

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.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY												
SUPERIOR COURT OF CALIFORNIA, COUNTY OF _____ STREET ADDRESS: _____ MAILING ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____													
PETITIONER/PLAINTIFF: _____ RESPONDENT/DEFENDANT: _____ OTHER PARENT/PARTY: _____													
<table style="width:100%; border: none;"> <tr> <td style="width:33%;"><input type="checkbox"/> REQUEST FOR ORDER</td> <td style="width:33%;"><input type="checkbox"/> MODIFICATION</td> <td style="width:33%;"><input type="checkbox"/> Temporary Emergency Court Order</td> </tr> <tr> <td><input type="checkbox"/> Child Custody</td> <td><input type="checkbox"/> Visitation</td> <td><input type="checkbox"/> Other (specify): _____</td> </tr> <tr> <td><input type="checkbox"/> Child Support</td> <td><input type="checkbox"/> Spousal Support</td> <td></td> </tr> <tr> <td><input type="checkbox"/> Attorney Fees and Costs</td> <td></td> <td></td> </tr> </table>	<input type="checkbox"/> REQUEST FOR ORDER	<input type="checkbox"/> MODIFICATION	<input type="checkbox"/> Temporary Emergency Court Order	<input type="checkbox"/> Child Custody	<input type="checkbox"/> Visitation	<input type="checkbox"/> Other (specify): _____	<input type="checkbox"/> Child Support	<input type="checkbox"/> Spousal Support		<input type="checkbox"/> Attorney Fees and Costs			CASE NUMBER: _____
<input type="checkbox"/> REQUEST FOR ORDER	<input type="checkbox"/> MODIFICATION	<input type="checkbox"/> Temporary Emergency Court Order											
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<input type="checkbox"/> Child Support	<input type="checkbox"/> Spousal Support												
<input type="checkbox"/> Attorney Fees and Costs													

1. TO (name): _____
2. A hearing on this *Request for Order* will be held as follows: If child custody or visitation is an issue in this proceeding, Family Code section 3170 requires mediation before or at the same time as the hearing (see item 7.)

a. Date:	Time:	<input type="checkbox"/> Dept.:	<input type="checkbox"/> Room.:
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b. Address of court same as noted above other (specify): _____

3. Attachments to be served with this *Request for Order*:

- | | |
|---|--|
| a. A blank <i>Responsive Declaration</i> (form FL-320)
b. <input type="checkbox"/> Completed <i>Income and Expense Declaration</i> (form FL-150) and a blank <i>Income and Expense Declaration</i> | c. <input type="checkbox"/> Completed <i>Financial Statement (Simplified)</i> (form FL-155) and a blank <i>Financial Statement (Simplified)</i>
d. <input type="checkbox"/> Points and authorities
e. <input type="checkbox"/> Other (specify): _____ |
|---|--|

Date: _____

 (TYPE OR PRINT NAME)

▶

 (SIGNATURE)

COURT ORDER

4. YOU ARE ORDERED TO APPEAR IN COURT AT THE DATE AND TIME LISTED IN ITEM 2 TO GIVE ANY LEGAL REASON WHY THE ORDERS REQUESTED SHOULD NOT BE GRANTED.
5. Time for service hearing is shortened. Service must be on or before (date): _____
6. Any responsive declaration must be served on or before (date): _____
7. The parties are ordered to attend mandatory custody services as follows: _____
8. You are ordered to comply with the *Temporary Emergency Court Orders* (form FL-305) attached.
9. Other (specify): _____

Date: _____

 JUDICIAL OFFICER

To the person who received this *Request for Order*: If you wish to respond to this *Request for Order*, you must file a *Responsive Declaration to Request for Order* (form FL-320) and serve a copy on the other parties at least nine court days before the hearing date unless the court has ordered a shorter period of time. You do not have to pay a filing fee to file the *Responsive Declaration to Request for Order* (form FL-320) or any other declaration including an *Income and Expense Declaration* (form FL-150) or *Financial Statement (Simplified)* (form FL-155).

PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT/PARTY:	CASE NUMBER:
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4. SPOUSAL OR PARTNER SUPPORT *(An earnings assignment order may be issued.)*
- a. Amount requested *(monthly)*: \$
 b. Terminate existing order
 (1) filed on *(date)*:
 (2) ordering *(specify)*:
 c. Modify existing order
 (1) filed on *(date)*:
 (2) ordering *(specify)*:
 d. The *Spousal or Partner Support Declaration Attachment* (form FL-157) is attached *(for modification of spousal or partner support after judgment only)*
 e. An *Income and Expense Declaration* (form FL-150) must be attached
5. ATTORNEY FEES AND COSTS are requested on *Request for Attorney Fees and Costs Order Attachment* (form FL-319) or a declaration that addresses the factors covered in that form. An *Income and Expense Declaration* (form FL-150) must be attached. A *Supporting Declaration for Attorney Fees and Costs Order Attachment* (form FL-158) or a declaration that addresses the factors covered in that form must also be attached.
6. PROPERTY RESTRAINT **To be ordered pending the hearing**
- a. The petitioner respondent claimant is restrained from transferring, encumbering, hypothecating, concealing, or in any way disposing of any property, real or personal, whether community, quasi-community, or separate, except in the usual course of business or for the necessities of life.
 The applicant will be notified at least five business days before any proposed extraordinary expenditures, and an accounting of such will be made to the court.
 b. Both parties are restrained and enjoined from cashing, borrowing against, canceling, transferring, disposing of, or changing the beneficiaries of any insurance or other coverage, including life, health, automobile, and disability, held for the benefit of the parties or their minor children.
 c. Neither party may incur any debts or liabilities for which the other may be held responsible, other than in the ordinary course of business or for the necessities of life.
7. PROPERTY CONTROL **To be ordered pending the hearing**
- a. The petitioner respondent is given the exclusive temporary use, possession, and control of the following property that we own or are buying *(specify)*:

 b. The petitioner respondent is ordered to make the following payments on liens and encumbrances coming due while the order is in effect:
- | <u>Debt</u> | <u>Amount of payment</u> | <u>Pay to</u> |
|-------------|--------------------------|---------------|
| | | |
8. OTHER RELIEF *(specify)*:

NOTE: To obtain domestic violence restraining orders, you must use the forms *Request for Order (Domestic Violence Prevention)* (form DV-100), *Temporary Restraining Order (Domestic Violence)* (form DV-110), and *Notice of Court Hearing (Domestic Violence)* (form DV-109).

PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT/PARTY:	CASE NUMBER:
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9. I request that time for service of the *Request for Order* and accompanying papers be shortened so that these documents may be served no less than (*specify number*): _____ days before the time set for the hearing. I need to have this order shortening time because of the facts specified in item 10 or the attached declaration.
10. FACTS IN SUPPORT of orders requested and change of circumstances for any modification are (*specify*):
 Contained in the attached declaration. (*You may use Attached Declaration (form MC-031) for this purpose. The attached declaration must not exceed 10 pages in length unless permission to file a longer declaration has been obtained from the court.*)

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

Date:

 (TYPE OR PRINT NAME)

▶ _____
 (SIGNATURE OF APPLICANT)



Requests for Accommodations

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the proceeding. Contact the clerk's office or go to www.courts.ca.gov/forms for *Request for Accommodations by Persons With Disabilities and Response* (form MC-410). (Civil Code, § 54.8.)

PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT/PARTY:	CASE NUMBER:
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TEMPORARY EMERGENCY COURT ORDERS
Attachment to Request for Order (FL-300)

The court makes the following orders, which are effective immediately and until the hearing:

1. **PROPERTY RESTRAINT**

- a. Petitioner Respondent Claimant is restrained from transferring, encumbering, hypothecating, concealing, or in any way disposing of any property, real or personal, whether community, quasi-community, or separate, except in the usual course of business or for the necessities of life.
 The other party is to be notified of any proposed extraordinary expenditures, and an accounting of such is to be made to the court.
- b. Both parties are restrained and enjoined from cashing, borrowing against, canceling, transferring, disposing of, or changing the beneficiaries of any insurance or other coverage, including life, health, automobile, and disability, held for the benefit of the parties or their minor child or children.
- c. Neither party may incur any debts or liabilities for which the other may be held responsible, other than in the ordinary course of business or for the necessities of life.

2. **PROPERTY CONTROL**

- a. Petitioner Respondent is given the exclusive temporary use, possession, and control of the following property that the parties own or are buying (*specify*):
- b. Petitioner Respondent is ordered to make the following payments on liens and encumbrances coming due while the order is in effect:

<u>Debt</u>	<u>Amount of payment</u>	<u>Pay to</u>
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3. **MINOR CHILDREN**

- a. Petitioner Respondent will have the temporary physical custody, care, and control of the minor children of the parties subject to the other party's rights of visitation as follows:
- b. Petitioner Respondent must not remove the minor child or children of the parties
 - (1) from the state of California.
 - (2) from the following counties (*specify*):
 - (3) other (*specify*):
- c. Child abduction prevention orders are attached (see form FL-341(B)).
- d. (1) Jurisdiction: This court has jurisdiction to make child custody orders in this case under the Uniform Child Custody Jurisdiction and Enforcement Act (part 3 of the California Family Code, commencing with section 3400).
 (2) Notice and opportunity to be heard: The responding party was given notice and an opportunity to be heard as provided by the laws of the State of California.
 (3) Country of habitual residence: The country of habitual residence of the child or children is
 the United States of America other (*specify*):
 (4) **Penalties for violating this order: If you violate this order, you may be subject to civil or criminal penalties or both.**

4. **OTHER ORDERS (*specify*):**

Additional orders are listed on Attachment 4.

Date:

 JUDGE OF THE SUPERIOR COURT

5. **The date of the court hearing is (*insert date when known*):**

CLERK'S CERTIFICATE

I certify that the foregoing is a true and correct copy of the original on file in my office.

[SEAL]

Date:

Clerk, by _____, Deputy