

Responsive Declaration to  

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**Request for  
Order**

*hello* divorce.



# Responsive Declaration to Request for Order (for Custody, Child Support, or Spousal Support) (Form FL-320)

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## Explanation:

*If you were served with a Request for Order for Custody, Child Support, and/or Spousal Support, and you do not agree with the requested orders, then you need to file a Responsive Declaration to the Request for Order. In your response, you can tell the court which requests you agree with, which requests you disagree with, and what orders you are requesting from the court instead. Even if you agree with most of the other party's requests, you need to file a response so that the court will know your position on the other requests. Otherwise, the court may grant the other party's requests without taking your position into account.*

## Instructions for Judicial Council Form:

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**Caption:** Fill in your name, address, telephone number, and email address in the section labeled "Party without Attorney or Attorney." In the section that begins with "Superior Court of California, County of," fill in the county you are filing in. Then, fill in the court address. For Branch name, fill in the name of the courthouse where your case will be heard. You can look up the information for the family law courthouse on the court's website.

**Petitioner:** Your full name (if you filed first), or else your spouse or domestic partner's full name

**Respondent:** Your full name (if your spouse or domestic partner filed first), or else your spouse or domestic partner's full name

Fill in the Case Number.

Enter the Hearing Date, Time, and Department or Room. You can find this on the Request for Orders that you were served with.

### 1. Restraining Order Information

Check the Box next to Section 1. If you do NOT know of any domestic violence restraining / protective orders in effect between the parties, check (a). If you agree that there are one or more restraining orders in place, check the box for (b).

## 2. Child Custody

If the other party requested orders pertaining to child custody or visitation (parenting time), check off these boxes for Section 2. If not, leave this section blank and move on to Section 3.

If you consent to the entirety of what opposing party requested regarding custody, check the box for (a). This means you agree 100% with the legal and physical custody orders requested by the other parent.

*Legal Custody is the right to make major decisions about your child, including decisions about education, health care, welfare, and religion. Joint Legal Custody means that both parents have the right and responsibility to make major decisions about your child. Sole Legal Custody means that only the parent with Sole Legal Custody has the right and responsibility to make major decisions about your child.*

*Physical Custody is the physical care and custody of a child (who the child lives with on a day-to-day basis). Joint Physical Custody means that your children live with both parents (but time does not have to be split exactly in half). Sole, or Primary Custody, means that the children live with the parent who has Sole/ Primary Custody most of the time, and usually visit the other parent.*

If you consent to the entirety of what opposing party requested regarding visitation (parenting time), check the box for (b). This means you agree 100% with the schedule and other aspects of the visitation time that the other parent requested.

If you disagree in part, or in whole, with what the other parent requested, then check off the box for (c). Check off which order you disagree with (child custody and/or visitation). Check off "but I consent to the following order." Then, describe the order that you are asking the Court to make instead. You may prefer to attach a Declaration detailing your request. In that case, write "See Declaration attached" in the box. Then you will use the Declaration Form (MC-031) to detail your request.

## 3. Child Support

If the other party requested orders pertaining to child support, check off the box for Section 3. If not, leave this section blank and move on to Section 4.

Because this request is based on your finances and the finances of the opposing party, you will have to file an Income and Expense Declaration (Form FL-150) with this Request for Orders.

If you consent to the order requested, then check the box for (b). If you consent to guideline support, then check the box for (c). Checking (c) is generally a better idea than checking the box for (b) because you may not agree with all of the information the opposing party makes about your financial situation (or theirs).

The judge is required to make orders for child support based on the guideline. Consenting to “guideline support” allows you to make arguments about your financial situation while still following the law.

If you do not consent to the order requested but you consent to a different order, check the boxes in (d). You may want to attach a Declaration detailing the order that you request, and including special circumstances (such as extreme hardships) that you want the court to consider. In that case, write “See Declaration attached” in the box. Then you will use the Declaration Form (MC-031) to detail your request.

#### **4. Spousal or Domestic Partner Support**

If the other party requested orders pertaining to spousal support, check off the box for Section 4. If not, leave this section blank and move on to Section 5.

Because this request is based on your finances and the finances of the opposing party, you will have to file an Income and Expense Declaration (Form FL-150) with this Request for Orders.

If you consent to the entirety of the order requested, then check the box for (b). If you do not consent to the order but you consent to a different order, check the boxes in (c). You may not agree with all of the information the opposing party makes about your financial situation (or theirs), so even if you agree to paying some support, you can check this off to ensure that the court hears your argument about how much. Then, fill in the order that you do consent to. You may want to provide more detail, including facts and arguments in support of the order that you are requesting. In that case, write “See Declaration attached” in the box. Then you will use the Declaration Form (MC-031) to detail your request.

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#### **5. Property Control**

This section is for orders related to property control, outside the scope of these template instructions. If the other party did not ask the court to make orders pertaining to property control, leave this section blank and move on to Section 6.

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#### **6. Attorney’s Fees and Costs**

This section is for orders related to Attorney’s Fees and Costs, outside the scope of these template instructions. If the other party did not ask the court to make orders pertaining to attorney’s fees and costs, leave this section blank and move on to Section 7.

## 7. Domestic Violence Order

This section is for orders related to changing or ending orders made in a Restraining Order After Hearing, outside the scope of these template instructions. If the other party did not ask the court to make domestic violence orders, leave this section blank and move on to Section 8.

## 8. Other Orders

If there are any other orders that the other party asked for, check the box for whether or not you consent to these orders. If you do not consent, indicate what order you would consent to instead.

## 9. Time for Service / Time Until Hearing

This section applies when the other party asked the court for Temporary Emergency Orders, or indicated to the court that s/he urgently needed to request that the court shorten the time for service and/or the time until the hearing. If the other party did not request these orders, leave this section blank and move on to Section 10.

If the other party did request these orders, note that the court will only grant a request to shorten time for service or time until the hearing in rare circumstances, ONLY if the other party shows "good cause" for the court to do so. The orders must prevent an immediate danger or irreparable harm to a party or the children involved, or immediate risk that your child will be removed from the State of California, among other limited reasons. If you do not consent to these orders, check the boxes under (b) and write "see Declaration attached" in the Box. Explain in your Declaration (MC-031) why the court should not grant this order.

## 10. Facts To Support

Check off the box for Section 10. Write in the space provided "See Declaration attached."

Then, use the MC-031 Form (Declaration) to make comprehensive arguments to the judge about why s/he should not order what the other party requested, and why the court should order what you are requesting. This will be attached to your Request for Order.

**Signature:** *Enter the Date, Print your name, and then Sign.*

### **DON'T FORGET:**

Fill in the Case Number and Petitioner and Respondent's names on the header on Page 2!