



## 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**. If you make a mistake simply mark a single line through the mistake, initial it and then enter the correct information. On Page one, put your name, address and telephone number; then complete the “caption” (names of parties and case number), which must match what is on the first papers filed in the case.

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 <https://processing.monterey.courts.ca.gov/SelfHelp/Default.aspx>

**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.



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[www.monterey.courts.ca.gov/self-help](http://www.monterey.courts.ca.gov/self-help)

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, visitation, 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). If you are requesting a modification of a support order you will need to file an Income and Expense Declaration ([FL-150](#)) with the Request for Order.

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

**COURT DATE:** Leave Item 2 blank--the Court Clerk will fill in the date, time and location of the hearing. 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 at 9:00 a.m. in the Monterey Courthouse, 1200 Aguajito Road, Monterey, CA 93940, Department #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, Department #21.

If you have an emergency situation, you can also ask the judge to shorten the time you must wait for a hearing and the time within which you must serve the other party. To request an order shortening time, fill out item 5 on page 1 and Item 9 on page 4 of the Request for Order, and include in your written declaration the reason why you require an order shortening time. 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.

**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](http://www.monterey.courts.ca.gov)) or you may make an



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appointment by coming into the office. After your documents have been reviewed, or if you feel you have filled them out correctly, you should make at least two copies of your forms (in addition to the original). Your paperwork will then be filed 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 \$435.00. There is an additional fee if you are requesting temporary orders in your Request for Order). If you have already paid an initial filing fee, the filing fee for just the motion is \$60.00 (\$85.00 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](http://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 2, 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 and document reviews by appointment (or waitlist if space is available) and is located at three locations: (1) on the first floor of the Monterey Courthouse, 1200 Aguajito Road, in Monterey; (2) near the Salinas Courthouse, at 118 W. Gabilan Street, Salinas CA; and (3) on a limited schedule at the Greenfield Civic Center, 599 El Camino Real, Greenfield CA. To make an appointment, you can either come in or sign up online [www.courts.ca.gov/forms.htm](http://www.courts.ca.gov/forms.htm) and follow the links to the Self-Help Center and then select the workshop you would like to attend). To access the forms online, go to: [www.courts.ca.gov/forms.htm](http://www.courts.ca.gov/forms.htm)



Complete the following forms:

- [FL-300](#)
- [FL105/GC-120](#) (if not already in the court file)

Server completes & signs:

- [FL-330](#)

Leave blank for other party:

- [FL-320](#)

*Optional forms:*

- [FL-150](#) (Income & Expense Declaration)
- [FL-311](#) (Child Custody & Visitation Attachment)