



COMPLETING A PETITION FOR JOINDER

Purpose of Packet

A Petition for Joinder is used when a non-parent wants to participate in a Family Law case in order to get child custody or visitation orders. Most commonly, one or more grandparents will use a Petition for Joinder to join the divorce or paternity case between the children's parents, but other relatives and non-relatives may use this same process. A Petition for Joinder can only be used if there is an open Family Law case. If there is no open Family Law case, seek legal assistance to determine if another type of case can be opened for custody and/or visitation orders.

Getting Started

The following is a list of the forms you will need.

- Summons (Joinder), form FL-375
- Petition for Joinder (Custody/Visitation), form FL/E –LP-607 (Sacramento County local form)
- Notice of Motion and Declaration for Joinder, form FL-371
- Proof of Service By Mail, form FL-335
- Proof of Personal Service, form FL-330

Other forms needed for this process are:

- Responsive Declaration to Motion for Joinder/Consent Order of Joinder, form FL-373*
 - Mediation Notice, local form FL/E-LP-642
 - Proof of Service By Mail, form FL-335*
- *do not complete these forms, they will be provided blank to the other party

Before you complete any forms, you will need the case number and party designations (the name of the Petitioner and the Respondent) for the case you are attempting to join. If the case is one for dissolution of marriage, legal separation or annulment, you can get all of the information you need from the Family Law Records room in Room 102 of the William R. Ridgeway Family Relations Courthouse. Simply request the file by case number or, if you do not know the case number, the name of one or both parties. Find the Petition that was filed to open the case; it contains all of this information.

If the case you are trying to join is a paternity case brought under the Uniform Parentage Act (UPA), the Records department will not be able to assist you. UPA files are confidential and can only be viewed by persons who are already parties to the case. You will need to get the case number and party designations from one of the other parties to the case.



Completing the Summons (Joinder), form FL-375

The Section at the top of the form is called the "caption". In the top left box of the caption, print your full name, mailing address and telephone number and email address. In the space next to where it says "ATTORNEY FOR" print "In Pro Per." This means that you are acting as your own attorney in this case.

In the second box down on the left side of the caption, the court's name and address may already appear. If not, please print the following information:

County of Sacramento
3341 Power Inn Road
Sacramento 95826
Family Relations Courthouse

In the third box down on the left side of the caption, print the full name of the parties next to the words "Petitioner" and "Respondent." Whoever started the case will be the Petitioner for all filings under that case number.

In the fourth box down on the left side of the caption, print your full name next to the word "Claimant." If you and your spouse are petitioning to join this case together, print both of your names.

In the second box down on the right side of the caption, print the case number of the case you are attempting to join.

Below the caption check the box next to item 1 and check the boxes for all parties other than yourself, then print your full name following the words "*name of claimant:*"

Check the box next to item 3a as the parties will have to be served as individuals

Leave the remainder of the form blank. The Clerk of Court will complete the form at the time you file it.

Completing the Petition for Joinder (Custody/Visitation), form FL/E -LP-607

In the top left box of the caption, print your full name, mailing address and telephone number and email address. In the space next to where it says "ATTORNEY FOR" print "In Pro Per." This means that you are acting as your own attorney in this case.

In the second box down on the left side of the caption, the court's name and address may already appear. If not, please print the following information:

County of Sacramento
3341 Power Inn Road
Sacramento 95826
Family Relations Courthouse



In the third box down on the left side of the caption, print the full name of the parties next to the words "Petitioner" and "Respondent." Whoever started the case will be the Petitioner for all filings under that case number.

In the fourth box down on the left side of the caption, print your full name next to the word "Claimant." If you and your spouse are petitioning to join this case together, print both of your names.

In the second box down on the right side of the caption, print the case number of the case you are attempting to join.

Item 1. Print your relationship to the child(ren) in the space provided. For example, if you are seeking to join your son's divorce case so you can request custody of his children, you may print "paternal grandparent." List the child(ren)'s name(s), birthdate(s), age(s) and gender(s) in the space provided.

Check the appropriate box at item 2 to indicate with whom the children reside. Print the county where the children reside below the boxes in the space provided.

Item 3. Check the appropriate box to tell the Court and the other parties what type of court order you are requesting. Check *box a* for reasonable visitation rights and *box b* for custody and print the child(ren)'s name(s) in the space provided. If you want some other orders, including specific visitation orders, check *box c* and print what you want in the space provided. If there is more than one child, you may request different orders for the different children. For example, if you want your grandson to live with you and your granddaughter to visit during the summer, check *box b* and print your grandson's name, then check *box c* and print a description of the visitation you would like to have with your granddaughter. Finally, check *box d* so that the Court may address other issues as they arise.

At the bottom of the form, print the date and sign your name to the right above the word "claimant."

Completing the Notice of Motion and Declaration for Joinder, form FL-371

This is the most important form in a Joinder action because it gives the Court a basis upon which to find that Joinder is not only appropriate, but necessary. The more thorough you are in answering the questions on this form, the easier it will be for the Court to consider your request.

In the top left box of the caption, print your full name, mailing address and telephone number and email address. In the space next to where it says "ATTORNEY FOR" print "In Pro Per." This means that you are acting as your own attorney in this case.

In the second box down on the left side of the caption, the Court's name and address may already appear. If not, please print the following information:

County of Sacramento
3341 Power Inn Road



Sacramento 95826
Family Relations Courthouse

In the third box down on the left side of the caption, print the full name of the parties next to the words "Petitioner" and "Respondent." Whoever started the case will be the Petitioner for all filings under that case number.

In the second box down on the right side of the caption, print the case number of the case you are attempting to join.

At item 1, check the boxes for both "Petitioner" and "Respondent."

Leave item 2(a) blank to be completed by the Clerk of Court.

Item 2(b). Check the box in front of the words "is shown above."

Check the box at item 2(c) for Claimant.

Item 3. Print the date and your name where indicated and sign your name to the right.

Item 4. Print your full name in the space provided.

Item 5. In the space provided, explain your relationship to the children and the frequency with which you have had contact with them. If there has been little or no contact lately, explain why not as well as what efforts you are making to have contact.

Item 6. In the space provided, explain how the orders you are requesting will benefit the child(ren). For example, if the child(ren) have no contact with other members of your family except when they visit you, one benefit to allowing visitation would be that the child(ren) would also develop relationships with other members of their family.

Item 7. In the space provided, explain what harm the child(ren) will suffer if you are not allowed to participate in the case. Using the same example from *item 6* above, you could include that if you are not allowed visitation with the children they will lose contact with other members of the family.

At the bottom of the page, print the date and your name where indicated and sign your name on the line to the right.

Filing Your Motion

Once you have completed your forms, you must complete a two step process to be joined to the case. Each step of the process requires that you serve the other parties with forms and file a Proof of Service. The first step is to get a hearing on your Motion. At this hearing, the Court will determine whether to allow you to join the case. If your Motion is granted, you will then need to serve the other parties with your Summons and Petition for Joinder before you can seek custody or visitation orders. Follow these steps:

1. Make Copies



If no other parties have joined the case, you will need the following number of copies of the forms you have completed. If there are other parties to the case besides the Petitioner and Respondent, such as another claimant, you will need two additional copies for each additional party.

- Summons [FL-375] – Original and 7 copies
- Petition for Joinder [FL/E –LP-607] — Original and 7 copies
- Notice of Motion and Declaration for Joinder [FL-371] — Original and 3 copies

In addition to the forms listed above, you will need a blank copy of each of the following forms for each party other than yourself:

- Responsive Declaration to Motion for Joinder [FL-335]
- Mediation Notice [FL/E-LP-642]
- Proof of Service by Mail [FL-330]

2. Assemble Packets

You will need to file and serve different forms at different times, so it is very important that you organize your forms now. If some or all of the forms are not filed and/or served in the manner described below, your motion may be denied. Staple the forms together into packets as follows:

First Filing

Packet 1—*Original* Notice of Motion for Joinder, *copy* of Summons and *copy* of Petition for Joinder

Packets 2, 3, 4—*copy* of Notice of Motion for Joinder, *copy* of Summons and *copy* of Petition for Joinder

First Service of Process

Packets 5 and 6—*blank* Responsive Declaration to Motion for Joinder, *blank* Proof of Service by Mail and Mediation Notice

Second Filing

Packet 7—Original Summons and 3 copies (paper clipped together, not stapled)

Packet 8—Original Petition for Joinder and 3 copies (paper clipped together)

3. File Motion

Take the packets assembled for the “First Filing” to the Family Law filings in Room 100 of the William R. Ridgeway Family Relations Courthouse and present them to the clerk for filing. You will be asked to pay a filing fee at this time. If you are unable to pay your filing fees, you may be able have your filing fees waived by the court. To learn more about the Fee Waiver guidelines, see the informational packet available from the Family Law Facilitator’s Office entitled **Completing The Fee Waiver Application**. When you file your Motion, the clerk will assign a hearing date and write the date, time and



department for your hearing on each copy of your Notice of Motion and Declaration for Joinder. You **must** attend this hearing in order to be joined to the case.

4. Serve Motion

Once the hearing date has been assigned, you must serve copies of the Notice of Motion packet on both the Petitioner and the Respondent. Have another adult, who is not a party to the case or attempting to join the case, serve the papers for you. This should be done by first class mail. The server will need to mail packets 2 and 5 to the Petitioner and mail packets 3 and 6 to the Respondent. Packet 4 is yours to keep and should be taken with you to your hearing.

Once the server has mailed the packets to the Petitioner and the Respondent, he or she must complete a Proof of Service By Mail for each party. Have the server complete the forms and return them to you for copying and filing. There are instructions on the back of the form explaining how to complete it. Once complete and signed by the server, make a copy of each Proof of Service by Mail and file the originals and copies in Room 100. The Clerk will stamp the copies and return them to you. It is very important that you take the stamped copies of each Proof of Service by Mail with you to your hearing in case either party does not attend.

5. Attend Hearing

It is very important that you attend your hearing and that you be prepared. Arrive early and be prepared to answer any questions the Judge may have about the statements you made in your Notice of Motion and Declaration for Joinder. Bring with you all of the following documents:

- Packet 4
- Stamped copies of each Proof of Service by Mail
- Packets 7 and 8

At the conclusion of the hearing, the Judge will either grant or deny your motion for joinder. If your motion is granted, the Court will file your Petition for Joinder and issue your Summons. Give packets 7 and 8 to the courtroom clerk so he or she may file them and issue your Summons.

6. Serve Summons and Petition

If your motion was granted, you are almost finished with the Joinder process, so do not stop yet. The final step is to have another adult who is not a party to the case serve a copy of the Summons and Petition for Joinder on each of the other parties to the case. This time, they must be personally served. Whoever serves the parties will need to complete a Proof of Personal Service for each party served. Once the forms are complete, make a copy of each form and file the originals and copies in Room 100.

Once the Proofs of Service have been filed, the Joinder process is complete. You may now file papers, review the Court file and attend hearings and mediation appointments in the case. Keep in mind, that you also have a responsibility to keep the Court and the other parties advised of your current address so that you will receive timely notice whenever hearings or mediation appointments are scheduled.