

REQUEST FOR ORDER

RE NONCOMPLIANCE WITH DISCLOSURE REQUIREMENT

In a contested divorce (when Response is filed), both parties must exchange their Preliminary Declaration of Disclosure (PDD) and file the Declaration Regarding Service of Declaration of Disclosure FL-141 with the court. **The case cannot proceed unless and until BOTH parties file the FL-141.**

If either party fails to exchange their PDD and file the FL-141, the complying party may:

1. Send a Demand Letter to the noncomplying party requesting the documents; then
2. File a Request for Order, form FL-300. You may use form Request for Order re Noncompliance with Disclosure Requirement, form FL-316, as an attachment to the Request for Order (FL-300) or write a similar Declaration comparable to form FL-316.

Is there a fee to file a RFO? Yes. See the court's fee schedule at www.kern.courts.ca.gov/feeschedules. You may apply for a Fee Waiver, if qualify, your fees can be waived. (*see separate handout*).

Forms list:

Demand Letter: Attached is a template for the demand letter. Complete, copy and mail the demand letter to the noncomplying party. Keep a copy of the letter. Mark your calendar for 15 days later – the date you may file the Request for Order re: Noncompliance with Disclosure Requirements.

Judicial Council Forms are available from the Family Law Clerk, Facilitator, or online at www.courts.ca.gov.

1. Request for Order, FL-300,
2. Request for Order Regarding Noncompliance with Disclosure Requirements, FL-316,
3. Declaration: The FL-300 and FL-316 require a Declaration. You can use the space provided with the forms or submit a separate declaration sheet. The declaration must be based on personal knowledge and explain how the declarant acquired that knowledge. The declaration must be admissible in evidence (Cal. Rules of Court, Rule 5.11(b)(2)). The Declaration must be in proper format. It cannot be longer than 10 pages, double spaced in 12 point font - Courier, Times New Roman, Arial, or legibly hand written or printed, on white paper, one side only, black or blue ink, on pleading paper or judicial council forms MC-020, MC-030, or MC-031. (Cal. Rules of Court, Rule 2.100).
4. A copy of your ***filed*** Declaration Regarding Service of Declaration of Disclosure (FL-141),
5. (*Optional*) Fee Waiver, FW-001 and FW-003 and attach proof of income,
6. Proof of Personal Service, FL-330, or Proof of Service by Mail, FL-335 and
7. ***blank*** Responsive Declaration, FL-320.

Steps:

Step #1. Complete your selected forms and have fees ready or complete a Fee Waiver Application and Order (*separate handout*);

Step #2. Make at least 2 copies of your completed forms (1 original + 2 copies);

Step #3. Take your completed forms and copies with the fee or a completed Fee Waiver Application and Order to Family Law Division to file your paperwork. The Clerk will review your paperwork and set the hearing on your Request for Order;

Step #4. Return to the Family Law Division to pick up your paperwork (*when dropping off paperwork to the Clerk, ask when to return to pick up your copies*);

Step #5. **Serve** the Request for Order after you get your endorsed copies back from the Family Law Divisions:

- You **MUST** have a 3rd person, 18 years or older, and not a party to the case serve one copy of the Request for Order with the blank Responsive Declaration (FL-320) and other blank responsive forms on the opposing party or his/her attorney (if any);
 - ■ Personal service must be done 16 COURT days (do not count holidays or weekends) before the hearing date (personal service is preferred and in some instances required);
 - ■ Service by mail must be done as follows:
 - Within CA: 16 “court” days + 5 “calendar” days;
 - Outside CA: 16 “court” days + 10 “calendar” days;
 - Outside US: 16 “court” days + 20 “calendar” days;

(**Court days** = Monday – Friday, Court days DO NOT include court holidays, Saturday or Sunday. **Calendar days** = includes all days of the week including holidays and weekends.)

- The person serving the documents must complete the Proof of Service (personal service form FL-330, mail service form FL-335) for each person served;

Step #6. You **file** the Proof of Service with the Family Law Division AT LEAST 5 DAYS before the hearing;

Step #7. **Attend** the Court Hearing at the appointed time;

Step #8. Complete a Findings and Order After Hearing after the Court hearing or see Family Law Facilitator if you need help. You may have to wait a few days for the Minute Order to be prepared by the Courtroom Assistants; the Minute Order is used to prepare Findings and Order After Hearing. (*Findings and Order after Hearing is a process that may require notice and service to the opposing party unless Court orders it waived, see the Facilitator for further information*).

Step #9. **Pick up** Signed and Stamped Findings and Order After Hearing from the Family Law Division and serve a copy on the other party. See Step #5 for how to serve the Findings and Order After Hearing.

Step #10. Complete an At-Issue Memorandum to move your case forward (*see separate handout*).

DATE:

TO:

RE: REQUEST FOR PRELIMINARY DECLARATION OF DISCLOSURE

CASE NO:

Pursuant to Family Code §2100 et seq, you are required to complete and send to me the attached Preliminary Declaration of Disclosure, which consists of:

- ☒ Declaration of Disclosure (FL-140)
- ☒ Schedule of Assets and Debts (FL-142) or Property Declaration (FL-160)
- ☒ State and federal tax returns for the last two years
- ☒ Income and Expense Declaration (FL-150)
- ☒ Declaration Regarding Service of Declaration of Disclosure (FL-141)

This is a demand on you to complete and send to me, at the address below, your Declaration of Disclosure and file the Declaration Regarding Service of Declaration of Disclosure (FL-141) with the family law clerk within 15 days of the date of this letter.

Your failure to comply with this demand will force me to file a motion to compel production of your Preliminary Declaration of Disclosure and seek all remedies available to me including sanctions.

- ☐ Enclosed is my Preliminary Declaration of Disclosure.
- ☒ I have already served you with my Preliminary Declaration of Disclosure.

Signed: _____

Name:

Address:

Phone:

PARTY WITHOUT ATTORNEY OR ATTORNEY: _____ STATE BAR NUMBER: _____ NAME: _____ FIRM NAME: _____ STREET ADDRESS: _____ CITY: _____ STATE: _____ ZIP CODE: _____ TELEPHONE NO.: _____ FAX NO.: _____ E-MAIL ADDRESS: _____ ATTORNEY FOR (name): _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF _____ STREET ADDRESS: _____ MAILING ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____	
PETITIONER: _____ RESPONDENT: _____ OTHER PARENT/PARTY: _____	
REQUEST FOR ORDER ☐ CHANGE ☐ TEMPORARY EMERGENCY ORDERS ☐ Child Custody ☐ Visitation (Parenting Time) ☐ Spousal or Partner Support ☐ Child Support ☐ Property Control ☐ Attorney's Fees and Costs ☒ Other (specify): COMPEL COMPLIANCE WITH DISCLOSURES	CASE NUMBER: _____

Note: Read form FL-300-INFO for information about how to complete this form. To ask to change or end an order that was granted in a Restraining Order After Hearing (form DV-130 or JV-255), read form FL-300-INFO and form DV-300-INFO.

NOTICE OF HEARING

1. TO (name): _____
☐ Petitioner ☐ Respondent ☐ Other Parent/Party ☐ Other (specify): _____
2. **A COURT HEARING WILL BE HELD AS FOLLOWS:**

a. Date: _____	Time: _____	☐ Dept.: _____	☐ Room: _____
b. Address of court ☐ same as noted above ☐ other (specify): _____			
3. **WARNING to the person served with the Request for Order:** The court may make the requested orders without you if you do not file a *Responsive Declaration to Request for Order* (form FL-320), serve a copy on the other parties at least nine court days before the hearing (unless the court has ordered a shorter period of time), and appear at the hearing. (See form *FL-320-INFO* for more information.)

COURT ORDER (FOR COURT USE ONLY)

It is ordered that:

4. ☐ Time ☐ for service ☐ until the hearing is shortened. Service must be on or before (date): _____
5. ☐ A *Responsive Declaration to Request for Order* (form FL-320) must be served on or before (date): _____
6. ☐ The parties must attend an appointment for child custody mediation or child custody recommending counseling as follows (specify date, time, and location): _____
7. ☐ The orders in *Temporary Emergency (Ex Parte) Orders* (form FL-305) apply to this proceeding and must be personally served with all documents filed with this *Request for Order*.
8. ☐ Other (specify): _____

Date: _____

JUDICIAL OFFICER Page 1 of 4

PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	CASE NUMBER:
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REQUEST FOR ORDER

Note: Place a mark ☒ in front of the box that applies to your case or to your request. If you need more space, mark the box for "Attachment." For example, mark "Attachment 2a" to indicate that the list of children's names and birth dates continues on a paper attached to this form. Then, on a sheet of paper, list each attachment number followed by your request. At the top of the paper, write your name, case number, and "FL-300" as a title. (You may use *Attached Declaration (form MC-031)* for this purpose.)

1. ☐ RESTRAINING ORDER INFORMATION

One or more domestic violence restraining/protective orders are now in effect between (specify):

☐ Petitioner ☐ Respondent ☐ Other Parent/Party (Attach a copy of the orders if you have one.)

The orders are from the following court or courts (specify county and state):

- | | |
|---|----------------------|
| a. ☐ Criminal: County/state (specify): | Case No. (if known): |
| b. ☐ Family: County/state (specify): | Case No. (if known): |
| c. ☐ Juvenile: County/state (specify): | Case No. (if known): |
| d. ☐ Other: County/state (specify): | Case No. (if known): |

2. ☐ CHILD CUSTODY

☐ I request temporary emergency orders

☐ VISITATION (PARENTING TIME)

a. I request that the court make orders about the following children (specify):

<u>Child's Name</u>	<u>Date of Birth</u>	☐ Legal Custody to (person who decides: health, education, etc):	☐ Physical Custody to (person with whom child lives):
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b. ☐ The orders I request for ☐ child custody ☐ visitation (parenting time) are:

☐ Attachment 2a.

(1) ☐ Specified in the attached forms:

☐ Form <u>FL-305</u>	☐ Form <u>FL-311</u>	☐ Form <u>FL-312</u>	☐ Form <u>FL-341(C)</u>
☐ Form <u>FL-341(D)</u>	☐ Form <u>FL-341(E)</u>	☐ Other (specify):	

(2) ☐ As follows (specify):

☐ Attachment 2b.

c. The orders that I request are in the best interest of the children because (specify):

☐ Attachment 2c.

4. ☐ SPOUSAL OR DOMESTIC PARTNER SUPPORT
- (Note: An *Earnings Assignment Order For Spousal or Partner Support* (form FL-435) may be issued.)
- a. ☐ Amount requested (*monthly*): \$
- b. ☐ I want the court to ☐ change ☐ end the current support order filed on (*date*):
The court ordered \$ per month for support.
- c. ☐ This request is to modify (change) spousal or partner support after entry of a judgment.
I have completed and attached *Spousal or Partner Support Declaration Attachment* (form FL-157) or a declaration that addresses the same factors covered in form FL-157.
- d. I have completed and filed a current *Income and Expense Declaration* (form FL-150) in support of my request.
- e. The court should make, change, or end the support orders because (*specify*): ☐ Attachment 4e.

PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	CASE NUMBER:
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5. ☐ **PROPERTY CONTROL** ☐ I request temporary emergency orders
- a. The ☐ petitioner ☐ respondent ☐ other parent/party be given exclusive temporary use, possession, and control of the following property that we ☐ own or are buying ☐ lease or rent (*specify*):
- b. The ☐ petitioner ☐ respondent ☐ other parent/party be ordered to make the following payments on debts and liens coming due while the order is in effect:
- | | | | |
|---------------|------------|------------------|-----------------|
| Pay to: _____ | For: _____ | Amount: \$ _____ | Due date: _____ |
| Pay to: _____ | For: _____ | Amount: \$ _____ | Due date: _____ |
| Pay to: _____ | For: _____ | Amount: \$ _____ | Due date: _____ |
| Pay to: _____ | For: _____ | Amount: \$ _____ | Due date: _____ |
- c. ☐ This is a change from the current order for property control filed on (*date*):
- d. Specify in Attachment 5d the reasons why the court should make or change the property control orders.
6. ☐ **ATTORNEY'S FEES AND COSTS**
- I request attorney's fees and costs, which total (*specify amount*): \$ _____ . I filed the following to support my request:
- a. A current *Income and Expense Declaration* (form FL-150).
- b. A *Request for Attorney's Fees and Costs Attachment* (form FL-319) or a declaration that addresses the factors covered in that form.
- c. A *Supporting Declaration for Attorney's Fees and Costs Attachment* (form FL-158) or a declaration that addresses the factors covered in that form.
7. ☒ **OTHER ORDERS REQUESTED (*specify*):** ☐ Attachment 7.
- COMPEL PETITIONER/RESPONDENT TO COMPLY WITH THE DISCLOSURE REQUIREMENTS AND OTHER RELIEF REQUESTED IN THE ATTACHED FL-316**
8. ☐ **TIME FOR SERVICE / TIME UNTIL HEARING** I urgently need:
- a. ☐ To serve the *Request for Order* no less than (*number*): _____ court days before the hearing.
- b. ☐ The hearing date and service of the *Request for Order* to be sooner.
- c. I need the order because (*specify*): ☐ Attachment 8.
9. ☐ **FACTS TO SUPPORT** the orders I request are listed below. The facts that I write in support and attach to this request cannot be longer than 10 pages, unless the court gives me permission. ☐ Attachment 9.

I declare under penalty of perjury under the laws of the State of California that the information provided in this form and all attachments 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 courts.ca.gov/forms for *Disability Accommodations Request* (form MC -410). (Civ. Code, § 54.8.)

PETITIONER:	CASE NUMBER:
RESPONDENT:	

**REQUEST FOR ORDERS REGARDING NONCOMPLIANCE
WITH DISCLOSURE REQUIREMENTS**

Attachment to *Request for Order* (form FL-300)

1. ☐ Petitioner ☐ Respondent has complied with mandatory disclosure requirements (you must attach a copy of your filed *Declaration Regarding Service of Declaration of Disclosure and Income and Expense Declaration* (form FL-141)), and requests an order that

☐ petitioner ☐ respondent

a. ☐ provide a

- (1) ☐ preliminary declaration of disclosure under Family Code section 2104 as directed by court order.
(2) ☐ final declaration of disclosure under Family Code section 2105 as directed by court order.

b. ☐ provide a further response to his or her ☐ preliminary ☐ final declaration of disclosure under Family Code section 2107(b)(1).

c. ☐ has failed to comply with disclosure requirements and is prevented from presenting evidence on the issues that should have been covered in the declaration of disclosure under Family Code section 2107(b)(2).

d. ☐ be granted for good cause his or her request for voluntary waiver of receipt of ☐ preliminary ☐ final declaration of disclosure under Family Code section 2107(b)(3).

e. ☐ for the reasons described below, be ordered to pay money sanctions for failure to comply with disclosure requirements. The amount of the money sanctions should be in an amount sufficient to deter him or her from repeating the conduct or comparable conduct, including reasonable attorney fees, costs incurred, or both, unless the court finds that the noncomplying party acted with substantial justification or that other circumstances make the imposition of the sanction unjust. (Family Code, § 2107(c).)

f. ☐ be granted his or her request to set aside the judgment under Family Code section 2107(d).

g. ☐ be ordered to comply with other, or alternative, relief, requested (*specify*):

2. ☒ FACTS IN SUPPORT of relief requested are (*specify*):

☐ Contained in the attached declaration. (You may use *Attached Declaration* (form MC-031) for this purpose).

a. I served the other party with my preliminary disclosure documents on _____ and filed my FL-141 on _____. See attached copy.

b. On _____ I sent the attached letter requesting the other party to provide his/her preliminary disclosure documents. The other party has failed to do so.

c. I cannot go forward with this case and request the relief stated above.

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)

1. I am at least 18 years of age, not a party to this action, and I am a resident of or employed in the county where the mailing took place.
2. My residence or business address is:

by enclosing them in an envelope AND

- a. ☐ **depositing** the sealed envelope with the United States Postal Service with the postage fully prepaid.
- b. ☐ **placing** the envelope for collection and mailing on the date and at the place shown in item 4 following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.

- Name of person served:
- Address:
- Date mailed:
- Place of mailing (*city and state*):

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

(TYPE OR PRINT NAME)  _____
(SIGNATURE OF PERSON COMPLETING THIS FORM)

INFORMATION SHEET FOR PROOF OF SERVICE BY MAIL

Use these instructions to complete the *Proof of Service by Mail* (form FL-335).

A person at least 18 years of age or older must serve the documents. There are two ways to serve documents: (1) personal delivery and (2) by mail. See the *Proof of Personal Service* (form FL-330) if the documents are being personally served. The person who serves the documents must complete a proof of service form for the documents being served. **You cannot serve documents if you are a party to the action.**

INSTRUCTIONS FOR THE PERSON WHO SERVES THE DOCUMENTS (TYPE OR PRINT IN BLACK INK)

You must complete a proof of service for each package of documents you serve. For example, if you serve the respondent and the other parent, you must complete two proofs of service; one for the respondent and one for the other parent.

Complete the top section of the proof of service forms as follows:

First box, left side: In this box print the name, address, and phone number of the person for whom you are serving the documents.

Second box, left side: Print the name of the county in which the legal action is filed and the court's address in this box. Use the same address for the court that is on the documents you are serving.

Third box, left side: Print the names of the petitioner/plaintiff, respondent/defendant, and other parent in this box. Use the same names listed on the documents you are serving.

First box, top of form, right side: Leave this box blank for the court's use.

Second box, right side: Print the case number in this box. This number is also stated on the documents you are serving.

Third box, right side: Print the hearing date, time, and department. Use the same information that is on the documents you are serving.

You cannot serve a temporary restraining order by mail. You must serve those documents by personal service.

1. You are stating that you are at least 18 years old and that you are not a party to this action. You are also stating that you either live in or are employed in the county where the mailing took place.
2. Print your home or business address.
3. List the name of each document that you mailed (the exact names are listed on the bottoms of the forms).
 - a. Check this box if you put the documents in the regular U.S. mail.
 - b. Check this box if you put the documents in the mail at your place of employment.
4.
 - a. Print the name you put on the envelope containing the documents.
 - b. Print the address you put on the envelope containing the documents.
 - c. Print the date that you put the envelope containing the documents in the mail.
 - d. Print the city and state you were in when you mailed the envelope containing the documents.
5. Check this box if you are serving an address verification form (required for service by mail of a postjudgment request to change a child custody, visitation, or child support order).
6. You are stating under penalty of perjury that the information you have provided is true and correct.

Print your name, fill in the date, and sign the form.

If you need additional assistance with this form, contact the family law facilitator in your county.