



## CUSTODY/PARENTAGE ROADMAP

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### General Tips Before You Start

- This Roadmap can be used to help you complete all of the steps to obtain orders regarding child custody, visitation, child support, and (if applicable) parentage.
- It is designed for the person who started the case (referred to as the Petitioner). You are responsible for moving the case forward to completion.
- Instructional packets can be downloaded on the Court's website at [www.saccourt.ca.gov](http://www.saccourt.ca.gov).
- The legal process is complicated. If you are representing yourself, then you are your own attorney. If you need advice about your case, then you will need to ask an attorney.

#### **STEP 1: Initial Filings**

- Parents who want to obtain custody or visitation orders must first decide which type of family law case they need to open.
  - Case Type 1: If you are not married to the other parent and parentage has not already been legally established, you will open a Parentage case. You can download the complete forms and instructions for starting a Parentage case on the Court's website.
  - Case Type 2: If you are not married to the other parent and you both signed a Voluntary Declaration of Paternity for each child, OR you are married to the other parent and do not wish to file for divorce, legal separation or nullity, you will open a Custody and Support case. You can download the complete forms and instructions for starting a Custody and Support case on the Court's website.
- File your paperwork with the Court to open your case. The clerk will stamp each form, keep the original, and return the stamped copies to you. One copy is for your records and the other is to serve the other parent.

#### **STEP 2: Serve the Other Parent**

- Once your forms have been filed, you must then have the other parent served by someone other than you who is over 18 years old.
- You can download the complete instructions "Proof of Service of Summons Packet (Step 2)" and forms packet "Documents to be Served on the Other Parent" on the Court's website.
- Once the other parent has been served, you file your Proof of Service of Summons (FL-115), completed and signed by the server, with the Court.

#### **STEP 3: Child Custody and Visitation Orders**

- If child custody and visitation orders are needed before final judgment, you may file a Request for Order. You can download the complete instructions and forms for "Step 3: Child Custody & Visitation Orders" on the Court's website.

#### **STEP 4: Child Support Orders**

- If child support orders are needed before final judgment, you may file a Request for Order. You must also file a current Income and Expense Declaration. You can download the complete instructions and forms for "Step 4: Child Support Orders" and for "Income & Expense Packet" on the Court's website.

- STEP 5: Finding the Right Path to Judgment**
  - Depending on which of the following three circumstances apply to your case, you will either proceed to Step 6, 7, or 8.
  - If the other parent did not file a Response and 30 days have passed since he/she was served with your parentage/custody paperwork, go to Step 6 (Option A).
  - If the other parent filed a Response...
    - and you and the other parent agree on all issues, go to Step 7 (Option B).
    - and you and the other parent do not agree on all issues, go to Step 8 (Option C).
- STEP 6 (OPTION A): Default Judgment with a Court Hearing**
  - If the other parent has not served and filed a Response and more than 30 days have passed since he or she was served with the Summons and Petition, you are eligible to proceed by Default.
  - You can download the complete instructions and forms for “How to Obtain a Custody Judgment by Default” packet on the Court’s website.
  - Go to your hearing. Bring copies of all of your filed documents. Then proceed to Step 9.
- STEP 7 (OPTION B): Judgment by Agreement**
  - If you and the other parent agree on all issues and you wish to proceed by stipulation or agreement, we recommend that you consult with a private attorney. Alternatively you can do your own legal research in a law library or use some of the various commercial resources available at your local book store.
  - The Judge will review your completed paperwork. Wait for the court to mail you back the filed-endorsed copies. If the documents are returned unfiled or rejected, then go to Step 8. If the documents are returned filed, have one copy of the filed Judgment (FL-250) with all attachments mailed to the other parent by someone 18 years or older, not you.
- STEP 8 (OPTION C): Contested Judgment**
  - If the other parent served and filed a Response, you will need to request a hearing to proceed to Judgment by filing a Request for Order. You must also file an Income and Expense Declaration.
  - You can download the complete instructions and forms for “Request for Order” and for “Income & Expense Packet” on the Court’s website.
  - Go to your hearing. Bring copies of all of your filed documents. Then proceed to Step 9.
- STEP 9: Preparing Judgment After Hearing**
  - After your hearing (from Step 6 or Step 8), you may receive a formal Judgment prepared in court. If the Judgment is not prepared in court, you must have a formal Judgment prepared for the Judge to review and sign.
  - You can download the complete instructions and forms for Step 9: Custody Judgment on the Court’s website. If you are not able to complete the Judgment yourself, you may take the Minute Order and envelopes with postage to the Self Help Center to have the Judgment prepared for you.
- STEP 10: Amend Birth Record**
  - If the Court ordered a change in a child’s name or a parent’s name, you will need to amend (correct) the child’s birth certificate.
  - Request a certified copy of the Judgment. Then follow the instructions for amending or correcting your child’s birth record at California Department of Public Health.