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ESTABLISHING OR MODIFYING ORDERS FOR CUSTODY/VISITATION:
How to Prepare Your Legal Papers

- While you are waiting for class to begin, please:
- Mute your audio
- Print the class documents. Go to "Family Law Court Resources," "Family Law Facilitator Classes": <https://www.santabarbaracourts.ca.gov/divisions/family-law/family-law-zoom-classes>
- Have a pen and paper available
- Be ready to start promptly at 10:30 a.m.

Thank you!

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Orders for custody/visitation:
Preparation of legal papers to go to court

Santa Barbara County Superior Court
Deborah K. Mallon, J.D.

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FAMILY LAW FACILITATOR

805.882.4660
<https://www.santabarbaracourt.ca.gov/>
Email: SBFLF@sbcourts.org

How can we help you...

- Court attorney who can help you better represent yourself
- Available to either side
- Nothing is confidential
- Can help you with legal papers
- Can help you with service of the legal papers
- Can help with the filing of papers
- FLF does **not** go to court with you
- FLF does **not** represent you

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“I don't remember who said this, but there really are places in the heart you don't even know exist until you love a child.”

Anne Lamott, author of Operating Instructions: A Journal of My Son's First Year

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INTRODUCTION

Remember: You can avoid preparing legal papers if you and the other parent attend FREE voluntary mediation first!

Call Family Court Services for an appt. 805-882-4667

Our goal in this class:
To help you to know what to put on the legal papers to go to court regarding custody and/or visitation. You want the judge to make decisions...



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STEPS TO BE ABLE TO GO TO COURT REGARDING CUSTODY AND VISITATION:

1. Must have a **court case** in Santa Barbara County Superior Court;
2. Must **attend once the free 2-hour PEACE** parenting class online;
- 3A. **Must attend voluntary mediation** through Family Court Services and come to an **agreement that is signed by a judge;**

OR

- 3B. **Must prepare legal papers (Request for Order FL-300) to get a court-ordered mediation appointment and a court hearing date;**
4. **Attend court-ordered Family Court Services mediation, and if there's no signed agreement, then;**
5. **Go to court** and have a judge make orders regarding custody and visitation

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OPTIONS FOR PREPARING LEGAL PAPERS TO GO TO COURT:

- **California Courts Self-Help Center:** Lots of Information and the free forms available that you complete on your own
- **Law Help Interactive:** Free forms that you complete yourself by answering written interview questions
- **Guide and File:** Answer online questions and automatically create the forms. File electronically or print and file on your own.

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Websites to create the legal forms:

California Courts Self-Help Center: Extensive information and free forms to complete on your own: <https://selfhelp.courts.ca.gov/child-custody-and-parenting-time-index>

Law Help Interactive: By answering written interview questions, you complete legal forms for free: <https://www.butte.courts.ca.gov/self-help/online-resources>

Guide and File: Answer online questions on your own and your forms are created for free. You can then print the documents to serve and file or electronically file: www.guideandfile.com

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PREPARE Let's make sure you understand **the basics...**

Physical Custody Means you have responsibility for the child on the day-to-day level	Legal Custody Means you have responsibility for making decisions regarding the child's welfare	Options: Pick One: <ul style="list-style-type: none">• Joint legal and physical custody OR• Joint legal custody and sole physical custody OR• Sole physical and legal custody
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It's not about YOU...

THINK OF YOUR CHILDREN'S BEST INTERESTS

YOUR KIDS ARE NOT IN A SACK OF POTATOES!



- Who can provide for the basics?
- What's unique about your situation: Age, health, personality, experiences and abilities of the kids?
- What kind of emotional ties exist between parent and child?
- How cooperative are the parents?
- Is there any history of domestic abuse by a parent?

Goal: Stability and continuity for the child

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STEPS FOR GOING TO COURT REGARDING CUSTODY AND VISITATION

1	2	3	4	5
Have a court case in the Santa Barbara Superior Court	Attend the PEACE class	Do FREE voluntary mediation with Family Court Services 805-882-4667	If mediation doesn't work, prepare your legal papers	File and serve your papers. Prepare for court

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PEACE Parenting Class



- NOT offered in person
- Attend online any day and time of the week
- Must be able to print Certificate of Attendance
- File the Certificate of Attendance with court
- FREE

ENGLISH: <https://www.santabarbaracourts.ca.gov/divisions/family-law/peace-online>
ESPAÑOL: <https://www.santabarbaracourts.ca.gov/divisions/family-law/peace-en-linea>

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SPECIAL REQUESTS
to make in your legal papers...

If you don't ask for it,
you won't get it!

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OTHER IDEAS to insert in your legal papers:

- Request supervised visitation
- Request drug or alcohol testing
- Request parenting classes
- Request text to confirm visitation
- Request for child to speak to court
- Request cooperation to obtain passport for minor child or to travel
- Request authorization to move away with minor child
- Request all communication through TalkingParents.com or Our Family Wizard

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Co-Parenting Essentials Program Online course with certificate included!

The COPE Program

16 hr Coparenting Education for High Conflict Cases. Inclusion in 4 online groups - 6 hrs of Face to Face Support on Your Case

Si Habla Español

[Get Started Now!](#)

<https://coparentingessentials.com/>

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Project Information: Interstate 75 from I-10 to I-95, Section 100-100-100-100-100

Requestor Information: Florida Department of Transportation

Request for Proposals: Request for Proposals for Construction of Interstate 75 from I-10 to I-95, Section 100-100-100-100-100

FL-300 Pgs. 3-4

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Project Information: Interstate 75 from I-10 to I-95, Section 100-100-100-100-100

Requestor Information: Florida Department of Transportation

Request for Proposals: Request for Proposals for Construction of Interstate 75 from I-10 to I-95, Section 100-100-100-100-100

FL-311

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Project Information: Interstate 75 from I-10 to I-95, Section 100-100-100-100-100

Requestor Information: Florida Department of Transportation

Request for Proposals: Request for Proposals for Construction of Interstate 75 from I-10 to I-95, Section 100-100-100-100-100

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□ 2/2/3 Plan

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Parent A	Parent A	Parent B	Parent B	Parent A	Parent A	Parent A
Parent B	Parent B	Parent A	Parent A	Parent B	Parent B	Parent B
Parent A	Parent A	Parent B	Parent B	Parent A	Parent A	Parent A
Parent B	Parent B	Parent A	Parent A	Parent B	Parent B	Parent B
Parent A	Parent A	Parent B	Parent B	Parent A	Parent A	Parent A
Parent B	Parent B	Parent A	Parent A	Parent B	Parent B	Parent B

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2-2-5-5 PARENTING SCHEDULE

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SA/TUR
FATHER	FATHER	MOTHER	MOTHER	FATHER	FATHER/
4	FATHER	MOTHER	MOTHER	MOTHER	FATHER/
8	FATHER	MOTHER	MOTHER	FATHER	FATHER/
12	FATHER	MOTHER	MOTHER	MOTHER	FATHER/
16	FATHER	MOTHER	MOTHER	FATHER	FATHER/
20	FATHER	MOTHER	MOTHER	MOTHER	FATHER/
24	FATHER	MOTHER	MOTHER	FATHER	FATHER/
28	FATHER	MOTHER	MOTHER	MOTHER	FATHER/

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OPTIONAL FORM FL-341(c)

Name	Relationship	Address

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FW-003
Fee Waiver Order
(3 pages)

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WRITING YOUR DECLARATION:

A judge is a judge because a judge loves to judge!

- State facts, not conclusions
- Give a lot of details, not generalizations
- Allow the judge to draw their own conclusions
- Tell your story in a way that the judge can understand:
 1. What do you specifically want?
 2. Why is this in your child's best interests?
 3. If you want to change a custody order that is post-judgment, what is the "change of circumstances"?


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- o What is the background story?
- o How was your relationship together?
- o When did you separate?
- o What kind of parenting arrangement have you followed since then?
- o What problems are there now?
- o What do you propose as a solution, and why?
- o History of domestic abuse?
- o Criminal history?
- o Attach documents and pictures as exhibits. Discuss in your declaration.

Imagine that you are a movie director, and you want to tell your story.....

Your declaration is limited to no more than 10 pages long, typed, double-spaced, font size 11-12

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READY? PROCESS YOUR LEGAL PAPERS:

STEP 1: Prepare your documents (look at Slide #7 for online options):

1. FL-300 Request for Order
2. FL-311 Child Custody and Visitation Application Attachment
3. **OPTIONAL FORMS** to attach:
 - FL-341(c) Holiday Schedule Attachment
 - FL-341(d) Additional Provisions- Physical Custody
 - FL-341(e) Joint Legal Custody Attachment
4. Your **declaration:** Dated and signed under penalty of perjury with any exhibits attached
5. **Witness Declarations:** Use the Judicial Council MC-030 form

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FINAL STEPS:

STEP 2: Get your court date and file your documents with the Clerk's Office

STEP 3: Have the other parent properly served. File your Proof of Service.

STEP 4: Prepare for court: Be organized and knowledgeable

STEP 5: Go to court

REMEMBER: The Family Law Facilitator is here to help you as you represent yourself. Get more specific information to educate yourself: <https://www.courts.ca.gov/1185.htm> Call our office for further assistance.

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INFORMATION SHEET FOR PROOF OF PERSONAL SERVICE FL-38-INFO

Use these instructions to complete the Proof of Personal Service (Form FL-38).

A person at least 18 years of age or older must serve the documents. These can be made to serve documents.

1. **Person to be served:** Complete the name, date of birth, and address of the person to be served. The person to be served must be a resident of California or a party to the case.

2. **Instructions for the person who serves the documents (TYPE OR PRINT IN BLACK INK):**

1. The person completing a proof of service for online postage of documents is using the internet. The online requirement is that the person must complete the proof of service and file the request online for the other parent.

2. Complete the location of the proof of service (the address).

Print Name, MR/MRS: In this box print the name address, and phone number of the person for whom you are serving the documents.

Print Name, MR/MRS: In this box print the name address, and phone number of the person who is serving the documents.

Print Name, MR/MRS: In this box print the name address, and phone number of the person who is being served.

Print Name, MR/MRS: In this box print the name address, and phone number of the person who is being served.

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Personal service is best


Check out this website for more information:

<https://www.courts.ca.gov/1185.htm>

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What the **Family Law Facilitator's Office** can do for you now:

- Direct you to the proper website to complete the necessary forms
- Review your documents if you scan them to **SBFLL@sbcourts.org**. Make an appointment.
- Help you to get your documents properly filed and served
- Help you feel prepared for court



Best wishes and best of luck!

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Trust yourself

Thank you.

For further assistance, please:
call **805.882.4660**
or email us at **SBFLF@sbcourts.org**.

Check us out at
<https://www.santabarbara.courts.ca.gov>
