

Request for Order - FL 300

A *Request for Order* is used to ask the court to schedule a court date and make orders in most family law or domestic violence cases.

It can only be used when a case is already open or when you are opening a new case at the same time.

The request can be about:

- child custody and visitation
- child support, spousal or partner support
- property, finances, attorneys' fees, or other matters
- changing or ending domestic violence restraining orders

1. FILL OUT COURT FORMS—COMPLETELY & CAREFULLY. MAKE COPIES

- Fill out form [FL-300](#), *Request for Order*. Explain what you are asking for and why. Give facts & reasons.
- You may need to attach additional forms or a statement, depending on your case.
- Make at least 1 copy of the FL-300 and any attachments. (You may need more copies, like if the Dept. of Child Support Services is involved in your case for child support. Ask if you're not sure.)
- The fee is \$60, and \$25 more if you are asking for custody or visitation orders (a fee for mediation). If you cannot afford to pay, you can ask the court to waive fees using [FW-001](#) & [FW-003](#).

Fill out the forms online!!

Use a computer program to help you with all the forms. And you can e-file your forms after if you want.

➔ [Take me to Online Program](#)

2. TURN IN THE FORMS AT THE COURTHOUSE

Turn in the original AND all the copies, as well as the fee or the Fee Waiver forms, at court from 8:30- 3:00

Ukiah, 100 N. State Street: room 107

zip code 95482

Fort Bragg, 700 S. Franklin Street: clerk's window in lobby

zip code 95437

Your court date will be written on the first page of the FL-300.

3. LET THE OTHER SIDE KNOW, LEGALLY

This is called *service*, and you can't do it yourself.

- Have a copy of the papers served on the other party by the deadline.
 - Have someone 18 or older (your server), not you and not a party to this case, deliver a copy of your filed FL-300 (plus attachments), with a blank Responsive Declaration ([FL 320](#)) to the other person.
 - You can always serve in person. Some request can be served by mail but not always, so ask for help if you are not sure if you can have your FL-300 served by mail.
 - **DEADLINE FOR SERVICE:** Your server must deliver the papers to the other side no later than 16 court days before the hearing date. If the papers are served by mail, the documents must be mailed 16 court days + 5 calendar days before the court date. A court day is a day the court is open.
- Have your server fill out a *Proof of Service by Mail* ([FL 335](#)) OR *Proof of Personal Service* ([FL 330](#)) depending on how they served your papers.
- File the *Proof of Service* at court at least 5 days before your court date.

4. GO TO COURT ON YOUR COURT DATE

If your request is NOT for custody or visitation orders, the judge will most likely hear your case that day.

If your request is to get or change a custody or visitation order, the judge will send you and the other parent to mediation. The mediator will meet with both of you to work out a parenting plan. Plan on being in court all day.

If you can agree to a parenting plan in mediation:

- the mediator will write up the agreement and you will both sign it,
- the judge will then sign the agreement and it will become a court order.

If you cannot agree to a parenting plan in mediation:

- your conversation with the mediator remains confidential,
- you will go back in front of the judge for an *evidentiary hearing* on another date, and
- you and the other side will be able to present evidence supporting your position.
- The judge will make the decision about your Request for Order.

What if we are able to come to an agreement? Can we turn our agreement into a court order?

Yes. You will need to complete a *stipulation* that you both sign.

- Ask for help to get the form you need. If you know which form you need, you can get it from <https://www.courts.ca.gov/forms.htm>
- After you and the other person sign the stipulation, you will have to turn it in at court. Turn in the ORIGINAL and TWO COPIES.
- You will also have to pay a fee or have an active fee waiver. The fee for filing a stipulation is \$20.

Respond to a Request for Order

- Read the papers you received carefully to make sure you understand what has been requested, when your court date is, and any special deadlines the court gave you.
- If you do not file and serve form FL-320, the court can make orders without your say.

1. **Fill out *Responsive Declaration for Request for Order (FL-320)*.**

- Check the boxes next to the number that goes with something the other side asked for on their FL-300. Fill out in those sections. Leave other sections blank.
- In #10, explain the facts that support your position. If you need more space, check the “Attachment 10” box and attach extra paper with your case number on the top.

2. **You may have to fill out other forms as well,** depending on what the other side asked for.

3. **Make at least 1 copy** of FL-320 and other required forms (more copies if others are involved in the case).

4. **At least 9 court days before the hearing,** file your FL-320 and attachments in court. By this deadline, you also have to have someone over 18 deliver a copy in person to the other side. Or have your server mail it, but add 5 regular days to the deadline. You can have an unfiled copy of your FL-320 served, but you must still file the original.

Have your server to fill out EITHER:

- *Proof of Personal Service (FL-330)* or
- *Proof of Service by Mail (FL-335)*

5. **Go to the hearing** on the hearing day.