse, neglect, drug or alcohol abuse by the other parent, domestic violence by the other parent, or other issues of safety and health of the child. You must be specific regarding these types of allegations as to what exactly occurred, the date of each incident of abuse or neglect, drug use, etc., and how you know of the drug or alcohol abuse (for example, you have witnessed it, the other party has been arrested a number of times, etc.).

If you are requesting to change an existing order regarding custody or 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 old amount of support; one of your children has reached the age of majority and child support should terminate as to that child; the other party has gotten a much better job; 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.

COURT DATE: The law requires that the other party be given at least 16 COURT days prior notification of a court hearing. A “court day” does not include weekends or court holidays. The court is usually booked up for hearings at least six weeks in advance. In Monterey County, court dates for custody, visitation, and non-DCSS support issues are held on Thursdays and Fridays at 1:30 pm in the Monterey Courthouse, 1200 Aguajito Road, Monterey, CA 93940, Dept. 13. *(Cases concerning child support which involve the Department of Child Support Services (DCSS) are held on Tuesdays at 8:30 a.m. in the Marina Courthouse, 3180 Del Monte Blvd, Marina, CA 93933, Dept. 21.)*

If you have an emergency situation, or your children's health and welfare are in imminent danger, you can also ask the judge for temporary orders and/or to shorten the time you must wait for a hearing and the time within which you must serve the other party. You must also fill out a Declaration Regarding Notice of Ex Parte Application for Order (a suggested form is available at the Self-Help Center) which explains how you gave notice to the other party of your intention to ask for an Order Shortening Time. For temporary orders, you must also submit form FL-305.

FILING THE FORMS : Once you have filled out, signed and dated your paperwork, you may wish to have them reviewed at a “Document Review” appointment at the Self-Help Center. You can sign up online on the Court's Website (www.monterey.courts.ca.gov) or you may make an appointment by coming into the office or by telephone at 831-647-5890. You will then have to file our paperwork (**original plus two copies**) with the Clerk's office in Monterey (Family Law window, first floor, 1200 Aguajito Road, Monterey, CA). You can bring the forms to the court in person or you can send to the Court by mail, with a self-addressed, stamped envelope to return your documents to you after filing.

FILING FEES: If you have not filed any documents in your case, or have not yet paid a “first appearance” fee, the court requires that you pay a filing fee of approximately \$435.00 (as of 2016), plus an additional fee of \$30.00 for the court reporter fee. Other fees may apply, so check Rev. 8/5/16

with the clerk when you submit your forms for filing. If you have already paid an initial filing fee, the filing fee for just the motion is \$60.00, plus \$30.00 for the court reporter fee, and an additional fee if you are requesting a modification of custody or visitation and an additional \$20.00 if you are requesting temporary orders. If you cannot afford the filing fees, you may qualify for a fee waiver. You will need to fill out the fee waiver forms (FW-001 and FW-003, Packet #1), which are available on the court's website, the Clerk's office, or at the Self-Help Center. **Note: Fees are subject to change.** Please go to www.monterey.courts.ca.gov/feeschedule for the current filing fees.

STEP 3: Arrange to have the other party served.

Please see **FL-300-INFO**, Page 3, on how to serve the documents after they have been filed.

IF DCSS IS IN YOUR CASE: If the Department of Child Support Services (DCSS) is a party in your case (to collect or enforce child support), and your motion concerns child support, you must also serve DCSS with a copy of your Request for Order and supporting documents. You can have someone else serve the documents by mail, sending them to: **Monterey County DCSS, 752 La Guardia Street, Salinas CA 93905**. Then your server must complete a “**Proof of Service by Mail**” (FL-335) , which you must then file with the court prior to your court hearing.

For additional assistance: The Self-Help Center provides workshops by appointment (or waitlist if space is available). The main office is located on the first floor at the Monterey Courthouse, 1200 Aguajito Road, in Monterey. There is a satellite office at the Salinas Courthouse (located at 240 Church Street, Salinas CA), with hours currently on Mondays and Fridays only. To make an appointment, you can come in, call 831-647-5890, or sign up online (go to www.monterey.courts.ca.gov, and follow the links to the Self-Help Center and then select the workshop you would like to attend).

To access any of the forms online, go to: www.courts.ca.gov/forms.htm.

Complete the following forms:

- **FL-300 (plus attachment forms, if desired)**
- **FL105/GC-120 (if not already in court file)**
- **Server completes & signs: FL-330**

- **Leave blank for other party: FL-320**