

HOW TO ASK FOR A COURT ORDER + HOW TO ASK TO CHANGE A COURT ORDER IN SOLANO COURT

One way to establish or change a court order is to complete and file and serve an Order to Show Cause (OSC). An OSC is a packet of papers made up of at least three legal forms as set forth below. When you file an OSC at the Clerk's Office, the clerk will give you a court date. This means you will be given the chance to appear in court and to ask the judge to make or change a court order. The judge will also order the other party to come to the court date and the other party will be given the opportunity to consent or object to your request. If you and the other party cannot reach an agreement, the judge will make a decision.

To file an OSC and get a court date, you must have an open Solano Court Family Law case with the other party. This means you must already have an open case, or you must give the clerk the paperwork to open a case at the same time you give the clerk your OSC. If you do not have an open case, or are not sure, go to the Solano Legal Access Center. They can help you open a case or check to see if you have an open case already.

HELP: the best thing to do is to come to the Solano Legal Access Center for assistance in completing your forms and to get instructions and other information. While you may have to wait for our help, it usually pays off. If this is not possible, see below for information on starting or modifying a court order. If you do come to our office keep in mind that that we take a limited number of customers everyday. The earlier you come, the more likely it is that we will be able to help you. We are open every weekday except Wednesday from 815 AM to 3 PM.

ABOUT LEGAL FORMS: Almost every form discussed in these instructions can be found at www.courtinfo.ca.gov/forms in the "family law" section. All forms are also available at our office. The fee waiver forms can be found in the "fee waiver" section of the same site. You can fill the forms out and print them from your computer. You may also fill out all forms by hand in blue or black ink. Forms must be filled out in English.

If you have been the Petitioner in your case you are still the Petitioner and will always be the Petitioner. Put your name every place the forms indicate "Petitioner". The same rule applies if you were the Respondent – you will always be the Respondent even if you are starting this part of the case.

1. FILL OUT THE FORMS

You will need to complete the following forms:

- **ORDER TO SHOW CAUSE (FL-300).** This form tells the other party that they are ordered to appear at a hearing, and what the hearing is about. Check the boxes that indicate what your request is about. Don't write anything on the form below #1. Everything below this is for the clerk or judge to complete.
- **APPLICATION FOR ORDER AND SUPPORTING DECLARATION (FL-310).** This form allows you to explain your request to the judge and the other party. Make sure you sign and date this form. You may attach papers that support your request to this form.
- **MEET AND CONFER ORDERS.** This is a local form that must be attached to your OSC. The orders contained within this form are not suggestions – they are orders of the court and must be obeyed once the OSC is filed and served. This form is not found at the www.courtinfo.ca.gov/forms website - it can be found at <http://www.solanocourts.com/pdf/forms/family/Form010.pdf>.
- **INCOME AND EXPENSE DECLARATION (FL-150)** You need to complete this form if you are asking the judge to make or change an order that concerns money. Every blank space in this form should have something entered in it, even if it's only a zero or "not applicable". Attach copies of your last two months pay stubs to this form (make sure your pay stub does not have your social security number on it). Make sure you date and sign the form.

You will also need the following forms and attachments:

- blank **RESPONSIVE DECLARATION TO NOTICE OF MOTION OR ORDER TO SHOW CAUSE (FL-320).** This form allows the other party to respond to your request. Don't fill this out – leave it blank and serve it on the other party with your filed papers.
- blank **INCOME AND EXPENSE DECLARATION (FL-150)** – if your request involves money you will need to provide the other party with a blank version of this form so that they can respond. Don't fill this out – leave it blank and serve it on the other party with your filed papers.
- **PROOF OF PERSONAL SERVICE (FL-330).** This form must be completed by the person who serves your OSC after he or she serves your papers – see below.
- **PROOF OF SERVICE BY MAIL (FL-335).** In some cases, OSC's may be served by mail. *The Legal Access Center highly recommends personal service.* If you do serve your OSC by mail, the person who serves your

OSC must complete this form – see below. You should check with us to see if your OSC must be personally served.

- If you are asking the court to change a current order, you also need a copy of that order to attach to your OSC. If you do not have a copy of your current order, you can get a copy by going to the Family Law Clerk's Office at the Fairfield or Vallejo Courthouse and asking a clerk to pull or order your file and make you a copy of the order.

You will also need to complete the following forms if you cannot afford the filing fee and want to ask that the court waive the fee:

- **Application For the Waiver of Court Fees and Costs (FW-001)**
- **Order Regarding Waiver of Court Fees and Costs (FW-003).**

If child support is involved: If you want the court to make an order starting or modifying child support, you should attach a paper copy of a proposed child support calculation to your OSC. You can run and print such a child support calculation here at the Legal Access Center or by going here: <http://www.childsup.ca.gov/Resources/CalculateChildSupport>

2. FILE THE FORMS

- Prepare the OSC by stapling the Order to Show Cause form to the Application for Order and Supporting Declaration form and the Meet and Confer Orders. The Order to Show Cause form should be on top, followed by the Meet and Confer Orders form with the Application for Order and Supporting Declaration last.
- If you are asking the court to change a current order, staple a copy of that order to the OSC. The copy of the order should come after the Application for Order and Supporting Declaration.
- If you are asking the court to set child support or modify child support, attach a copy of your proposed child support calculation after the Application for Order and Supporting Declaration.
- If you have other papers that support your requests, you can attach copies to the OSC after the FL-310. Your FL-310 should explain what the attachments are, where they came from and how they support your request.
- Once your OSC is prepared, make two copies of the whole thing, including any attachments.

- Take the OSC and the two copies to the Family Law Clerk's Office at the Fairfield courthouse, or to the Clerk's Office at the Solano County Justice Building in Vallejo.
- Hand your papers to the clerk.

You can also mail your forms to the clerk to file. Mail them to: Family Law Clerk, Superior Court, 600 Union Avenue, Fairfield, California, 94533. Include a self-addressed stamped envelope with enough postage on it so that the clerk can mail your filed papers back to you. Include a check made out to "Solano Superior Court" in the amount of your filing fee or include a completed fee waiver as described immediately below.

- The Clerk's Office may charge you a filing fee to file your papers. The amount of this fee may depend on the history of your case. Call the clerk at 707 207 7340 to ask what your fee will be. If you cannot afford to pay the filing fee you may ask the court to waive the fee in your case. To do this you will need to fill out an **Application for the Waiver of Court Fees and Costs (FW-001)** as well as an **Order Regarding Waiver of Court Fees and Costs (FW-003)**. Submit these forms along with your OSC. If you apply for a fee waiver, your request may be approved on the spot by the clerk or may be sent to a judge for a decision. If it is sent to a judge, you will be notified by letter if your fee waiver has been denied. If it is denied, you may pay the filing fee to continue with your case or you can ask for a hearing at which to ask the court to reconsider the denial.
- The Clerk's Office will take your forms and stamp them and add a court date and then return the copies to you.
- Look at your OSC. Sometimes the clerk adds orders that the judge wants obeyed before the hearing date. Look at question 3 to see if any orders have been added. Obey any added orders. Look to see if the clerk has added any rubber-stamped orders to your OSC. Obey them, if any. If you are trying to change or establish custody or visitation you will probably be ordered to attend an orientation class before your court date. Your filed and stamped OSC will have instructions added on how to schedule your attendance in the class.

3. SERVE THE FORMS

- For the court to hear your request, the other party must know about the hearing. The process of informing the other party is called service. **If service does not occur as set forth below, you will not be able to make your request to the judge. The rules on service are not suggestions or guidelines. They must be obeyed to the letter.**

- Take 1 set of filed forms and add the blank FL-320. Also add a blank FL-150 if this is a request regarding money. This set of papers is your “service packet” and is for the other party.
- The service packet must be served on the other party by another person (not you!) who is 18 years old or older and not a party to the case. The server should personally hand the set of copies to the other party. If the other party refuses to accept the packet, your server can leave the papers on the ground next to the other party. The server should inform the other party that the papers are legal papers.
- Have the server complete and sign the FL-330 (Proof of Personal Service) form.
- File the completed Proof of Personal Service form at one of the Clerk’s Offices.
- Service must occur at least 16 court days before your hearing. A court day is a day that the court is open – so don’t count holidays, Saturdays or Sundays.
- If the other party is the Solano County DCSS, it is OK serve by mail. Have a person who is 18 years old or older and not a party to the case mail 2 sets of your forms to the Solano County DCSS (at 435 Executive Court North, Fairfield, 94534). The server should then fill out the FL-335 (Proof of Service by Mail) form. You should file that form at the Clerk’s Office. The DCSS needs 2 sets of forms because they will try to send 1 set to the other parent. Even if you send the DCSS 2 sets of forms, you should still have the other parent served on your own. If you are going to serve your papers by mail, the papers must be mailed 5 calendar days +16 court days before the hearing date.
- **Service by mail:** Some OSC’s can be served by mail. It is better to personally serve. You may find that the court will not accept service by mail and you will have to serve again and postpone your hearing. If you must serve by mail, take 1 set of filed forms and add the blank Responsive Declaration. Also add a blank Income and Expense Declaration if this is a request regarding money. This set of papers is your “service packet” and is for the other party. Have another adult mail the packet to the other party. If you are going to serve your papers by mail, the papers must be mailed 5 calendar days +16 court days before the hearing date. The server should then fill out the Proof of Service by Mail form. You should file that form at the Clerk’s Office.

- These instructions for service apply only when the person being served is in California. Consult with us regarding out-of-state service.

4. GO TO COURT

- Obey the Meet and Confer orders. Read them and do what they tell you to do. This is important to the court – which means it is important for you.
- Make sure you are present in the correct courthouse and the correct department at the time and date of your hearing.
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- Bring copies of your filed forms, including the Proofs of Service.
- Bring your most recent pay stubs and your last filed tax return or W-2/1099, if support is at issue.
- You may have to prepare the new order, if any. You may use the Findings and Order After Hearing (FL-340) to do this. This form, along with various attachments, is available at the Solano Legal Access Center or online.
- The judge may decide that your issue is too complicated to handle with a hearing and may set the matter for trial.