



Request for Order

Purpose of Packet

This packet is intended to provide you with the instructions on how to complete, file and serve a Request for Order in the Sacramento Superior Court. The Request for Order form (FL-300) is used to request a hearing on most issues in a family law case, including:

- To get custody or visitation orders when none exist or to modify existing orders;
- To get child or spousal support orders when none exist or to modify existing orders;
- To set aside a default or a judgment or to ask the Court to reconsider its prior order;
- To change venue from Sacramento to another county;
- To ask the court for permission to amend your petition; or
- To request attorney fees and other costs.

A Request for Order cannot be used to obtain a Domestic Violence Restraining Order or to seek final judgment in your case through trial. There are specific forms that are required in those situations. These instructions are not intended for use in requesting emergency or ex parte orders. If you need an ex parte or emergency order, consult a licensed family law attorney.

Forms you will need to file a Request for Order:

- Request for Order (form FL-300)
- Family Law Case Demographic Information (local form FL/E-ME-811; for child custody and visitation only)
- Income and Expense Declaration, (form FL-150, for child and/or spousal support)
- Attached Declaration (MC-031, optional)
- Witness List (FL-321, optional)
- Family Law Case Participant Enrollment Form (Party), local form FL/E-LP-665
- Proof of Personal Service (FL-330), **or** Proof of Service by Mail (FL-335)

You will also need blank copies of the following forms to serve on the other party:

- Responsive Declaration to Request for Order (FL-320)
- Income and Expense Declaration, form (FL-150) (Only if you are asking the Court to make child or spousal/partner support orders)
- Proof of Service by Mail (FL-335)

Completing the Request for Order Form (FL-300)

Page 1



In the top left box of the form, print your full name, mailing address and telephone number. In the space next to where it says, “attorney for,” print “Self.” This lets the court and the other party to your case know that you are representing yourself in this case.

In the second box down on the left, the court’s name and address should be pre-printed on the form for you. However, if it is not, print the following information:

County of:	Sacramento
Street Address:	3341 Power Inn Road
Mailing Address:	3341 Power Inn Road, Room 100
City and Zip Code:	Sacramento, 95826
Branch Name:	Family Relations Courthouse

In the third box down, on the left print the full name of the parties next to the words PETITIONER/PLAINTIFF and RESPONDENT/DEFENDANT. A party’s status never changes. In other words, the party that started or opened the case at the beginning will always be the petitioner. If the case was filed against you, you are and will always be the respondent. If other persons have been joined into the case as parties, you must include them by printing their name(s) next to the words OTHER PARENT/PARTY.

In the fourth box down, on the left, is the REQUEST FOR ORDER box; this is where you will place a checkmark in all of the boxes for the issues you want to include at the hearing. Although you may check as many boxes as you wish the judge to consider, your hearing is scheduled to last a maximum of 15 minutes. If you need more than 15 minutes, you should be prepared to attend a second, longer hearing on a different date. The date and time for the second hearing will be provided at the end of your first scheduled hearing.

If you already have court orders and now you would like to have the orders changed, check the box for CHANGE. For example, if you would like to change an existing child support and child custody order, you would check the box for CHANGE and check the boxes for CHILD CUSTODY and CHILD SUPPORT. In other words, if you check CHANGE, you must also check another box that corresponds to the order you want changed.

If you do not have existing orders, do not check the box for Change. You will only need to check the boxes for orders you seek.

If you are seeking an order about an issue not listed check the box next the word “Other,” and in the area provided, print the issue(s) that you would like the judge to address at the hearing.

In the second box down, on the right side, next to the words “CASE NUMBER,” print your Superior Court 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.”

Item 1. Print the name of the other party. If you are requesting child support orders and the Department of Child Support Services is involved in your case, include the name, “Department



of Child Support Services.” Check the box below the line to indicate the party type for the person whose name is printed on the line.

Items 2-8: Items 2a and 2b. Leave blank. The filing clerk will complete these items when you file your papers. Item 3 includes information for the other party on how to respond to your Request for Order. Items 4-8 are for the Court to complete, if applicable. Leave the rest of this page blank.

Pages 2-4

In the long box at the top of each page, print the names of the parties next to the words PETITIONER, RESPONDENT and OTHER PARENT/PARTY. Print the case number to the far right side of the box.

Below the title REQUEST FOR ORDER, read the instructions for completing the form. Keep in mind that you must complete all of the items that match the issues you selected on page 1.

Item 1, Restraining Order Information. It is important for the judge to know if there are any restraining orders in effect between you and another party to your case. If there is, check the box and complete this section. Attach a copy of the restraining order to the Request for Order form.

Item 2, Child Custody/Visitation (Parenting Time). Legal custody concerns a parent’s right to make decisions regarding a child’s health, welfare and education. Physical custody is where a child resides. Complete items 1(a) to 1(c) for each child. If you would like to provide the judge with greater details of the child custody arrangement you seek, you may do so by checking item 1(b) and placing a check mark for each optional form that you intend to attach to your Request for Order. At item 1(c), use the space provided to explain why you need the orders you are requesting.

If you have an existing child custody order, also check item 1(d). By checking this box, you are telling the judge that you seek to change an existing order. Complete all of the requested information about the existing order.

Item 3, Child Support Under California law, the courts are required to set child support orders according to the statewide uniform guidelines. Complete this section if you are seeking child support orders. At item 3 (a), list the name and age of each child. You do not need to list a specific child support amount. Child support will be set according to the state guidelines if you check the box. You must also file a completed form FL-150 (Income and Expense Declaration).

If you have an existing child support order, check item 3(b). By checking this box, you are telling the judge that you want to change an existing order. Print the date the existing order was made and explain what was ordered. Read item 3(c). At item 3(d), use the space provided to explain why you need the orders you are requesting.

Item 4, Spousal or Domestic Partner Support. Complete this section if you are asking for orders regarding spousal or domestic partner support. You must file a completed form FL-150 (Income and Expense Declaration)



Item 5, Property Control. Complete this section only if you are seeking exclusive use and possession of an item of community or jointly owned property, such as the family residence or the family car.

Item 6, Attorneys Fees and Costs. Complete this section if you are seeking financial assistance from the other party so you can obtain an attorney. You must attach a completed form FL-150 (Income and Expense Declaration), a completed FL-319 (Request for Attorney's Fees and Costs Attachment) and a completed form FL-158 (A Supporting Declaration for Attorney Fees and Costs Attachment).

Item 7, Domestic Violence Order. Complete this section if you have a Domestic Violence Restraining Order in this case and you want the judge to change or end that order. At item 7(d) explain why the order is necessary.

Item 8, Other Orders Requested. Complete this item if you would like to ask the judge for an order for an item other than the issues covered in items 1 to 7. For example, you can request to set aside a default judgment or change venue from Sacramento to another county in California.

Item 9 is for emergency or ex parte orders only. If you need emergency orders, consult a family law attorney as these instructions are not intended to explain the process for requesting emergency orders.

Item 10, Facts In Support. This part is very important. This is your opportunity to tell the Court (in a declaration) why you are asking for the court orders that you are requesting. Explain all the reasons why the court should grant the orders you are requesting. Your declaration should include all of the information that the judge will need to consider in granting your request.

You can print your declaration in the space provided, or you may attach a blank declaration form (form MC—31) if you need more space. If you decide to include a separate page, check the box next to the words "Attachment 10."

You may attach exhibits to your declaration to support your request for hearing. Exhibits are documents that support your declaration. You must clearly identify the document in your declaration by stating what the document is, the exhibit number you have assigned it and how the document supports your request. For example: "Attached as Exhibit A is a copy of my pay stubs for the months from January 2012 to March 2012. The pay stubs show that my monthly income during the period was \$1320.00 a month."

At the bottom of the page, print the date and your name and sign where indicated.

Additional Instructions and Form for Requesting Child Custody and Visitation Orders

If you are requesting child custody or visitation orders, you will be referred to the Office of Family Court Services to schedule an appointment with a mediator (also referred to as a child custody recommending counselor). Mediators are professionals with education and training in child and family development who are skilled at helping parents resolve disagreements. There is no cost for this service. If you do not reach an agreement, or if you agree on some things and not others, the mediator will recommend a parenting plan to the court based on the best interest of



the child. If you do not agree with the recommendation, you will have the opportunity to say why you disagree at the court hearing.

Completing the Family Law Case Demographic Information Form, local form FL/E-ME-811

You must complete this form if you are requesting child custody or visitation orders. The information you provide on this form is necessary for Family Court Services to properly notify everyone of upcoming appointments. Please complete all parts of this form. If there are no attorneys or claimants, leave those sections blank.

If You Plan to Call Witnesses at the Hearing

If you would like to have witnesses testify in support of your request for orders, you must file and serve along with the Request for Order, a witness list that includes a brief description of the issues that you expect your witness to testify to on your behalf. The witness list may be completed on form FL-321 and it must be served on the other party along with the Request for Order prior to the scheduled hearing date.

Family Law Case Participant Enrollment Form (Party), local form FL/E-LP-665

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.

Filing and Serving the Request for Order

Copying

Make a copy for all of the parties' involved in the case of the entire packet. If you have other papers such as your Income and Expense Declaration, you will need to make copies of them as well (keep them as separate packets). If you are requesting child custody or visitation orders, you need to make one extra copy of the packet (for Family Court Services), excluding the Income and Expense Declaration.

Separate these instructions from the forms. You do not need to file the instructions when you file your forms.

Put your forms in order as follows:

1. Request for Hearing on top
2. Any optional attachments you used
3. Attached declaration (if needed)
4. Exhibits (if any)
5. Family Law Case Demographic Form (if you are seeking child custody or visitation orders)



Filing Fees

There is a filing fee for a Request for Order. If you have never paid an initial filing fee in the case, you may also be asked to pay your initial filing fee at the same time. If you are unable to pay your filing fees, you may be able have your filing fees waived by the Court. For more information about fee waivers, including forms and instructions, visit:

<http://www.saccourt.ca.gov/fees/fee-waiver.aspx>.

Filing your Papers with the Court

When you are ready to file your forms, you may mail them to the Court or drop them in the Drop Box inside the lobby of the courthouse or file them in person. If you file by mail, send your forms, copies and filing fee to the following address:

Sacramento Superior Court
Family Relations Courthouse
3341 Power Inn Road, Room 100
Sacramento, CA 95826

If you file in person, take all of the forms you have completed and the copies to the courthouse and obtain a service ticket from Reception before 4:00 pm.

Serving the Papers

After the Request for Order has been filed, you must have a third party serve all the other parties with a copy of the Request for Order and the attachments (if any) at least sixteen (16) court days before the scheduled hearing. If the third party is serving by mail, add an additional five (5) calendar days to the time required for service. The person who serves the Request for Order must be at least 18 years of age and not a party to your case.

Mail service is permitted if:

1. There is no judgment yet entered in the case and
 - You are the respondent , or
 - You are the petitioner and the other party has filed a Response/Answer.
2. There is a judgment in the case and you have verified the other party's mailing address.

Personal service is the preferred method of service and may be used even if it is not required. When each party has been served, your server must complete a Proof of Service form. The completed proof of service form and a copy should be filed with the Court. Bring the filed copy to the hearing.

Duty to 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. 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.