



How to Complete a Responsive Declaration to a Request for Order

Purpose of this Packet

If you have been served with a Request for Order, a Court hearing has been scheduled in your case. The purpose of this packet is to assist you in completing, serving and filing a Responsive Declaration to the Request for Order.

The Responsive Declaration is a formal response that must be served on all other parties and then filed with the court. It contains your declaration stating whether you agree or disagree with any request made by the other party as well as the reasons why you agree or disagree and an explanation as to why the Court should rule in your favor. You can also include statements refuting any statement made by the other party in your declaration.

The Responsive Declaration helps the Judge to understand what your opinion is in relation to the issues before the Court.

You must file your Responsive Declaration at least nine **Court days** (business days not weekends and holidays) before the hearing. If you do not file a Responsive Declaration in time for the hearing or do not mention important facts in your Declaration, the Judge might refuse to let you speak about the issues at the hearing.

There is no fee for filing a Responsive Declaration.

Documents Required to File a Responsive Declaration

- Responsive Declaration to Request for Order, [FL-320]
- Proof of Service by Mail, [FL-335]
- Attached Declaration [MC-031] (if needed)
- Family Law Case Participant Enrollment Form, local form FL/E-LP-660

Steps you must take

Step 1: Complete the Responsive Declaration

- Complete the boxes at the top of page 1, known as the caption. Print the date, time and place (department number) of your hearing to the left of the case



number. If you will need an interpreter at your hearing, this is the place to make your request. Below the case number print "Interpreter Needed:" and print the language that you speak. For example, if you need a Spanish interpreter, you will print "Interpreter Needed: Spanish."

- Review the Request for Order filed by the other party. Respond only to each of the issues they have raised. Check the box in each relevant paragraph that indicates whether you:
 - (a) agree with the order requested by the other party;
 - (b) disagree with the order requested by the other party; or
 - (c) request the Court to make some other order.
- You may not address issues not raised in the Request for Order. If you have an issue you would like to discuss in court that is not on the Request for Order of the other party, then you must file your own Request for Order.
- Merely checking a box is not enough. It is important to include an explanation at paragraph 10 of the Responsive Declaration to provide information that you wish the Judge to consider at the hearing. If you do not mention an important fact in this paragraph, the Judge might not allow you to raise it at the hearing.
- Use the Attached Declaration [MC-031] if you need more room or to refer to attached letters and/or evidence to support your case.

Step 2: Photocopy your Responsive Declaration

- When you have completed the Responsive Declaration, and any additional forms, make one copy for yourself and one for each of the other parties to the case.

Step 3: Serve copies on the other party

- Have someone over the age of 18, other than yourself (a friend or relative) who is not a party to the case, mail one of the copies of the "Responsive Declaration" along with any attachments to the other party(ies).
- Have this person complete the "Proof of Service by Mail" and make a copy of it.

Step 4: File your "Responsive Declaration" and "Proof of Service by Mail"

You must file the original and a copy of the Responsive Declaration, attached declaration (if used) and Proof of Service By Mail (FL-335) with the Court. Family law documents are filed in Room 100 of the Family Relations Courthouse. You may file the forms yourself or ask another adult to do it for you. We suggest that you take extra copies of the filed Responsive Declaration and Proof(s) of Service to the hearing.



Step 5: Meet and Confer

No later than two (2) court days before the hearing date, you and the other party must meet and attempt to resolve the issues contained in the Request for Order. You may meet in person or by telephone. See Sacramento Local Rule 5.21 for more information about the Meet and Confer requirement. If both you and the other party are self-represented and there is a Domestic Violence Restraining Order in effect, you are not required to Meet and Confer.

Family Law Case Participant Enrollment Form, local form FL/E-LP-660

In Sacramento County, family law documents prepared by the Court are published to a secure web site where only parties to the case who have created an online account can view and download them. The Family Law Case Participant Enrollment Form is used to register an email address that will be used to access the online account. Within twenty-four (24) hours of filing your forms, you should receive an email advising you that an account has been created for you to access any documents posted in your new case. Follow the link in the email to confirm your account and create your unique password. This account will be used for the life of your case. If your email address changes, you will be required to file a new Family Law Case Participant Enrollment Form in order to continue to have access to documents posted by the Court.