



CHILD CUSTODY AND VISITING RIGHTS MANUAL FOR INCARCERATED PARENTS



This manual (written in November 2012, forms updated January 2019) is for incarcerated parents in California prisons and jails who want visits with their minor children but are not getting them. We hope that this manual will give you the information and tools you need to start having visits with your children. Most of the time, family visits are good for prisoners, good for the children, good for the community, and even good for the jails and prisons themselves. We would like to see all of these institutions and people work together to make more visits happen and for these visits to be as good as they can be.

This manual provides current information to the best of our ability. However, laws and procedures change frequently. It is your responsibility to check relevant legal cases, codes, court rules and forms when using this manual.

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Section 1: USING THIS MANUAL

There are three different courts that might be involved with the custody of children of incarcerated parents. This manual provides information about all three courts:

The **juvenile dependency court** is the court where Child Protective Services (CPS) works. CPS may cause a “dependency petition” about your child to be filed if it believes that your child is abused or neglected.

The **probate court** hears guardianship petitions filed by private parties, such as relatives or friends, who want to be appointed guardian of your child.

The **family court** is the court where divorces (dissolutions of marriage) are filed, as well as dissolutions of domestic partnerships. It

also hears child support cases and “paternity” cases, now known as Petitions to Establish Parental Relationship. If CPS or guardianships are *not* involved, then a custody or visitation case will be heard in the family court.

Some sections of this manual apply to all courts. Other sections apply only to one. If you know which court your child’s case is in, you only have to read the general sections and the sections that concern that court. The name of the section will tell you which court it is about. If the section name does not mention a specific court, it is for every court.

In *every case*, we recommend that you read everything that applies to your situation before sending any forms into the court.

Section 2: GETTING STARTED

The first steps are to (1) locate your child and your child’s caregiver and (2) find out whether or not there is already a court order in existence that has given someone authority over your child.

Locating your child: Not all parents know where their child is, or who is caring for him or her. Without this information, there is nothing you can do. You will need this information to reach out to the caregiver to make your request for visits. You will also need this information so you can serve legal papers on the caregiver. Unfortunately, there are no official services that we know of that will help you to locate your child, unless there is an agency that is already involved (such as Child Protective Services or a Child Support agency). If this is the case, you can contact that agency for help, by writing or calling that office. If not, you will have to rely on your own resources, such as family and friends, to locate your child and the caregiver. Give your helpers all of the information you have (names, dates of birth, relatives’ names, addresses and phone numbers, etc.) of people who might know

where your child is. These days, the internet is a helpful tool. Another idea is to search courthouse records.

Current court orders: It is also important to get copies of any court order that may have been issued about your child. This will help you learn your current legal rights. It will also help you figure out what court you will have to file legal papers in. If a court case was filed involving your child, you should have been notified and given an opportunity to respond. However, sometimes a parent is not notified. If you know about, or even suspect, that a court case has been filed, try to get copies of the documents filed in the case. If you do not already have these documents, you can get copies by writing to the court. You may have to pay a fee for copying costs. At a minimum, you will need the most current court order.

Keep in mind that there are three courts that may have issued a court order about your child: the **family court**, the **juvenile dependency court** and the **probate court**.

Section 3: GETTING AN INFORMAL VISITING SCHEDULE

Before you try to get a court order for visiting, we recommend that you first try to get an informal visiting arrangement by agreement with the caregiver. The caregiver of your child may be more receptive to your friendly letter than to being served with legal papers. Keep in mind that a court is going to place great weight on the caregiver's opinion about your child and you; you will likely be better off approaching the caregiver in a reasonable manner than by being angry or confrontational. Filing legal papers takes a lot of work; if you can get visits without it, you ought to try. If this effort is not successful, you will have learned something about the caregiver's position. You will also be able to inform the court that your informal efforts have failed.

If you are incarcerated, we suggest that you write to your child's caregiver and ask that he or she bring your child for a visit. Explain why this is important to you and how you would use that visiting time. Give the caregiver all the information you can find about visiting procedures at the facility where you are housed: days and hours, what the visiting room is like, the process to get into the prison (metal detectors, searches), the need to submit paperwork to get advance approval for visits, etc. If a visit involves a lot of travel, you can consider helping pay for travel expenses. Another idea is for you to find someone other than the caregiver who might be willing to transport your child to you. Keep in mind that caring for a child is a lot of work; bringing a child to a prison visit can be an added burden. In fact,

this is a good time to express your appreciation to the caregiver for his or her efforts in caring for your child while you are not available to do so yourself. If the caregiver is reluctant to expose your child to the jail or prison setting, you might suggest that the caregiver visit you first without the child, so he or she may become familiar with the process and environment. Be sure to let the caregiver know of the various services available to him or her, such as Get on the Bus, Friends Outside, etc.

In addition to visits, you can make other requests of the caregiver, such as agreeing to accept regular phone calls from you, allowing you and your child to write to each other, sending you photos of your child, as well as report cards, school and art work, etc., keeping you informed about school progress, medical issues and other major concerns.

Once you have a successful visit, you can negotiate with the caregiver for a reasonable schedule for visits. This could be as frequent as weekly if you are in the same community, to once a year, if there is great distance and cost involved, to anything in between. Be sure to put your agreement in writing – it can be a simple letter from you stating what you have agreed. Keep a copy. Then keep written records of how your arrangement is working. We hope that you will be able to successfully arrange visits informally and will not need to file in court.

Section 4: GETTING A COURT ORDER: AN OVERVIEW

Most of the parents we hear from have been unable to work out a satisfactory visiting schedule with the caregiver. If this is your situation, you will probably have to file a request for a court order for visitation. If there is already a court order regarding custody and visitation of your child (in either the family court, juvenile dependency court or probate court), you will most likely file legal papers in that same court case to modify that court order to give you visiting rights while you are incarcerated. If there is no court

order in any court about your child, then you will probably need to file a new lawsuit. As part of that lawsuit, you will ask for visiting rights.

The next section of this manual will discuss the juvenile dependency court. Following that is the section on the probate court. The last, and most complicated, section concerns the family court. In each case, you will be filling out court forms, filing them with the correct court, asking for a hearing date, serving copies of court papers

on your child's caregiver, preparing for a court hearing, attending a hearing (perhaps by phone), and obtaining court orders. This manual will direct you to the next place in the manual to find the information you need.

A note about court forms: All three types of courts (juvenile dependency court, probate court and family court) use standard statewide forms. These forms each have a name and

number. A form for the juvenile dependency court will start with **JV**; probate guardianship court **GC**; and family court **FC**. All of the standard statewide forms are available on the internet at the website for the California Judicial Council. That address is: <http://www.courts.ca.gov/forms.htm> There is more information about these forms in the sections which follow.

Section 5: JUVENILE DEPENDENCY COURT: Getting a visitation order

This manual cannot cover everything you might need or want to know about the juvenile dependency court. LSPC's "Incarcerated Parents Manual" has a longer section (about 13 pages) about dependency court. It describes all of the stages, from CPS's initial detention of a child, through the filing of the petition, the detention hearing, jurisdictional hearing, disposition hearing, status review hearings, permanent plan hearing, post-permanent plan hearings, through writs and appeals. You can write to our office for a copy of that manual.

For purposes of this section of the manual, we assume that your child has been declared a dependent of the juvenile dependency court, that your child has been placed with a relative caregiver (perhaps in a dependency court guardianship) or foster family, but that your parental rights have not been terminated. If this is your situation, and your child's case is being actively reviewed by the court, then you probably have an attorney who is representing you. Ask that attorney to seek an order requiring the caregiver to bring your child to visit you, or allow someone else to do so.

If you have an attorney

Write your attorney and explain why it is in your child's best interest to maintain a relationship with you, why visits are important, and what the visiting arrangements are like in your institution. Let your attorney know if you can contribute financially for transportation. If you have someone who would be willing to transport your child so the caregiver does not have to, let

your attorney know this, including who it is and how to reach him/her. Tell your attorney (if it is true) that you have tried to work out an arrangement with the caregiver, but were unsuccessful. Ask your attorney to "make a record" about your request – providing the court with all of the information and evidence to support your request. This can include what your relationship with your child has been and is now, any classes or self-help groups you have or are participating in, your plans for the future, etc.

If you will file the request on your own

If you do not have an attorney now, or if your attorney is unwilling or unable to assist you, you can fill out a **JV-180** form ("Request to Change Court Order") to make this request yourself. A copy of this 3-page form is attached to this manual. If you need more space to explain your answers, you can attach another sheet of paper. The two things you have to prove to the judge are (1) that visiting with you is in the best interest of your child, and (2) that something significant has changed since the last time the judge issued court orders about your child.

It is important that you make the strongest case you can in your papers, because the court does not have to hold a hearing on your request. If you have helpful documents, attach them. They could include: letters from your child asking to see you, copies of letters you have sent your child, a statement from a relative stating that your child misses you and wants to see you, certificates that you have earned, character reference letters for you from people on the outside or inside who

support your request and state why, any helpful written information about the visiting program at your facility, etc. Section 9 has more information about what to ask for and how to write your statement.

You can also make a request that, if the court orders a hearing on your motion, you be transported to court for the hearing OR you be allowed to appear in court by telephone. This request could be written as part of question 8 on your form.

Mailing the form to the court

Before mailing the form to the court, be sure to make two copies of everything. Keep one copy for yourself. Mail the original and one set to the court and enclose a self-addressed, stamped envelope. A list of mailing addresses for the juvenile dependency courts in all 58 California counties is attached to this manual.

Section 6: PROBATE COURT: Getting a visitation order

If a probate court has already created a guardianship and appointed a guardian (or guardians) for your child, then you will be dealing with the guardian(s) and probate court.¹ When guardians are appointed, they receive a 12 page “Guardianship Pamphlet” which provides the following information about visitation:

The court may require that you allow visitation or contact between the child and his or her parents. The child’s needs often require that the parent-child relationship be maintained, within reason. However, the court may place restrictions on the visits, such

¹ Please note: Guardianships can be confusing, since both the probate court and the juvenile dependency court can create guardianships. If the guardianship involved Child Protective Services and you had a court-appointed attorney at those hearings, then that would be a juvenile dependency court case, not a probate court case.

Next steps

The court clerk will file your original, stamp the copy “file-endorsed” and mail your copy back in the envelope you provided. The judge will read your request and make a decision to either (1) set your request for a court hearing or (2) deny it.

Preparing for a court hearing

If the court orders a hearing, then you will need to prepare. What you will do is similar to what any incarcerated parent would need to do to prepare for a court hearing about a request for a visiting order. A hearing on such a request might be less formal and take less time in juvenile dependency court than a similar hearing in another court, but the basic ideas are the same. Turn to sections 10-13 for a description on preparing and attending this court hearing, and the steps after a hearing.

as the requirement of supervision. The court may also impose other conditions in the child’s best interest.

Under most circumstances, it is best for you to have a working relationship with the parents if possible. However, in every case, you must follow all orders of the court, including those that may restrict contacts and visitation.

As you can see, it is possible to get a court order requiring a guardian to allow you to visit with your child. The challenge is in getting the guardianship case back in front of a judge to make this request.

Finding the forms

Currently, there are no standard, statewide forms specifically designed for probate court guardianship cases to ask for visitation rights after

the guardianship has been established. San Diego County has developed its own form, which is attached to this manual. Even if your child's guardianship case is not in San Diego County, you *may* be able to use that form (by crossing out the words that apply to San Diego County). Alternatively, you may be able to use forms developed for family court. These forms are listed at the beginning of section 9 of this manual.

To find out what your county probate court requires, you can write a letter to the Family Law Facilitator office for your county. The Family Law Facilitator is an office with the county court that has been created to help people who don't have lawyers get practical information on filling out court forms. Tell them that your child is the subject of a guardianship in that county, that you are incarcerated, that you want court-ordered visits with your child, and that you need to know which forms to use. You can also ask them to send you blank copies of the forms. A list of addresses of all of the Family Law Facilitator offices is attached to this manual.

If you have a friend or relative on the outside, that person may be able to help you. That person could call your local Family Law

Section 7: FAMILY COURT: Getting a visitation order in a family court case already filed

If a family law court has already issued a court order about custody and visitation of your child, then you will not need to file a new court case. You will not need to file a petition or summons. Instead, you can make a written motion for visitation in the lawsuit already on file, whether it is a dissolution of marriage or civil partnership, or a petition to establish parental relationship, or a petition for custody and support of minor children. You would use the same case

Section 8: FAMILY COURT: Filing a new lawsuit in family court to get a visitation order

If neither you nor anyone else (including CPS) has filed a court case involving the custody of your child, and you want a court order for visiting rights, you will have to file a new lawsuit in family court. The kind of lawsuit depends on

Facilitator or download forms from the internet and mail them to you. That address is: <http://www.courts.ca.gov/forms.htm>

Another source of assistance is the Law Library at your institution. The library clerks may be able to give you the forms you need and help you learn how to fill them out.

Filling out, filing and serving the forms

Since you will probably be filling out the same forms as are used in the Family Law Court, you can jump ahead in this manual to section 9 to get specific information about how to fill out these forms, file them, receive them back from the court, serve them on the guardian, and fill out and file the Proof of Service form.

Preparing for a court hearing

If the court orders a hearing, then you will need to prepare. What you will do is similar to what any incarcerated parent would need to do to prepare for a court hearing about a request for a visiting order. Turn to sections 10-13 for a description on preparing and attending this court hearing, and the steps after a hearing.

name and case number, and file your motion papers in the same court, as the previous court case. Please note: A child support case brought by the county does *not* determine custody – so you would *not* file a motion for visitation in that kind of case to seek visiting rights.

If there is already a custody/visitation order in your child's case, you can skip the next section and go to section 9.

whether you were married or in a domestic partnership with the other parent of your child, or were unmarried. You will need to figure out which of the four petitions is right for your situation.

Finding the petition which is right for you

Petition for dissolution of marriage or legal separation (FL-100): If you were married and now want to be divorced from the other parent who has custody of your child, you will file for dissolution of marriage in family court. For more information on filing for a divorce, or responding to a divorce petition filed upon you, see LSPC’s manual, “Manual on Divorce Issues for People in California Prisons and Jails.”

If you do not want to end your marriage, you can file for legal separation instead. Both kinds of lawsuits use the same petition form (FL-100).

Petition for dissolution of domestic partnership or legal separation (FL-103): If you were in a domestic partnership (a same-sex relationship registered with the State of California) and now want to legally terminate that partnership from the other parent who has custody of your child, you would file for a dissolution of domestic partnership in family court. These procedures are identical to divorce procedures. LSPC’s manual, “Manual on Divorce Issues for People in California Prisons and Jails” will be helpful to you. If you do *not* want to permanently dissolve the partnership, you can file for legal separation instead. Both of these petitions use the same petition form (FL-103).

Petition for custody and support of minor children (FL-260): If you were unmarried *and* the parentage of your child has already been officially established, then you can file a petition for custody and support of minor children in family court. Your child’s parentage would have to have been established through (1) a Voluntary Declaration of Paternity signed by both parents; (2) an adoption case; (3) a juvenile dependency court case; or (4) a government child support case. **A married person can also file this petition.** It does not change a married person’s marital status or divide property.

Petition to establish parental relationship (FL-200): If you were unmarried and the parentage of your child has *not* already been established in family court by one of the four methods listed in the paragraph above, then you will file a petition to establish parental relationship in family court.

Using the correct summons, response form and proof of service

You will be serving your petition, a summons and a blank response form, to the person you are suing (the respondent). And the person who delivers those (and other) papers to the respondent will have to fill out a proof of service. The following is a chart which will help you find the correct forms for your petition.

PETITION	BLANK RESPONSE	SUMMONS	PROOF OF SERVICE
FL-100 Dissolution of marriage/legal separation	FL-120	FL-110	FL-115
FL-103 Dissolution of civil partnership/legal separation	FL-123	FL-110	FL-115
FL-200 Petition to Establish Parental Relationship	FL-220	FL-210	FL-115
FL-260 Petition for Custody and Support of Minor Children	FL-270	FL-210	FL-115

Please note: Many of these forms are available in Spanish.

These are the basic forms you will need to file a new lawsuit. You will need additional forms to get a hearing in front of a judge to seek a visiting order. And you may need to get a fee waiver to avoid having to pay a filing fee. Section 9 will cover these topics. It will also address how to fill out these forms.

What if someone other than your child's parent is caring for your child?

The petitions listed above are designed to determine child custody and visitation issues between two parents. However, sometimes a relative, friend or even a stranger has the physical custody of a child. If that caregiver *already has a court order* for custody or visitation, the most straightforward thing you can do is to file a motion for visitation in that court case. You would not need to file one of the petitions described above.

To establish your visiting rights when a non-parent has custody of your child but does *not have a court order* granting her custody, you will have to bring her into court as a party to a lawsuit. Be aware that the judge who hears your request for a visitation order may end up issuing an order granting this caregiver physical and legal custody of your child, whether granting your request or not.

There is no special lawsuit designed for this situation. Instead, what you can do is (1) file the petition listed above which best describes your situation and (2) file a Motion for Joinder of the caregiver to your lawsuit. This means that you are “joining” or “adding” a third party (the caregiver) to a case that ordinarily only involves the parents.

You would use **FL-371** to make your request and to schedule a hearing on your motion.

Section 9: FAMILY COURT: Filing motion papers in family court to get a visitation order

Finding the right court forms

Courts use a lot of standard forms. It can be confusing to figure out which forms to use and how to fill them out. This manual tries to give you

You also have to staple to the Motion for Joinder “an appropriate pleading setting forth the claim as if it were asserted in a separate action or proceeding.” California Rule of Court 5.24(d)(1). This “pleading” could be called a “Pleading on Joinder: Child Visitation”. There is no standard form, so you would have to write one up on your own. Attached to this manual is a sample pleading.

You would file and serve your petition, appropriate summons and motion for joinder (with attached Pleading on Joinder) on the other parent (but not on the person you are trying to join at this stage). The court should give you a court date on your Motion for Joinder within 30 days of the filing of your motion. At that hearing, the court *must* order the joinder of any person “with physical custody or [who]claims custody or visitation rights with respect to any minor child of the marriage, domestic partnership, or to any minor child of the relationship.” California Rule of Court 5.24(e)(1)(A).

If the court grants your motion, it should issue a written order. A sample order is attached to this manual. Your next steps are to fill out a Summons (Joinder) (**FL-375**) form, and serve it, along with your Notice of Motion and Declaration for Joinder, Order on Joinder, Pleading on Joinder, the original Petition you filed, and any other motion papers you will need, on the person joined. You will also have to serve the other parent with these other motion papers. For further discussion about motion papers in family court, see the next section of this manual (section 9).

Please note: the two Rules of Court cited in this section will be effective on January 1, 2013. They replace current Rules 5.156(a) and 5.158(a), respectively, which are very similar.

accurate information about the forms you will need. However, there are 58 counties in California and they may have different requirements. For specific information about your county (the county where your child is currently

living), you can write to the Family Law Facilitator in that county. A list of their addresses is attached at the end of this manual. Tell that office that you are incarcerated, that you are seeking visitation rights with your child, what kind of petition you want to file – or what kind of case is already in their court regarding your child’s custody, and ask them to send you blank copies of all the forms you will need.

Another source of assistance is the Law Library at your institution. The library clerks may be able to give you the forms you need and help you learn how to fill them out.

If you have a friend or relative on the outside, that person may be able to help you. That person could call your local Family Law Facilitator or download forms from the internet and mail them to you. That address is: <http://www.courts.ca.gov/forms.htm>

Fee waiver forms

Whether you are filing a new lawsuit or a motion in a lawsuit already on file, the court will require you to pay a filing fee. If you have limited resources, you can ask the court to waive (not charge) those fees. Here are the two forms you need:

- Request to Waive Court Fees: **FW-001**
- Order on Court Fee Waiver: **FW-003**

Forms to request a hearing to obtain a visitation order

You will need the following forms:

- **FL-105/GC-120**: Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act: A history of your child’s living arrangements
- **FL-300**: Request for Order: Your request, with reasons, and the court’s pre-hearing orders
- **FL-311**: Child Custody and Visitation Application Attachment: *Optional* attachment

- **MC-025**: *Optional* attachment for your declaration
- **FL-115**: Proof of Service of Summons [for petitioners filing a new lawsuit]
- **FL-330**: Proof of Personal Service [for people filing for a hearing in a case already filed]

Please note: Many of these forms are available in Spanish.

Filling out the forms

Most of the forms are “fill in the blank.” However, in some places you will need to write your own statement of facts. Ideally, you would have a set of the forms to practice on and a second, “clean” set of forms to fill out once you are sure how to fill them out properly. You could use pencil at first if you only have one set. Definitely write out your “statement” (or declaration) on a blank piece of paper at first, because you may want to put it through a few drafts.

Read each part of the forms carefully. Do your best to answer each question. If a question does not apply to you, you can write “not applicable” or “NA.” You can add extra words if it will help explain your answer. The Information Sheet for **FL-300 (FL-300-INFO)** is attached to this manual. Please refer to it for additional information.

If you know you will need to use the Sheriff’s Department to serve the legal papers on the caregiver, include “service of process fee by sheriff” as a fee you are seeking waived in your Fee Waiver forms.

What to ask for

If you want the judge to order the caregiver to appear in court, check box #4 on the first page of form **FL-300**. This is generally a good idea, as the judge will want to hear from that person.

On form **FL-300**, question 2 asks you to state the visiting order you want in terms of days, length and frequency of visits. You can either fill

out form **FL-311** or write out your request on a separate piece of paper (label it “Attachment 2a”). Be sure to ask for “contact visits.” Ask for visits to occur consistent with your institution’s family visiting hours. Ask for a reasonable visit length. Depending on your child’s age, distance from your current housing, and the strength of your current relationship, you could ask for visits every week or two, monthly, every 3 or 6 months, etc. You can suggest that someone other than your child’s caregiver bring your child to visit you. This will take a burden off of the caregiver and may remove an objection that the caregiver has.

If you haven’t seen your child in some time, you could ask for one or two visits to see how it goes, and then return to court to evaluate the experience with the hope of making a more permanent schedule. You could also suggest that the caregiver visit you first, without the child, so that the caregiver becomes familiar with the prison environment. Your child will be more comfortable if the caregiver is comfortable.

On form **FL-300**, question 8 asks you to state what “other relief” you are seeking. Here is the place to ask for everything else that you would like to help you maintain a relationship with your child. You can also ask for regular (collect) phone calls; that your letters to your child be read or given to him/her; that photographs be mailed to you regularly; that you be kept informed about school activities, grades, health issues, etc. You can also ask here to be transported to court, or be allowed a telephone or video-conference appearance. The next two sections describe these orders.

Order for transportation to court from prison or jail

It is generally a good idea to attend court in person when you are seeking visitation rights with your child. The judge will have a better idea of who you are and you will be able to speak about any concerns or questions the judge may have.

Unfortunately, you do not have the *absolute right* to attend a court hearing which is

scheduled to hear your motion for visiting rights. This is true no matter what court your motion for visitation is being heard in. Only where court proceedings are trying to make your child a dependent of the juvenile court, or are trying to terminate your parental rights, do you have an absolute right to be transported to the court hearing. (California Penal Code section 2625(b), (c) and (d).)

However, you have the *right to ask* for a court order that you be transported to court and the judge *may grant your request* and issue the order. This is true for any court hearing at which your parental rights are being ruled on, such as your right to visitation. (California Penal Code section 2625(e).) You can also ask to be transported to court for any mediation session that the court may order. Put these requests under question 8 on **FL 300**. If you need more room, you can write on a separate piece of paper, labeling this part “Attachment 8.”

Order for telephone or video-conference appearance in court from prison or jail

An alternative to your physically appearing in court is appearing by telephone or video-conference. We recommend that you ask for one of these options if transportation to court is not possible or feasible for you. You can also ask that you be allowed to participate in any required mediation session by phone or teleconferencing. Put these requests under question 8 on **FL-300**. You will have to figure out what the specific procedure for phoned-in court appearances is for your court and your prison or jail. Since procedures vary from county to county, and institution to institution, this manual cannot provide specific guidance. You can ask your counselor, other prisoners or the litigation office for information about your institution, and the Family Law Facilitator for information about your court.

Writing your supporting declaration

Probably the most important part of the form is question 10, which is your supporting declaration. This is where you tell your story

about who you are, what your relationship with your child is like, and why visiting with you is in your child's best interest. Plan to spend some time writing and rewriting it. The statement should be 1-3 pages in length. Typically, each sentence or paragraph is numbered.

A logical order is to start with positive things about yourself – such as your education or employment before you were incarcerated. Then describe your relationship with your child before you were incarcerated. You'll have to tell the court about your conviction and sentence. Try and find the best way to describe the context of your criminal case. For example, if it came about because of a drug problem, or an abusive relationship, or if you were a minor participant, or it was your first conviction, you could provide that information. Then you could describe the positive things that you are doing while incarcerated. Describe who is caring for your child now and what you are doing to maintain your relationship with your child. If your child wants to visit with you, let the judge know that. Describe why visiting with you will be good for your child. If you will be released while your child is still a minor, you can point out that you want to reunify with your child upon your release (this does not necessarily mean that you will seek custody) and that keeping an on-going relationship will make the future go better for all involved. But even if you have a long sentence, it is generally good for a child's emotional wellbeing to know, and have a positive relationship with, his/her parent.

Finally, give the judge some idea of what the visiting environment is like – will you have contact visits and be able to touch and hold your child? Is there a play area for children in the prison's visiting room? How long can a visit last? What will you do during those visits? It is a good idea to address the issue of transportation. If your child's home is fairly near the prison, this is a point in your favor. If your child's home is far away, there will be significant time and cost involved in bringing your child to see you. Can you help lessen this burden for your child's caregiver? Perhaps there is another relative who would be willing to bring your child, or maybe you or someone else can contribute towards

expenses. If a program like **Get on the Bus** or the **Chowchilla Family Express** is available to you, give that information to the court.

Exhibits

You can attach to your motion and declaration any exhibit that you think is helpful to your case. This could include certificates you have earned while incarcerated; letters to or from your child; support letters from family members or others; or any other document that supports your case. Mark each exhibit with a number or letter (Exhibit A, B, C, or 1, 2, 3, etc.), and describe each exhibit in your declaration so that court knows what it is. Do not overwhelm the court with documents. Only attach those few exhibits, if any that directly support your request.

Reviewing your documents

Once you have filled out the forms to your best ability, ask someone at your institution to review them. It could be someone in the Law Library, a jailhouse lawyer, or someone who has filled out these forms for him or herself before. After you have done the best you can with the resources available to you, prepare a complete set of the forms, in ink, in your best handwriting (printing). The easier your documents are to read, the easier it will be for the clerk and the judge to understand what you want and why.

If the caregiver is not the other parent

Sometimes, the person caring for a prisoner's child is not the child's other parent. It might be a grandparent or other relative, a friend of someone in the family, or even a stranger. For purposes of this manual, we are assuming that you are *not* trying to stop this person from being the primary caregiver of your child; you are only trying to get visiting rights with your child.²

² If you *are* trying to change who the caregiver is, you would use the same forms but fill them out differently. As a practical matter, you would have to have someone on the outside who was ready and willing to be the new caregiver. The court would have to view that person as a suitable substitute and the change in caregivers as being in the best interests of your child. You and that

If this caregiver was not already a party to the child custody case already on file, you will have to add or “join” this caregiver. Otherwise, the judge will not have the right to issue a court order against that person. You can find information about this procedure at the end of section 8 above, under the heading “**What if someone other than your child’s parent is caring for your child?**”

Mailing the forms to the court

Before you mail the forms to the court, be sure to make two copies of everything. Keep one set for yourself. Mail the original and one set to the court and enclose a self-addressed, stamped envelope. If you feel confident about how you have filled out the forms, you can mail the forms directly to the court clerk.

If you want someone to look over your forms before you file them, you can send them to the Family Law Facilitator. Write that office and ask them to review your forms and to let you know if they are filled out properly. The Family Law Facilitator will not give you legal advice, but can point out things that you may have missed or misunderstood. You can ask the Facilitator to forward your forms to the court clerk for filing if they are complete, or to return them to you if you need to make any changes.

Receiving the forms back from the court

If the court accepts your forms, it will rule on your fee waiver request, schedule a court hearing time and place, and stamp the forms “file-endorsed.” The court may order the other party to attend the hearing, and order the parties to participate in mediation services before the hearing. The court may issue other orders, such as restraining orders, orders not to remove the child from the state or county, or any orders you may have requested be issued pending the hearing. The court clerk will mail one set of these papers back to you. It is very important that you make copies of this set, because you and each person you are

person would have to be working closely together on filing that lawsuit.

suing will a set. (Exception: You do not have to serve your fee waiver forms on the other parties.)

Serving the forms on the caregiver

When a lawsuit is first filed, it must be *personally* served on the other party or parties. This means that you cannot mail the forms, but have to find someone in the community to hand-deliver the forms to whoever you are suing. This is called “service of process.” Any adult over the age of 18 can do this for you.

If you have no one on the outside to serve the legal papers, you can ask the county sheriff’s office to do it. There may be a fee for this service. If you know you will need to use this service, include “service of process fee by sheriff” as a fee you are seeking waived in your Fee Waiver forms.

After you receive file-endorsed copies of your documents back from the court, mail one copy of each form *and* the proper blank response form to your process-server for each person you are suing. Be sure to keep one set for yourself. Give your process-server all the information you have about where and when to find that person. Your process server should hand-deliver the forms as soon as possible, because they must be served a certain number of days before the hearing. If the process server is unsuccessful, there are some alternatives described on the Proof of Service form. Your process server should seek advice on what to do next.

If you are unable to serve the caregiver, you will not be able to get a court order for visiting with your child, so this step is crucial. If it turns out that you need more time to do so, you can ask the court for a later court date. To get a new date, you may have to fill out the Request for Order form again.

Filling out and filing the Proof of Service form

After the caregiver is served, your process server must fill out the Proof of Service form and file it with the court. If the process server files it with the court directly, he/she should mail you a

copy. If the process server sends it to you to file, be sure to make a copy of it for your records

before mailing the original (and one copy) to the court with a self-addressed envelope.

Section 10: PREPARING FOR THE COURT HEARING

Getting transported to court from prison or jail

If you got a court order to appear in court for your hearing, you may have to be pro-active at your institution to make sure you are transported in time. Be polite but persistent! The judge has ordered that you be brought to court, but *you* will have to make it happen.

Appearing in court by telephone or video-conference from prison or jail

If you got an order to appear in court by telephone or video-conferencing, be sure that you understand what you need to do on your end to make this happen. It may take several steps, over several days, to arrange this, including getting a permission slip or ducat. On the day of the hearing, allow yourself plenty of time to get yourself and your paperwork to the office where the phone or video equipment is located.

The mediation session

If your case is in Family Court, you will probably be scheduled for a mediation session with your child's caregiver. This could happen over the telephone on a date before, or maybe the same day as, the hearing. The mediator works for the court. A mediator is a trained counselor who will listen to both the caregiver and you, and try to help you come to an agreement. The mediator's primary concern, like the court's, will be the best interest of your child. Depending on the mediator and/or the county where the case is being heard, the mediator may be quite supportive of a child's visiting an incarcerated parent, or hostile to the idea, or neutral. If no agreement is possible, then the mediator will give a report to the court and probably make a recommendation. Courts tend to follow the recommendations of their mediators.

This is an important session. You must present yourself and your case as strongly as possible. One effective way to prepare for this

meeting is by doing a role-play with your friends. Ask someone to pretend to be your child's caregiver and someone else to play the role of mediator. You be yourself. Have the "mediator" ask you to describe your request and then ask the "caregiver" for a response. Then, you give your response and have the mediator try to negotiate an agreement. After the exercise, have a discussion with your friends about what you did well and what you could have done better. You can learn a lot from this kind of exercise.

Marshaling your witnesses and evidence

Most family law hearings are not lengthy. However, you may have an uphill battle so it is good to present as strong a case as you can. If you have family or friends who are supporting your motion, they can help you tremendously by attending the court hearing. Their physical presence in the courtroom can give you strength and will let the judge know that you have support. Also, you may want them on hand as possible witnesses. If someone has firsthand knowledge that you are a good and loving parent, or that the caregiver has been unreasonable in some ways, he or she might make a good witness for you. Tell your witnesses what testimony you think they can offer and make sure they are comfortable with it. Consider carefully which witnesses you want. Ask yourself whether or not your witness could somehow be used against you – for example, if he or she knows negative things about you that might come out in court if he or she was cross-examined.

Consider also whether you have any additional exhibits to present that you have not already submitted to the court. If so, bring them to court with you, have your support person bring them to court that day, or mail them in before the hearing. Always have a copy to give to the other side and one for yourself.

Writing down your main points

It is easy to get flustered and forget things during a court hearing. It will be helpful if you make a list of your main points – the strongest facts you have to support your requests. Also, try to anticipate what the caregiver will say to try and prevent visitation and write down in advance what your best response is to those arguments. You may have an opportunity to ask the caregiver questions. Think about this beforehand and write down a few questions to ask the caregiver that will either bring out favorable information about you or will reveal negative information about the caregiver’s position. Finally, make a checklist of All the things that you have asked for in your

papers (frequency and length of visits and phone calls, copies of report cards, photographs, etc.).

Doing a run-through of a court hearing

One effective way to prepare for this court hearing is by doing a role-play with your friends. Ask someone to pretend to be your child’s caregiver and someone else to play the role of judge. You be yourself. Have the “judge” ask you to describe your request and then ask the “caregiver” for a response. The “judge” can ask you both questions and allow each of you to ask the other questions. Then, the judge can make a ruling. After the exercise, have a discussion with your friends about what you did well and what you could have done better.

Section 11: THE COURT HEARING ITSELF

Phone appearance: special considerations

If you will be appearing by telephone, try to arrive at the correct office a bit early, if possible, and bring your necessary paperwork with you. When you are connected to the courtroom, let them know right away if you are having difficulty hearing the judge and other people in the courtroom, and ask if they can hear you. Listen carefully to the proceedings. The judge should tell you when it is your turn to speak. If you are not getting a chance to speak, you can say, politely, “Your Honor, may I say something?”

Your witnesses and supporters

Ask your witnesses and supporters to arrive a bit early to the courtroom. Before court goes into session, they can introduce themselves to the court clerk or bailiff as being in court for your case. This could be helpful for the judge, especially if there is any difficulty in getting you transported to court or connected over the phone. You can ask your witnesses or supporters to deliver new exhibits to the court. The original goes to the court and copies go to the opposing side and to you.

Being sworn as a witness

Unless you have an attorney, you will have two roles to play during the court hearing. You are your own attorney, and you are the party (or person) who is seeking a court order. You, and any other witnesses or parties, will be sworn to tell the truth.

Your presentation

Since you are the party whose motion is being heard, the judge may call on you first. Be prepared to state your case simply and briefly. Speak slowly and clearly. State what you want and why it is reasonable and in your child’s best interest. Hopefully, the judge has read everything you have written and submitted to the court. It is fine to repeat your main points, but you do not need to repeat every detail. Be conscious of the time. You may have less than five minutes to speak to the judge. Tell the judge if you have any witnesses to present.

If you have additional exhibits to present, do so now. Explain what they are. Give the original to the court and a copy to the other side. Keep a copy for yourself.

The judge, the opposing attorney or the opposing party (if without an attorney) may ask

you questions. It is best to admit the truth, but provide a helpful context. For example, if the judge asks how often you have seen your child in the last five years, and the answer is “not at all,” you can answer (if true) “[Opposing party] has refused to let me see my child when I tried, so I have been unable to see her at all. I have written my daughter every month.”

If you are presenting a witness, you would do so at this point. The general rule is that you have to ask open-ended questions of your witnesses. This means you have to ask a question like, “Please tell the judge what you know about me as a parent,” and *not* a leading question like, “You think that I am a great parent, don’t you?” Even if your witness does not testify, you can tell the judge that you have a witness present in court who could corroborate you on particular facts.

Opposing party’s presentation

When it is the opposing party’s turn to present his or her case, do not interrupt. If you disagree with what is being said, write yourself a note. The court should give you a chance to ask questions of the opposing party. You may have some questions already prepared, and you may think of some during the presentation. The questions can bring out facts favorable to you, or unfavorable to the other side. You *can* ask leading questions of an opposing party or witness. For example, you can ask, “Didn’t I bring my son to the doctor regularly when he was in my care?” Or, “Isn’t it true that you were arrested for driving under the influence with my child in the car?”

Your rebuttal

When the other side finishes its presentation, you can ask the court if you can reply. Don’t just repeat your original presentation. Instead, use this time to refute what the opposing party has said. You can tell the judge if certain unfavorable facts are untrue. Even if an unfavorable fact is true, you can put it in an understandable context.

The court’s ruling

Listen carefully to the judge’s decision. Take notes. If you don’t understand some part of it, ask that the judge explain it. If the judge has forgotten to rule on something that you asked for, remind him or her. For example, the judge may have made a ruling about visits, but forgotten your request about phone calls. (This is why it is helpful to have a written list of your requests.)

Next court date

If you think it will be helpful to your case, ask for a next court date. For example, if the judge orders a visit once every three months, but you are worried that the visit won’t happen, you can ask for a “progress report” or “status hearing” in four or five months. This will put pressure on the other party to make the visit happen in the timeframe the judge ordered. You can even agree at this hearing that you will “continue” or “postpone” the next hearing for another few months if the visits are happening on schedule. The advantage of having an automatic next court date is that you (or the other party) will not have to refile and re-serve court motion papers in order to get back on the court’s calendar to address any problems that may occur. Remember to ask for an order that you be transported to court, or that you are given a telephone or video-conference appearance, as appropriate.

Preparing the court order

The last step is to ask who will be responsible for preparing, filing and serving the written court order. In some courts, the order may be prepared by the clerk the same day as the hearing. Other times, one of the parties (particularly where there is an attorney) will be responsible. Where there are two attorneys, one usually writes the order and the other attorney “approves” the order (or points out corrections) before it is signed by the judge. You can ask to “approve” an order written by the other party’s attorney. If you do so, read the proposed order carefully and make sure it accurately reflects what the judge said. You can make corrections. The court order is then submitted to the judge for

signature. The court clerk will “conform” or stamp copies of the court order. Then, the copies have to be sent or given to the parties.

Forms for court orders

Here are the standard forms used to prepare court orders for child visitation:

Family Law:

- **FL-340:** Findings and Order After Hearing
Optional attachments:
- **FL-341:** Child Custody and Visitation Order Attachment
- **FL-341(A):** Supervised Visitation Order
- **FL-341(B):** Child Abduction Prevention Order Attachment

- **FL-341(D):** Additional Provisions – Physical Custody Attachment
- **FL-341(E):** Joint Legal Custody Attachment

Probate guardianship:

- **GC-248:** Duties of Guardian (see section o. on page two)
- **GC-240:** Order Appointing Guardian of Minor/s
- **GC-250:** Letters of Guardianship

Juvenile Dependency Court:

- **JV-184:** Order After Hearing on Form JV-180

Section 12: ENFORCING YOUR ORDER COOPERATIVELY

If you have obtained a court order for visitation, phone calls or anything else that will help you maintain a relationship with your child, *CONGRATULATIONS!* Hopefully, your child’s caregiver will comply with the order. Here are some things you can do to help make this happen.

This is a good time to again express your appreciation to your child’s caregiver for the important work she or he is doing to care for your child. Express your intention to do everything you can to make the visits or other contact as positive for your child as they can be.

Set up a communication system with the caregiver – through phone, letters or through a third party. Make your requests clear. For example, suggest a reasonable date for the first

visit to occur. Provide the caregiver with the information she or he needs to get pre-screened, if necessary. Find out what other paperwork may be needed, such as your child’s birth certificate, a copy of the court order, etc. Keep copies of any letters you send the caregiver and/or keep a diary of your contact with the caregiver about these arrangements. Be reasonable and flexible. If necessary, let the caregiver know that you will take the case back to court if the judge’s order is not followed.

If difficulties develop, look for assistance from third parties. For example, the family court mediator, your counselor, a prison chaplain, or other family members may be helpful intermediaries.

Section 13: GOING BACK TO COURT

If the caregiver does not comply with the order, you may be forced to go back to court for relief. If a next court date was already scheduled in the case, then you may be able to raise the issues at that hearing. Before the hearing, you can file a written declaration telling the court what has happened since the last hearing. You can use form **MC-030** for this purpose. If you file a

declaration, you will have to serve it on the opposing party. It can be mailed. Fill out and file Form **FL-335** to prove that it was served by mail.

If there is no new court date scheduled, you will either have to file a new Request for Order and supporting forms for modification (like you did already) or a contempt of court motion.

Either motion will get the attention of the court and show the caregiver that you are serious. A new motion for modification seeks a change in the previous court order based on a change of circumstances from the last court hearing. If nothing external has particularly changed, it can be challenging to find a way to bring a modification motion. Perhaps what has changed is the caregiver's willingness or ability to comply with the court order, and you seek a change in the prior order to require a more willing person to transport your child to you.

A contempt of court proceeding does not seek a change in the court order, but punishment for the party who *intentionally* disobeyed the previous court order when she or he had the ability to comply. Since it is in the best interest of your

child that you and your child's caregiver work cooperatively together, a contempt proceeding should only be used as a last resort. For those parents who have no other choice, the following are the forms you will need to file a contempt motion:

- o. **FL-410:** Order to Show Cause and Affidavit for Contempt
- p. **FL-412:** Affidavit of Facts Constituting Contempt
- q. **MC-025:** Attachment (optional)
- r. **FL-330:** Proof of Personal Service

Getting accused of contempt of court sometimes motivates people to comply with court orders.

Section 14: REUNIFICATION AFTER RELEASE: AN OVERVIEW

Incarcerated parents who have been able to maintain contact with their children, through visits, phone calls and/or letters, will have a smoother time reuniting with their children after release. If you have been able to maintain or establish a positive relationship with your child's caregiver, this too will serve you well. But even if your contact has been limited, or dissatisfactory, you will have an opportunity to reconnect once you return home.

It is important to remember that everyone's greatest concern should be the "best interests of the child". We believe that, in most cases, a child's best interest includes being able to maintain a lifelong relationship with his or her parents, incarcerated or not. However, this does not mean that it is in a child's best interest to be moved from one home to another immediately upon a parent's release from prison or jail. Children may have school or daycare routines that ought not be disrupted. At the same time, a formerly incarcerated person may have a lot of work to do to reestablish him or herself, with a home, a job, etc.

It is not uncommon for a returning parent to want immediate custody of his or her child, while a caregiver has a different opinion.

Everyone's circumstances are unique, but a middle ground approach may be the best. Limited visiting that starts immediately can be expanded over time, as everyone gets comfortable with the new routine. A child should not be the subject of a legal tug-of-war. Instead, loving adults can cooperate with each other to make sure that the child's needs are met. Raising children is a lot of work. Ideally, you and your child's caregiver can find a way to work together and develop a sensible arrangement of custody and visitation.

If you are unable to work things out with your child's caregiver upon your release, you can return to whichever court has previously issued a court order for custody or visitation. Your release from prison or jail may be a change of circumstance that would justify a court taking a fresh look at the present court order. You will fare better in court if you can show that you have transitioned well back into the community and that your efforts to visit with your child have been reasonable. A judge may be reluctant to expand your visiting and custody rights at first. Instead, a judge might order an initial period of "supervised" visitation. However, the courts should not require every parent returning to the community to have visits supervised. You can give the judge reasons why supervised visits are not necessary for you.

If you file for visitation or custody and obtain a new visitation order, it will be important for you to take advantage of every opportunity you are given to visit with your child. Keep records of your visits, phone calls and letters, so you can show the effort you are making. Over time, your consistent efforts will be noted. A child custody and visitation order can be modified as circumstances change. After a reasonable period of regular visitation, the reestablishment of your relationship with your child, and other markers of your successful reentry (employment, stable housing, a drug/alcohol-free lifestyle), you can

petition the court again to expand your visiting rights or even request joint or full custody.

It is important to follow court orders. If you take your child without the permission of the legal guardian or the court, or fail to return your child as ordered, you could be prosecuted for a criminal offense and your probation, parole or supervised release could be revoked.

Your local county law library is a good resource. The librarians can help you obtain forms and legal research materials, as well as refer you to other legal resources in your community.

Section 15: JUVENILE DEPENDENCY COURT: Reunification after release

If your child is under the supervision of the dependency court, either in foster care or through a guardianship, you have the right to a free, court-appointed lawyer. To help your lawyer work for you, meet with, or call, him or her when you are released. Let him/her know about your progress during incarceration. Give your lawyer copies of your records. You or your lawyer can file what is known as a 388 Petition (on form **JV-180**) to seek a change in that placement. You can seek visitation, a change of custody to you, and/or the termination of the legal guardianship. You will have to show a change of circumstances from the previous court order and how your request is in the best interest of your child. For more information on how to file a 388 Petition and prepare for a hearing, turn to sections 5 and 10-13 of this manual.

If your child is not returned to you at the first court date after your release, do not give up! This is an important time for you and your family. Continue to follow your case plan, even if family reunification services have been terminated. Visit with your child as often as possible. If you must miss a visit, call the social worker and foster parent both, at least 24 hours before, or as soon as you know that you cannot make it. Go to whatever parenting, counseling or other classes that the court orders.

Work towards gradually increasing your visits with your child and making him/her feel comfortable with you. Once the court sees that your *supervised visits* are going well, you may be able to take your child for an afternoon, then an entire day, then an overnight visit, and then a weekend visit.

Section 16: FAMILY COURT: Reunification after release

If the custody and visitation of your child has already been determined by a family court judge, then you would file a motion to modify those orders in the same court. Turn to sections 7, 9-13 of this manual for information on how to proceed.

If no court has issued custody and visitation orders, then you would have to file a new lawsuit to obtain a visiting or custody order. Turn to sections 8-13 of this manual on how to proceed.

Section 17: PROBATE COURT: Reunification after release

A guardianship continues until your child turns 18, is emancipated (gets married or gets an

emancipation court order), dies, or until the guardianship is terminated by court order.

Obtaining or expanding visitation rights

If you are comfortable with the current guardianship arrangement, but want to gain or expand your visitation rights now that you are in the community, you can file a motion for visitation rights in the probate court. For more information on probate court guardianships, see section 6 above. For information on how to file for a fee waiver and for visitation rights, refer to the information in sections 9-13, above.

Regaining custody (termination of guardianship) or changing guardians

To regain custody, you would petition the court to terminate the guardianship. The “grounds” or “reason” is that there is no longer a need for the guardianship, since you can now resume caring for your child. For the court to terminate the guardianship, the court also has to find that the guardianship is not in your child’s best interest and that it would not be detrimental for your child to live with you. (Family Code section 3041.) If the guardianship is terminated, the court can order visitation rights for the former guardian.

To petition to terminate the guardianship and for custody of your child, you will need these forms:

- s. **FW-001** Request to Waive Court Fees (if needed)
- t. **FW-003** Order on Court Fee Waiver (only if you request a waiver)
- u. **GC-255** Petition for Termination of Guardianship
- v. **MC-025** Attachment form (optional)
- w. **GC-020** Notice of Hearing
- x. **DE-120(MA)/GC-020(MA)** Attachment to Notice of Hearing: Proof of Service by Mail
- y. **GC-020(P)** Proof of Personal Service of Notice of Hearing

If you want to *change* guardians, you would file the same forms (listed above) to terminate the present guardianship plus:

- z. **GC-210(P)** Petition for Appointment of Guardian (naming the new guardian)

- aa. **GC-210(CA)** Child Information Attachment
- bb. **GC-212** Confidential Guardian Screening form
- cc. **FL-105/GC-120** Declaration Under UCCJEA

Use the same case number on these documents. If you are filing a new petition, write in “Successor” to show the judge that it is a Petition for Appointment of Successor Guardian.

Filling out the forms

The Petition is the key document. You say what you want and why. You also have to list your child’s relatives (question 9). If you know you will be unable to send any of them copies of your Petition, you can ask the judge to dispense with notice (question 7).

You can use the **MC-025** Attachment form if you need more room for any of your answers. You can copy it if you need extra pages. Attach any other helpful documents to your petition, such as documents about your recent achievements, your release date, verification about release plans, character reference letters about you, etc.

The last three forms listed above provide people with notice of the court hearing and tell the court how you served them with this notice. The first two are mandatory. You can fill out the basics on the first page of the Notice of Hearing form, but will have to leave the Date/Time/Dept./Room information blank. The court clerk will fill in that information. Also, you can leave the second page of the Notice of Hearing and the **DE-120(MA)/GC-020(MA)** form blank at this point. (This second form is an attachment to the first form, to give you room to list additional people you will mail the papers to.) You would use the third form if you have someone served in person—one form for each person who is served in person.

You might also consider filing a petition for visitation rights with your child, if you don’t already have them, and as a backup in case the judge denies your petition to terminate the guardianship. (See section 6.)

For more information about filling out forms, writing your declaration and attaching exhibits, see section 9 above. Your county's Family Law Facilitator may be able to provide you with some assistance if you have questions about how to fill out and file these forms.

Filing and serving the forms

After you fill out the basic mandatory paperwork, make at least 3 copies. Bring or mail them to the court for filing. Hopefully, the court will grant your fee waiver request, file your papers and issue you a court date for a hearing. The clerk will mail you back one set of paperwork with a file-stamp on each form which was filed.

After you receive the filed documents back from the court, finish filling out the Notice of Hearing and **DE-120(MA)/GC-020(MA)** forms, by listing the parties' names and addresses who you are going to serve. You will serve the guardian(s), all of the relatives that had to be served when the petition for guardianship was filed (parent, grandparents, brothers and sisters), anyone who has a right to visitation, and any other relatives who may have appeared in court when the guardianship was established. People living in the same home are entitled to separate notice/separate envelopes. Next, address an envelope for each person entitled to notice. Double-check that you have an envelope for all of the people listed on the Proof of Service documents.

Then make several sets of your forms—one set for each envelope and at least one set for yourself. Put one set in each envelope and put the correct amount of postage on each envelope.

As the petitioner, you are not allowed to serve (mail) these documents yourself. You will have to find someone else who is willing to place these envelopes in the mail for you. That person must then fill out the Proof of Service by Mail on page 2 of a copy of the Notice of Hearing. Make 2 copies of the signed Proof of Service documents. Keep one copy for yourself. Send the original and one copy to the court, with a self-addressed stamped envelope so the court can mail you back a file-endorsed copy.

Next steps

After a petition to terminate guardianship is filed, a court investigator will investigate the situation and write a report for the judge. The court may appoint an attorney for the child(ren). The investigator and the child's attorney are resources who can probably help answer other questions about procedures.

It is of course important for you to attend the hearing. See sections 10-13 for information about how to prepare for the hearing, and what happens at and after the hearing. The court will use form **GC-260** (Order Terminating Guardianship) if he/she grants your petition to terminate the guardianship.

CONCLUSION

We hope that this information is helpful to you. The court system can be overwhelming. We believe that the courts should make it easier, and not harder, for incarcerated parents, and parents returning to the community from prisons and jails, to develop and maintain relationships with their children. Being incarcerated does not make someone a bad parent. Nor should parents who are released from prison or jail be stigmatized for that reason. In most cases, children want to know their parents and want their parents to be a part of their lives.

As more and more incarcerated and released parents petition the courts for visiting rights, we believe the courts will become more understanding of your perspective. In this way, you are helping pave the way for a better tomorrow, not only for your family but also for others. We wish you success in your efforts to remain in your children's lives.

JV-180 Request to Change Court Order

This form can be used to request a change in a court order, to ask the court to dismiss your case, or to ask the court to establish a relationship with your sibling. After filling out this form, bring it to the clerk of the court.

Clerk stamps date here when form is filed.

Fill in court name and street address:

Superior Court of California, County of

Fill in child's name:

Child's Name:

Fill in case number, if known:

Case Number:

1 Your information:

a. You are the:

- child mother father legal guardian
 foster parent relative (specify): _____
 social worker probation officer attorney
 other _____

b. Your name: _____

c. Your address: _____

d. Your city, state, zip code: _____

e. Your telephone number: _____

f. If you are an attorney:

Your client's name: _____

Your client's address (if confidential, see item 3): _____

Your client's relationship to the child: _____

Your State Bar number: _____

2 Type of request (check the appropriate box below and add specific details in items 6–9, as applicable):

- a. I am asking the court to change a court order.
b. I am asking the court to terminate jurisdiction.
c. I am asking to have a relationship with my brother or sister and
I am related to the child on the mother's side on the father's side.
I am a blood relative relative by adoption relative by marriage.

3 If you want to keep your address confidential, fill out Confidential Information (Request to Change Court Order) (form JV-182) and do not write the address on this form.

Check here if form JV-182 is attached.

4 Child's information:

a. Child's name: _____

b. Date of birth: _____

c. Child's attorney (if known): _____

d. The child lives with or in (check all that apply):

- parent legal guardian relative
 foster home group home I don't know

e. Name of person the child lives with or place where the child lives _____

Child's address: _____

Check here if unknown.



Child's name: _____

Case Number: _____

- 5 Information about parents, legal guardians, and others:
- a. Names of child's parents or legal guardians: _____
 - b. Address of parent/legal guardian: _____
 Check here if unknown.
 - c. Address of parent/legal guardian: _____
 Check here if unknown.
 - d. Child's Indian tribe (if applicable and known): _____
 - e. Child's Court Appointed Special Advocate (if applicable and known): _____
 - f. Child's education surrogate (if applicable and known): _____
 - g. Child's social worker (if applicable and known): _____

If you are asking to have a relationship with a brother or sister but not asking for a changed court order, you may skip to item 8.

- 6 On (date, if known): _____ the judge made the following order that you feel should be changed:
- _____
- _____
- _____

- 7 What changed after the judge's order that would change the judge's mind? (Give new information that the judge did not have when the original decision was made):
- _____
- _____
- _____

- 8 What order or orders do you want the judge to make now?
- _____
- _____
- _____

- 9 Why would the changes you are requesting be better for the child?
- _____
- _____
- _____

- 10 Check here if you need more space for any of the answers. Attach a sheet of paper and write "JV-180" at the top of the page. Number of pages attached: _____



Child's name: _____

11 I have sent a copy of my request to the people listed below, as applicable. I have checked the correct boxes on the right to show whether these people agree with my request.

If you do not have an attorney, the clerk will send notice and copies of your request to all persons required to receive notice under Welfare and Institutions Code sections 297 and 386 and rules 5.524 and 5.570 of the California Rules of Court.

	Name	Agree	Disagree	Don't Know	Not Applicable
Child (if 10 years old, or older):	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Child's attorney:	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Parent:	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Parent:	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Legal guardian:	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Legal guardian:	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Social worker:	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Current caregiver/foster parent:	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Preadoptive parent:	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Court Appointed Special Advocate:	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Indian tribe:	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Indian custodian:	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sibling (if dependent and over the age of 10):	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sibling's caregiver:	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sibling's attorney:	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Attorney for parent/legal guardian:	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Attorney for parent/legal guardian:	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
County counsel:	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other:	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

12 You can ask the judge to make a decision without a court hearing if all the people listed above agree with your request. Check here if you want a decision without a hearing.

13 If anyone disagrees with your request, please explain why (if known):

14 I declare under penalty of perjury under the laws of the State of California that the information in this form is true and correct to my knowledge. I understand that this means I am guilty of a crime if I lie on this form.

Date: _____

Type or print your name



Sign your name

Juvenile Dependency Court Addresses

Alameda

1225 Fallon Street
Oakland, CA 94612

Alpine

14777 State Route 89
P.O. Box 518
Markleeville, CA 96120

Amador

500 Argonaut Lane
Jackson, CA 95642

Butte

One Court Street
Oroville, CA 95965

Calaveras

P.O. Box 850
San Andreas, CA 95249

Colusa

532 Oak Street
Colusa, CA 95932

Contra Costa

725 Court Street
Martinez, CA 94553

Del Norte

450 H Street
Crescent City, CA 95531

El Dorado

1) 295 Fair Lane
Placerville, CA 95667
2) South Lake Tahoe Branch
1354 Johnson Boulevard
South Lake Tahoe, CA 96150

Fresno

1100 Van Ness Avenue
Fresno, CA 93724

Glenn

821 E. South Street
Orland, CA 95963

Humboldt

825 5th Street
Eureka, CA 95501

Imperial

939 W. Main Street
El Centro, CA 92243

Inyo

Department 1
P.O. Box Drawer U
Independence, CA 93526

Kern

2100 College Avenue
Bakersfield, CA 93305

Kings

1426 South Drive
Hanford, CA 93230

Lake

255 N. Forbes Street
Lakeport, CA 95453

Lassen

2610 Riverside Drive
Susanville, CA 96130

Los Angeles

1040 W. Avenue J
Lancaster, CA 93534

Madera

209 W. Yosemite Avenue
Madera, CA 93637

Marin

3501 Civic Center Drive
Room 113
San Rafael, California 94903

Mariposa

P.O. Box 28
Mariposa, CA 95338

Mendocino

100 N. State Street
Room 107
Ukiah, CA 95482

Merced

627 W. 21st Street
Merced, CA 95340

Modoc

205 S. East Street
Alturas, CA 96101

Mono

P.O. Box 1037
Mammoth Lakes, CA 93546

Monterey

240 Church Street
Salinas, CA 93901

Napa

825 Brown Street, First Floor
Napa, CA 94559

Nevada

201 Church Street #7
Nevada City, CA 95959

Orange

341 The City Drive
P.O. Box 14169
Orange, CA 92868

Juvenile Dependency Court Addresses

Placer

11270 B Avenue
Auburn, CA 95603

Plumas

520 Main Street Courthouse
Room 104
Quincy, CA 95971

Riverside

9991 County Farm Road
Riverside, CA 92503

Sacramento

3341 Power Inn Road
Sacramento, CA 95826

San Benito

440 Fifth Street, Room 205
Hollister, CA 95023

San Bernardino

860 E. Gilbert Street
San Bernardino, CA 92415

San Diego

1) Central County
2851 Meadow Lark Drive
San Diego, CA 92123
2) East County
250 E. Main Street
El Cajon, CA 92020
3) North County
325 S. Melrose Drive
Vista, CA 92081
4) South County
500 Third Avenue
Chula Vista, CA 91910

San Francisco

400 McAllister Street
Room 402
San Francisco, CA 94102

San Joaquin

222 E. Weber Avenue #303
Stockton, CA 95202

San Luis Obispo

1050 Monterey Street #220
San Luis Obispo, CA 93408

San Mateo

222 Paul Scannell Drive
San Mateo, CA 94402

Santa Barbara

1) South County
4500 Hollister Avenue
Santa Barbara, CA 93110
2) North County
4263 California Boulevard
Santa Maria, CA 93455

Santa Clara

191 N. First Street
San Jose, CA 95113

Santa Cruz

1 Second Street, Room 300
Watsonville, CA 95076

Shasta

1500 Court Street, Room 319
Redding, CA 96001

Sierra

P.O. Box 476
Downieville, CA 95936

Siskiyou

P.O. Box 1026
Yreka, CA 96097

Solano

600 Union Avenue
2nd Floor
Fairfield, CA 94533

Sonoma

600 Administration Drive
Room 249J
Santa Rosa, CA 95403

Stanislaus

1100 I Street
Modesto, CA 95354

Sutter

446 Second Street
Yuba City, CA 95991

Tehama

P.O. Box 310
Red Bluff, CA 96080

Trinity

P.O. Box 1258
Weaverville, CA 96093

Tulare

11200 Avenue 368
Room 201
Visalia, CA 93291

Toulumne

41 W. Yaney Avenue
Sonora, CA 95370

Ventura

4353 E. Vineyard Avenue
Oxnard, CA 93036

Yolo

725 Court Street
Woodland, CA 95695

Yuba

215 Fifth Street, Suite 200
Marysville, CA 95901

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):		your form, please press the Clear
TELEPHONE NO.:	FAX NO. (Optional):	
E-MAIL ADDRESS (Optional):		
ATTORNEY FOR (Name):		
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO <input type="checkbox"/> CENTRAL DIVISION, MADGE BRADLEY, 1409 4TH AVE., SAN DIEGO, CA 92101 <input type="checkbox"/> NORTH COUNTY DIVISION, 325 S. MELROSE DR., VISTA, CA 92081		
IN THE MATTER OF THE GUARDIANSHIP OF THE PERSON OF		HEARING DATE AND TIME
MINOR(S)		JUDGE/DEPT
PETITION FOR ORDER RE GUARDIANSHIP VISITATION		CASE NUMBER

Petitioner _____ requests the court issue an order to:

- MODIFY ORDER APPOINTING GUARDIAN TO INCLUDE OR MODIFY VISITATION
- ENFORCE EXISTING VISITATION ORDER
- ATTEND FAMILY COURT SERVICES CHILD CUSTODY RECOMMENDING COUNSELING

1. Petitioner is:

- Guardian
- Parent
- Minor (12 or older)
- Stepparent
- Grandparent
- Other: _____

2. Names and addresses of interested persons:

Guardian(s): _____
 Father: _____
 Mother: _____
 Other: _____

3. Minor's date of birth: _____

4. Minor's address: _____

Minor currently resides with: _____

Information requested in items 3 and 4 for additional minors is supplied in Attachment _____.

5. Petitioner requests the court modify the Order Appointing Guardian to order visitation or modify a previous visitation order. See Attachment _____ explaining need or changed circumstances.

Petitioner requests the court enforce its previous order for visitation. See Attachment _____ explaining need or changed circumstances.

Petitioner alleges the matter of visitation is contested and requests the court order Family Court Services Child Custody Recommending Counseling. See Attachment _____ explaining need.

--	--

6. Petitioner specifically requests the court order or modify visitation as follows:

Person to have visitation with minor: _____
(Name and Relationship)

Time and duration of proposed visitation:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: _____

Signature of Petitioner

Date: _____

Signature of Petitioner

Family Law Facilitators in California (by County) (May 2010)

Alameda:

1) 1225 Fallon Street, Room 109
Oakland, CA 94612
510-272-1393

2) 224 W. Winton, Room 179
Hayward, CA 94544

3) 5672 Stoneridge Drive, 1st Floor
Pleasanton, CA 94588

4) 39439 Paseo Padre Parkway
Fremont, CA 94538

Alpine: 1354 Johnson Boulevard
South Lake Tahoe, CA 96150
530-573-3066

Amador: 500 Argonaut Lane
Jackson, CA 95642
209-754-1443

Butte: 1675 Montgomery Street
Oroville, CA 95965
530-532-7004

Calaveras: 593 W. St. Charles
San Andreas, CA 95249
209-754-1443

Colusa: 547 Market Street
Courthouse Annex
Colusa, CA 95932
530-458-0601

Contra Costa:

1) 751 Pine Street
Martinez, CA 94553

2) 100 37th Street, Room #201
Richmond, CA 94805
925-957-7887

Del Norte: 625 F Street, Suite B
Crescent City, CA 95531
707-465-3894

El Dorado:

1) 495 Main Street
Placerville, CA 95667
530-621-6433

2) 1354 Johnson Boulevard, Suite 2
South Lake Tahoe, CA 96150
530-573-3066

Fresno:

1100 Van Ness Avenue, Room 401
Fresno, CA 93724
559-457-2100

Glenn: 119 N. Butte Street
Willows, CA 95988
530-934-7304

Humboldt: 825 Fifth Street
Eureka, CA 95501
707-445-7256 ex. 1321

Imperial: 939 Main Street
El Centro, CA 92243
760-482-4739

Inyo: 314 W. Line Street, Suite D
Bishop, CA 93514
760-872-4444

Kern: 1215 Truxtun Avenue
Bakersfield, CA 93301
661-868-4815

Kings:

1) 1426 South Drive
Hanford, CA 93230
559-582-1010 ext. 3093

2) 1000 Chittenden Avenue
Corcoran, CA 93212
559-992-5193

3) 501 E. Kings Street
Avenal, CA 93204
559-386-5225

4) 449 C Street
Lemoore, CA 93245
559-924-7757

Lake: 380-J N. Main Street
Lakeport, CA 95453
707-263-9024

Lassen: 145 S. Lassen Street
Susanville, CA 96130
530-251-8353

Los Angeles:

1) 111 N. Hill Street, Room 426
Los Angeles, CA 90012
213-974-5004

2) 600 S. Commonwealth Avenue
#1617
Los Angeles, CA 90005
213-351-8113

3) 12720 Norwalk Boulevard
Room 104E
Norwalk, CA 90650
562-807-7300

4) 300 E. Olive Street, Room 113
Burbank, CA 91502
818-557-3583

5) 200 W. Compton Boulevard
#200F
Compton, CA 90220
310-603-3218

6) 42011 Fourth Street W., #3575A
Lancaster, CA 93534
661-974-7348

7) 415 W. Ocean Boulevard
Room 40B
Long Beach, CA 90802

562-491-6432

8) 300 E. Walnut Street, Room 300
Pasadena, CA 91101
626-356-5030

9) 400 Civic Center Plaza, #114
Pomona, CA 91766
909-620-3150

10) 900 Third Avenue, #1026
San Fernando, CA 91340
818-898-2606

11) 825 Maple Avenue
Outside Department J
Torrance, CA 90503
310-222-1714

12) 6230 Sylmar Avenue
Room 212A
Van Nuys, CA 91401
818-374-7108

Madera: 117 S. Lake Street
Madera, CA 93638
559-674-5600

Marin: 3501 Civic Center Drive
Room 244
San Rafael, CA 94903
415-492-1111

Mariposa: 5092 Jones Street
PO Box 1262
Mariposa, CA 95338
209-742-5322

Mendocino: 100 N. State Street
#212
Ukiah, CA 95482
707-463-5666

Merced: 2260 N Street
Merced, CA 95340
209-725-4165

Modoc: 201 S. Court Street
Alturas, CA 96101
530-233-2008

Mono: 1914 Meridian Boulevard
Mammoth Lakes, CA 93546
760-258-7372

Monterey: 1200 Aguajito Road
Monterey, CA 93940
831-647-5800

Napa: 825 Brown Street
Napa, CA 94559
707-299-1137

Family Law Facilitators in California (by County) (May 2010)

Orange: 341 The City Drive
Orange, CA 92868
657-622-5500

Placer: 10820 Justice Center Drive
Roseville, CA 95678
916-408-6446

Plumas: 89 Court Street
Quincy, CA 95971
530-283-4792

Riverside:

1) 880 N. State Street
Hemet, CA 95243
909-600-6443

2) 4175 Main Street
Riverside, CA 92501
909-955-1583

3) 46-200 Oasis Street
Indio, CA 92201
760-863-7880

Sacramento: 3341 Power Inn
Road, #113
Sacramento, CA 95826
916-875-3400

San Benito: 440 Fifth Street
Hollister, CA 95023
831-636-4079

San Bernardino:

1) 655 W. 2nd Street
San Bernardino, CA 92415

2) 351 N. Arrowhead Avenue
San Bernardino, CA 92415

3) 14455 Civic Drive
Victorville, CA 92392

4) 8303 N. Haven Avenue
Rancho Cucamonga, CA 91730

5) 6527 White Feather Road
Joshua Tree, CA 92252

San Diego:

1) 220 W. Broadway, Room 4001
San Diego, CA 92101
619-450-5200

2) 1555 Sixth Avenue
San Diego, CA 92101
619-450-5200

3) 250 E. Main Street
El Cajon, CA 92020
619-450-5200

4) 325 S. Melrose Drive
Vista, CA 92083
760-201-8200

5) 500 Third Avenue, Room 390
Chula Vista, CA 91910
619-450-5200

6) 1409 Fourth Avenue, 4th Floor
San Diego, CA 92101
619-450-5200

San Francisco: 400 McAllister
Street, Room 9
San Francisco, CA 94102
415-551-3991

San Joaquin: 540 E. Main Street
Stockton, CA 95202
209-468-8280

San Luis Obispo:

1) 1120 Mill Street, Suite A
San Luis Obispo, CA 93408

2) 901 Park Street, Room 111
Paso Robles, CA 93446
805-788-3418

San Mateo:

1) 400 County Center, Floor 2
Redwood City, CA 94063
650-363-4590

2) 1050 Old Mission Road
South San Francisco, CA 94080

Santa Barbara:

1) 1100 Anacapa Street, 1st Floor
Santa Barbara, CA 93101
805-882-4660

2) 201 S. Miller Street, Suite 208
Santa Maria, CA 93454
805-614-6442

Santa Clara:

1) 99 Notre Dame Avenue
San Jose, CA 95113
408-882-2900

2) 605 W. El Camino Real
Sunnyvale, CA 94087
408-481-3500

3) 170 Park Avenue
San Jose, CA 95113

Santa Cruz: 1 Second Street
Watsonville, CA 95076
831-786-7200 (press number 4)

Shasta: 1500 Court Street
Room 115
Redding, CA 96001
530-245-6900

Sierra:

1) 201 Church Street, Suite 10
Nevada City, CA 95959
530-470-2567

2) 100 Courthouse Square
Downieville, CA 95936

3) 604B Main Street
Loyalton, CA 96118

Siskiyou:

1) 311 Fourth Street
Yreka, CA 96097

2) 550 Main Street
Weed, CA 96094
530-842-0157

Solano: 600 Union Avenue
Fairfield, CA 94533
707-207-7348 (closed Wed)

Sonoma: 600 Administration Drive
Room 223-J
Santa Rosa, CA 95403
707-521-6545

Stanislaus: 800 Eleventh Street
Room 220
Modesto, CA 95354
209-530-3299

Sutter: 430 Center Street
Yuba City, CA 95991
530-822-3305

Tehama: 345 Pine Street
Red Bluff, CA 96080
530-527-8649

Trinity: 11 Court Street
Weaverville, CA 96093
530-623-5641

Tulare: 3400 W. Mineral King
Boulevard, Suite C
Visalia, CA 93291
559-737-5500

Tuolumne: 41 West Yaney
Sonora, CA 95370
209-533-6565

Ventura:

1) 800 S. Victoria Avenue
Room 30
Ventura, CA 93009
805-662-6661

2) 3855-P Alamo Street, 2nd Floor
Simi Valley, CA 93065

3) 4353 E. Vineyard Avenue, #206
Oxnard, CA 93036
805-981-5974

Yolo:

1) 1100 Main Street, Suite 300
Woodland, CA 95695

2) 500 Jefferson Boulevard
West Sacramento, CA 95605

3) 275 First Street
Woodland, CA 95695
530-406-6794

Yuba: 120 Fifth Street
Marysville, CA 95901
530-749-7685

Your name

Your address

Your phone number

Petitioner (or Respondent) in pro per

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF _____

_____,)
)
 Petitioner,)
)
 v.)
)
 _____,)
)
 Respondent.)
 _____)

Case No. _____

PLEADING ON JOINDER:
CHILD VISITATION

To the Superior Court of the State of California:

Petitioner/Respondent _____ (your name) is the
mother/father of _____ (name of child/children).

My child/children _____ (name of
child/children) is/are currently living with _____ (name of
person to be joined). _____ (name of person to be
joined) is currently my child's/children's primary caregiver.

_____ (name of person to be joined) is/is not related to my
child/children as follows: _____

(describe the relationship between your child/children and the caregiver: grandparent, aunt, older sister, family friend, etc.).

I am seeking to join _____ (name of person to be joined) to this lawsuit because he/she has physical custody or control of my child/children and I am seeking to establish or enforce my right to have visits with my child/children.

Prayer for Relief

For the foregoing reasons, I am seeking this Court to:

1. Issue its Order on Joinder, joining _____ as a party in this proceeding;
2. Issue any other orders as necessary in the interests of justice in this matter.

Dated: _____

Respectfully submitted,

Your name
Petitioner/Respondent

General Instructions

The *Request for Order* (FL-300) form replaces the old *Notice of Motion* and *Order to Show Cause* forms. Use the *Request for Order* form to ask for court orders in your family law case.

1. You must complete the top portion of page 1, including your name and address, the court address, case name, and number.
2. Check all the boxes that apply to the orders you are requesting. Check the Modification box if you are requesting a change to an existing order. Check the Temporary Emergency Court Order box if you are requesting that the court issue emergency orders that will be effective before the hearing date.
3. List the name of the other person in your case in item 1.
4. Leave item 2 blank. The court clerk will fill in the date, time, and location of the hearing.
5. In item 3 list all of the forms that you have completed and filed with the court. These are the forms that you will have to provide to the other party.
6. Check the box in front of "Court Order" on page 1 only when you are:
 - Asking the court for temporary orders to go into effect before the hearing; or
 - Asking that the court order the other person in your case to come to court; or
 - Need an order that allows you to give notice of the hearing after the deadline for giving notice has passed.
 Leave items 5 – 9 blank. The court clerk will fill in the information.
7. Complete the sections on pages 2 and 3 that apply to the orders that you are asking the court to make.
8. Date and sign on pages 1 and 3 of the form.
9. Complete any additional forms that you will need to file with your *Request for Order*.
10. File your completed *Request for Order* and other forms with the court clerk. (You may have to pay a filing fee. If you can't afford to pay the filing fee, you can ask the court to waive the fee by completing and filing a *Request to Waive Court Fees* (form FW-001)).

For example:

- If you are asking the court to make child custody orders, check the box marked Child Custody in the box just above item 1 on the first page and complete item 1 on page 2.

- If you are asking the court to make custody orders that go into effect before the hearing date, check the box "To be ordered pending the hearing" in item 1 on page 2 and check the box marked Temporary Emergency Court Order in the box just above number 1 on page 1.
- Complete the *Temporary Emergency Court Orders* (form FL-305) and file it with the *Request for Order*.
- Ask the family law facilitator or the self-help center staff to explain the procedures for requesting temporary emergency court orders at your court and follow those procedures.

Other forms to file with this *Request for Order*:

- If you are asking the court to make temporary orders that which will go into effect before the hearing date: a completed *Temporary Emergency Court Orders* (form FL-305).
- If you are asking the court to order spousal support: a completed *Income and Expense Declaration* (form FL-150).
- If you are asking the court to order child support: A completed *Income and Expense Declaration* (form FL-150) or a completed *Financial Statement (Simplified)* (form FL-155).
- If you are asking the court for child custody orders: See item 1e on page 2 of the *Request for Order* (form FL-300) for the list of forms that you may have to complete.
- If you plan on having witnesses testify at your hearing: a completed *Witness List* (form FL-321).

Note: Do not use *Request for Order* (FL-300) if you are filing a motion or order to show cause:

- For a contempt action in a family law case (use *Order to Show Cause and Affidavit for Contempt* (see form FL-410))
- To set aside a child support order (see form FL-361 or FL-640) or a voluntary declaration of paternity (see form FL-280)
- For a domestic violence protective order under the Domestic Violence Protection Act (see form DV-100). Note: You can use the *Request for Order* (form FL-300) in a domestic violence protective order case, but only if you have child custody, visitation, or support orders that you need modified.
- Other types of cases for which there are other Judicial Council forms just for those cases.

If you have a question about whether this is the right form for your situation or whether you need to complete additional forms, ask the family law facilitator, self-help center, or the clerk's office at the court.



Instructions for Giving the Other Party Notice (Service)

Service by Personal Delivery

- After you file the *Request for Order* and other forms with the court clerk, you will get them back with a court date and time stamped on the first page of the *Request for Order*. You must make sure that the other party receives a copy of the *Request for Order* and all the other forms so that he or she has notice of the date, time, and location of the hearing and of the orders that you are asking the court to make. This means that you must “serve” a copy of the *Request for Order* and all the other documents on the other party. If you completed and filed an *Income and Expense Declaration* (form FL-150) or a completed *Financial Statement (Simplified)* (form FL-155), you must include a blank copy of these forms for the other party to complete and file.
- In general, the other party must be served with the *Request for Order* and other forms at least 16 court days prior to the hearing. If service is by mail, you must add 5 days. The court may order that the time for service on the other party can be shorter (See item 9 on the *Request for Order* (form FL-300)).

Service by Personal Delivery

If you have asked the court for temporary emergency court orders or other orders that will go into effect before the hearing, or you have asked the court to order the other party to attend the hearing and the judicial officer has signed the “Court Order” portion of the *Request for Hearing* form:

- Have someone else (who is at least 18) personally give a copy the *Request for Order* with the other forms and blank responsive forms to the other party.
- After the person gives the forms to the other party, he or she should complete a *Proof of Personal Service* (form FL-330). *Information Sheet for Proof of Personal Service* (form FL-330-INFO) has instructions to help the person complete the form.
- You then file the *Proof of Personal Service* with the clerk of the court 5 court days before the hearing date.

Service by Mail

If you have not asked the court for orders that will go into effect before the hearing, or you have not asked the court to order the other party to attend the hearing and the “Court Order” portion on page 1 of the *Request for Order* has not been completed or signed by the judicial officer:

- You can ask another person (who is at least 18) to mail the *Request for Order* with the appropriate attachments and blank responsive forms to the other party.
- If you filed the *Request for Order* asking for orders after the judgment was entered in your case or after permanent orders were made in your case, you will need to verify the address of the person who is being served and file proof of the verification with the court.
- After the person mails the forms, he or she should complete a *Proof of Service by Mail* (form FL-335). *Information Sheet for Proof of Service by Mail* (form FL-335-INFO) has instructions to help the person complete the form.
- You then file the completed *Proof of Service by Mail* (form FL-335) with the clerk of the court 5 court days before the hearing date.

For more information about giving notice, see *Information Sheet for Proof of Personal Service* (FL-330-INFO) or *Information Sheet for Proof of Service by Mail* (FL-335-INFO).

If you have questions about service or need additional assistance, contact the family law facilitator or self-help center in your county.