



SUPERIOR COURT OF CALIFORNIA

COUNTY OF TULARE

www.tulare.courts.ca.gov
(559) 730-5000

PETITION FOR CUSTODY AND SUPPORT

Forms included in this packet:		
FOR YOU TO READ	Instructions	
FOR YOU TO COMPLETE AND FILE	Summons	Judicial Council Form #FL-210
	Petition for Custody and Support of Minor Children	Judicial Council Form #FL-260
	Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act	Judicial Council Form #FL-105/GC- 120(A)
FOR YOU TO SERVE	Response to Petition for Custody and Support	Judicial Council Form #FL-270
TO FILE AFTER SERVICE	Proof of Service of Summons	Judicial Council Form #FL-115

SELF HELP RESOURCE CENTER

If you are filing a Petition for Custody and support and do not have an attorney representing you, free assistance is available. Please contact:

Superior Court of California, County of Tulare

SELF-HELP RESOURCE CENTER

(559) 737-5500

221 S. Mooney Blvd. (County Civic Center), Room 203, Visalia CA 93291 OR

300 E. Olive Ave. (South County Justice Center), Porterville, CA 93257

The Self-Help Resource Center (also known as the Family Law Facilitator) will provide instructions on how to complete the forms and how to properly serve notice on all the necessary parties. They can answer your procedural questions and explain the court process. The Self-Help Resource Center **CANNOT** represent you in court.

This is an instructional guide to filing a Petition for Custody and Support, designed to explain the necessary steps for filing your paperwork and obtaining an order of child custody and visitation.

Fillable, printable pdf versions of the Judicial Council forms contained in this packet are available online at <https://www.courts.ca.gov/forms.htm>. You can type the forms and print them out for filing.

If you have further questions or concerns regarding your custody and visitation case, you may wish to consult with an attorney, use the assistance of a paralegal or typing service, or do self-research at the Tulare County Law Library (on the ground floor of the Visalia Courthouse, with Law Library computer terminals also available in the Self-Help Resource Center in the Porterville courthouse) or on the California Courts' Self-Help website at <https://www.courts.ca.gov/1192.htm>. Select the Spanish icon at the right of the webpage for information in Spanish.

INSTRUCTIONS

NOTE: Please read and complete all applicable forms thoroughly and follow all of the required procedures – failure to do so may result in the Court delaying or denying your request.

STEP 1

COMPLETE THE NECESSARY FORMS

This packet includes the following forms, which you will need to complete:

1. **Summons** (*Judicial Council Form # FL-210*)
2. **Petition for Custody and Support** (*Judicial Council Form # FL-260*)
3. **Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act** (*Judicial Council Form # FL-105*)
4. **Proof of Service of Summons** (*Judicial Council Form # FL-115*)

When filling out the forms, you are the **Petitioner and the other party is the **Respondent**.*

You will also need the **Request for Order** packet so that you can schedule a hearing to get custody and visitation orders.

IF you want to ask for a child support order, please ask the clerk for two copies of the **Income and Expense Declaration** (*Judicial Council Form # FL-150*). You will need to complete one and leave the other one blank for service on the other parent.

There is a fee for filing these forms. If you would like to apply for a fee waiver, please request a **Fee Waiver** packet from the clerk.

STEP 2

MAKE COPIES OF REQUIRED FORMS

1. **One copy each:**
 - a. Request to Waive Fees (FW-001) - *optional*
 - b. Order on Court Fee Waiver (FW-003) - *optional*
2. **Two copies Each:**
 - a. Summons (FL-210)
 - b. Petition for Custody and Support (FL-260)
 - c. Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (FL-105)
 - d. Request for Order (FL-300)
 - e. Income and Expense Declaration (FL-150) - *if requesting Child Support*

STEP 2 FILE COMPLETED FORMS AND PAY FEES

File the originals and the copies together in Room 201 in the Visalia County Civic Center courthouse or at the Clerk's service counter in the South County Justice Center in Porterville.

When you file your forms, the clerk will keep the originals and return your copies to you stamped "filed." One of these copies is for you to keep and the other is to serve on the other party.

STEP 3 SERVE THE OTHER PARTY

"Service" means someone 18 years or older, **other than you**, will hand-deliver the forms to the other parent. You will need to have someone serve the following forms on the other parent:

- a. Summons (FL-210)
- b. Petition for Custody and Support (FL-260)
- c. Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (FL-105)
- d. Request for Order (FL-300)
- e. Income and Expense Declaration (FL-150) – *if requesting child support*
- f. **Blank** Response to Petition for Custody and Support (FL-270)
- g. **Blank** Responsive Declaration to Request for Order (FL-320)
- h. **Blank** Income and Expense Declaration (FL-150) – *if requesting child support*

The person who serves the forms must complete and sign the **Proof of Service of Summons** (FL-115), stating who was served, when, where, and how the service took place.

STEP 4 FILE THE PROOF OF SERVICE

You **must** file the original and one copy of your **Proof of Service of Summons** after the other party is served. The Proof of Service tells the court that the other party received the forms and was notified of the court date in a legally acceptable way. If the other party does not come to the hearing, the court will know that it was not because they did not know about the hearing.

File the original and one copy of the completed Proof of Service. The clerk will give you back your copy for your records. Keep this copy as proof that the other party was served. You can bring your copy to the hearing in case the original is not in the file, especially if you file the Proof of Service close to the hearing date.

STEP 4**GO TO COURT ON THE DAY OF YOUR HEARING**

Your Request for Order shows the date, time and place of your hearing. You should plan to arrive a few minutes early to make sure you are there on time. If you and the other party are both there on time and the other party has filed a **Responsive Declaration** to your Request for Order, you will be sent to **Mediation**, also known as Child Custody Recommending Counseling (CCRC) to try to come up with an agreement about custody and visitation.

SUMMONS

(Parentage—Custody and Support)

CITACIÓN (Paternidad—Custodia y Manutención)

NOTICE TO RESPONDENT (Name):

AVISO AL DEMANDADO (Nombre):

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

You have been sued. Read the information below and on the next page.
Lo han demandado. Lea la información a continuación y en la página siguiente.

Petitioner's name:

El nombre del demandante:

CASE NUMBER: (Número de caso)

You have **30 calendar days** after this *Summons* and *Petition* are served on you to file a *Response* (form FL-220 or FL-270) at the court and have a copy served on the petitioner. A letter, phone call, or court appearance will not protect you.

Tiene 30 días de calendario después de haber recibido la entrega legal de esta Citación y Petición para presentar una Respuesta (formulario FL-220 o FL-270) ante la corte y efectuar la entrega legal de una copia al demandante. Una carta o llamada telefónica o una audiencia de la corte no basta para protegerlo.

If you do not file your *Response* on time, the court may make orders affecting your right to custody of your children. You may also be ordered to pay child support and attorney fees and costs.

Si no presenta su Respuesta a tiempo, la corte puede dar órdenes que afecten la custodia de sus hijos. La corte también le puede ordenar que pague manutención de los hijos, y honorarios y costos legales.

For legal advice, contact a lawyer immediately. Get help finding a lawyer at the California Courts Online Self-Help Center (www.courts.ca.gov/selfhelp), at the California Legal Services website (www.lawhelpca.org), or by contacting your local bar association.

Para asesoramiento legal, póngase en contacto de inmediato con un abogado. Puede obtener información para encontrar un abogado en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en el sitio web de los Servicios Legales de California (www.lawhelpca.org), o poniéndose en contacto con el colegio de abogados de su condado.

NOTICE: *The restraining order on page 2 remains in effect against each parent until the petition is dismissed, a judgment is entered, or the court makes further orders. This order is enforceable anywhere in California by any law enforcement officer who has received or seen a copy of it.*

AVISO: *La orden de protección que aparecen en la pagina 2 continuará en vigencia en cuanto a cada parte hasta que se emita un fallo final, se desdida la petición o la corte dé otras órdenes. Cualquier agencia del orden público que haya recibido o visto una copia de estas orden puede hacerla acatar en cualquier lugar de California.*

FEE WAIVER: If you cannot pay the filing fee, ask the clerk for a fee waiver form. The court may order you to pay back all or part of the fees and costs that the court waived for you or the other party.

EXENCIÓN DE CUOTAS: *Si no puede pagar la cuota de presentación, pida al secretario un formulario de exención de cuotas. La corte puede ordenar que usted pague, ya sea en parte o por completo, las cuotas y costos de la corte previamente exentos a petición de usted o de la otra parte.*

[SEAL]

1. The name and address of the court are: (El nombre y dirección de la corte son:)

2. The name, address, and telephone number of petitioner's attorney, or petitioner without an attorney, are: (El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante si no tiene abogado, son:)

Date (Fecha): _____ Clerk, by (Secretario, por) _____, Deputy (Asistente)

STANDARD RESTRAINING ORDER
(Parentage—Custody and Support)

ORDEN DE RESTRICCIÓN ESTÁNDAR
(Paternidad—Custodia y Manutención)

Starting immediately, you and every other party are restrained from removing from the state, or applying for a passport for, the minor child or children for whom this action seeks to establish a parent-child relationship or a custody order without the prior written consent of every other party or an order of the court.

This restraining order takes effect against the petitioner when he or she files the petition and against the respondent when he or she is personally served with the *Summons* and *Petition* OR when he or she waives and accepts service.

This restraining order remains in effect until the judgment is entered, the petition is dismissed, or the court makes other orders.

This order is enforceable anywhere in California by any law enforcement officer who has received or seen a copy of it.

En forma inmediata, usted y cada otra parte tienen prohibido llevarse del estado a los hijos menores para quienes esta acción judicial procura establecer una relación entre hijos y padres o una orden de custodia, ni pueden solicitar un pasaporte para los mismos, sin el consentimiento previo por escrito de cada otra parte o sin una orden de la corte.

Esta orden de restricción entrará en vigencia para el demandante una vez presentada la petición, y para el demandado una vez que éste reciba la notificación personal de la Citación y Petición, o una vez que renuncie su derecho a recibir dicha notificación y se dé por notificado.

Esta orden de restricción continuará en vigencia hasta que se emita un fallo final, se despida la petición o la corte dé otras órdenes.

Cualquier agencia del orden público que haya recibido o visto una copia de esta orden puede hacerla acatar en cualquier lugar de California.

NOTICE — ACCESS TO AFFORDABLE HEALTH INSURANCE Do you or someone in your household need affordable health insurance? If so, you should apply for Covered California. Covered California can help reduce the cost you pay toward high-quality, affordable health care. For more information, visit www.coveredca.com. Or call Covered California at 1-800-300-1506.

AVISO — ACCESO A SEGURA DE SALUD MÁS ECONOMICO Necesita seguro de salud a un costo asequible, ya sea para usted o alguien en su hogar? Si es así, puede presentar una solicitud con Covered California. Covered California lo puede ayudar a reducir al costo que paga por seguro de salud asequible y de alta calidad. Para obtener más información, visite www.coveredca.com. O llame a Covered California al 1-800-300-0213.

PETITIONER: RESPONDENT:	CASE NUMBER:
----------------------------	--------------

4. e. ☐ I request that the child abduction prevention orders requested on form [FL-312](#) be approved.
- f. ☐ I request that the proposed holiday schedule set out in ☐ form [FL-341\(C\)](#) ☐ other be approved.
- g. ☐ I request that additional orders regarding child custody set out in ☐ form [FL-341\(D\)](#) ☐ other be approved.
- h. ☐ I request that joint legal custody orders set out in ☐ form [FL-341\(E\)](#) ☐ other be approved.
- i. ☐ I request that visitation (parenting time) be supervised for the following persons, with the following restrictions:

☐ Continued on [Attachment 4i](#).

j. ☐ Other (*specify*):

5. Fees and cost of litigation

- a. Attorney's fees will be paid by ☐ petitioner ☐ respondent.
- b. ☐ Each party will pay their own attorney's fees.

6. **Child support.** The court may make orders for support of the children and issue an earnings assignment without further notice to either party.

7. Other (*specify*):

8. I have read the restraining order on the back of the *Summons* (form FL-210) that is being filed with this petition, and I understand that it applies to me when this petition is filed.

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 PETITIONER)
----------------------	--	---------------------------

A blank *Response to Petition for Custody and Support of Minor Children* (form FL-270) must be served on the respondent with a copy of this Petition.

NOTICE: If you have a child from this relationship, the court is required to order child support based on the incomes of both parents. You should supply the court with information about your income. Otherwise, the child support order will be based on information supplied by the other parent. Any party required to pay child support must pay interest on overdue amounts at the "legal rate," which is currently 10 percent.

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR (name):	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
<i>(This section applies to cases other than probate guardianships.)</i> PETITIONER: RESPONDENT: OTHER PARTY: CHILD'S NAME (Juvenile cases only):	
<i>(This section applies only to probate guardianship cases.)</i> GUARDIANSHIP OF (name): Minor	CASE NUMBER:
DECLARATION UNDER UNIFORM CHILD CUSTODY JURISDICTION AND ENFORCEMENT ACT (UCCJEA)	

1. I am (check one): ☐ a party to this proceeding to determine custody of a child ☐ the authorized representative of the agency, which is a party to this proceeding to determine custody of a child.
2. There are (specify number): _____ minor children who are subject to this proceeding, as follows (list oldest child first):

Full name	Date of birth	Place of birth (city and state)
a.		
b.		
c.		
d.		

☐ Check this box if you need to list more children. (On form MC-020 or a separate piece of paper, write "FL-105, Attachment 2, Additional Children" at the top, provide all requested information for each additional child, and attach to this form.)

3. a. ☐ Check this box if there is only one child or if all of the children listed in item 2 have lived together for the past five years. (Provide the current address of the child listed in item 2a and their residence history for the past **five years**. If the current address is confidential under Family Code section 3429, check the box and provide only the state of residence.)

Dates of residence (Month/Year)		Residence (City/State)	Person child lived with and complete current address	Relationship
From:	To present	☐ Confidential (list state only)	☐ Confidential (list state only)	
From:	To:			
From:	To:			
From:	To:			
From:	To:			

- ☐ Additional addresses are listed on Attachment 3a. (Form MC-020 may be used for this purpose.)
- b. ☐ Check this box if there is more than one child and all the children have not lived together for the past five years. (Attach form FL-105(A)/GC-120(A) and list each other child's current address and their residence history for the past five years.)

CASE NAME:	CASE NUMBER:
------------	--------------

4. Do you have information about, or have you participated as a party or as a witness or in some other capacity in, another court case or custody or visitation proceeding, in California or elsewhere, concerning a child subject to this proceeding?

☐ Yes ☐ No (If yes, attach a copy of the orders if you have one and provide the following information):

Proceeding	Case number	Court (name, state, or tribe, location)	Court order or judgment (date)	Name of each child	Your connection to the case	Case status
a. ☐ Family						
b. ☐ Probate Guardianship						
c. ☐ Other						

Proceeding	Case Number	Court (name, state, location)
d. ☐ Juvenile		
e. ☐ Adoption		

5. ☐ One or more domestic violence restraining/protective orders are now in effect. (Attach a copy of the orders if you have one and provide the following information):

Court	County	State or Tribe	Case number (if known)	Orders expire (date)
a. ☐ Criminal				
b. ☐ Family				
c. ☐ Juvenile				
d. ☐ Other				

6. Do you know of any person who is not a party to this proceeding who has physical custody of or claims to have rights to custody of or visitation rights with any child in this case? ☐ Yes ☐ No (If yes, provide the following information):

a. Name and address of person:

- ☐ Has physical custody
☐ Claims custody rights
☐ Claims visitation rights

Name of each child:

b. Name and address of person:

- ☐ Has physical custody
☐ Claims custody rights
☐ Claims visitation rights

Name of each child:

c. Name and address of person:

- ☐ Has physical custody
☐ Claims custody rights
☐ Claims visitation rights

Name of each child:

7. ☐ Number of pages attached: _____

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

Date:



(NAME OF DECLARANT)

(SIGNATURE OF DECLARANT)

NOTICE TO DECLARANT: You have a continuing duty to inform this court if you obtain any information about a custody proceeding in a California court or any other court concerning a child subject to this proceeding.

- Age

 continued on Attachment 1.

- Country (if not the United States):

- 4. Child custody and visitation (parenting time).** I request the following orders:

Other

- 

- 1

- 1

- d. If "Other" is checked above, name of the other person is (specify):

The proposed schedule for visitation (parenting time) is as follows:

☐ See the attached form FL-311, *Child Custody and Visitation (Parenting Time) Application Attachment*.

PETITIONER: RESPONDENT:	CASE NUMBER:
--------------------------------	--------------

4. e. ☐ I request that the child abduction prevention orders requested on form FL-312 be approved.
 f. ☐ I request that the proposed holiday schedule set out in ☐ form FL-341(C) ☐ other be approved.
 g. ☐ I request that additional orders regarding child custody set out in ☐ form FL-341(D) ☐ other be approved.
 h. ☐ I request that joint legal custody orders set out in ☐ form FL-341(E) ☐ other be approved.
 i. ☐ I request that visitation (parenting time) be supervised with the following persons, with the following restrictions:

☐ Continued on Attachment 4h.

j. ☐ Other (*specify*):

5. **Fees and cost of litigation**

- a. Attorney fees will be paid by ☐ petitioner ☐ respondent.
 b. ☐ Each party will pay their own attorney's fees.

6. **Child support.** The court may make orders for support of the children and issue an earnings assignment without further notice to either party.

7. Other (*specify*):

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 RESPONDENT)

NOTICE: Any party required to pay child support must pay interest on overdue amounts at the "legal rate," which is currently 10 percent.

PARTY WITHOUT ATTORNEY <i>or</i> ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (<i>name</i>):	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER: RESPONDENT:	
PROOF OF SERVICE OF SUMMONS	CASE NUMBER:

1. At the time of service I was at least 18 years of age and not a party to this action. **I served the respondent with copies of:**
 - a. ☐ Family Law: *Petition—Marriage/Domestic Partnership* (form FL-100), *Summons* (form FL-110), and blank *Response—Marriage/Domestic Partnership* (form FL-120)
 - or-
 - b. ☐ Uniform Parentage: *Petition to Determine Parental Relationship* (form FL-200), *Summons* (form FL-210), and blank *Response to Petition to Determine Parental Relationship* (form FL-220)
 - or-
 - c. ☐ Custody and Support: *Petition for Custody and Support of Minor Children* (form FL-260), *Summons* (form FL-210), and blank *Response to Petition for Custody and Support of Minor Children* (form FL-270)
 - and
 - d. ☐ (1) ☐ Completed and blank *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)* (form FL-105)
 - (2) ☐ Completed and blank *Declaration of Disclosure* (form FL-140)
 - (3) ☐ Completed and blank *Schedule of Assets and Debts* (form FL-142)
 - (4) ☐ Completed and blank *Income and Expense Declaration* (form FL-150)
 - (5) ☐ Completed and blank *Financial Statement (Simplified)* (form FL-155)
 - (6) ☐ Completed and blank *Property Declaration* (form FL-160)
 - (7) ☐ *Request for Order* (form FL-300), and blank *Responsive Declaration to Request for Order* (form FL-320)
 - (8) ☐ Other (*specify*):

2. Address where respondent was served:

3. I served the respondent by the following means (*check proper boxes*):
 - a. ☐ **Personal service.** I personally delivered the copies to the respondent (Code Civ. Proc., § 415.10) on (*date*): _____ at (*time*): _____
 - b. ☐ **Substituted service.** I left the copies with or in the presence of (*name*): _____ who is (*specify title or relationship to respondent*):
 - (1) ☐ **(Business)** a person at least 18 years of age who was apparently in charge at the office or usual place of business of the respondent. I informed the person of the general nature of the papers.
 - (2) ☐ **(Home)** a competent member of the household (at least 18 years of age) at the home of the respondent. I informed the person of the general nature of the papers.

on (*date*): _____ at (*time*): _____

I thereafter mailed additional copies (by first class, postage prepaid) to the respondent at the place where the copies were left (Code Civ. Proc., § 415.20b) on (*date*): _____

A **declaration of diligence** is attached, stating the actions taken to first attempt personal service.

PETITIONER:	CASE NUMBER:
RESPONDENT:	

3. c. ☐ **Mail and acknowledgment service.** I mailed the copies to the respondent, addressed as shown in item 2, by first-class mail, postage prepaid, on *(date)*: from *(city)*:
- (1) ☐ with two copies of the *Notice and Acknowledgment of Receipt* (form FL-117) and a postage-paid return envelope addressed to me. **(Attach completed *Notice and Acknowledgment of Receipt* (form FL-117).)**
(Code Civ. Proc., § 415.30.)
- (2) ☐ to an address outside California (by registered or certified mail with return receipt requested). **(Attach signed return receipt or other evidence of actual delivery to the respondent.)** (Code Civ. Proc., §§ 415.40, 417.20.)
- d. ☐ **Other** *(specify code section)*:
- ☐ Continued on Attachment 3d.

4. **Person who served papers**

Name:

Address:

Telephone number:

This person is

- a. ☐ exempt from registration under Business and Professions Code section 22350(b).
- b. ☐ not a registered California process server.
- c. ☐ a registered California process server: ☐ an employee or ☐ an independent contractor
- (1) Registration no.:
- (2) County:
- (3) **The fee** for service was *(specify)*: \$
5. ☐ **I declare** under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
- or-
6. ☐ **I am a California sheriff, marshal, or constable**, and I certify that the foregoing is true and correct.

Date:

(NAME OF PERSON WHO SERVED PAPERS)



(SIGNATURE OF PERSON WHO SERVED PAPERS)