

\$5.00
(If purchased at window)

OPEN A PETITION FOR CUSTODY AND SUPPORT

(When paternity has already been established on the birth certificate or by previous court order)

These are the forms you will need. You can find them at www.courts.ca.gov/forms.

Petition for Custody and Support (FL-260)

Summons (FL-210)

Declaration Under UCCJEA (FL-105)

Proof of Service of Summons (FL-115)

STEP 1: Fill Out the Forms

Petition for Custody and Support (FL-260): Fill this out completely.

Summons (FL-210): Fill out page 1. You are the “Petitioner” and the other parent is the “Respondent”. This form lets the other parent know that they are being sued and that they have 30 days to respond. The second page has automatic restraining orders that apply to both parties during the case, so be sure that you read and follow them.

Declaration Under UCCJEA (FL-105): The court needs to know where the children have been living for the past 5 years and if anyone else has a custody claim on them.

STEP 2: File the Forms

Make 2 copies of each of the forms. Paper clip and two-hole punch at the top of the original of each of the forms. (Do not staple the originals) Please staple the copies only. Group the original plus copies of the same documents together for filing (i.e. you should have separate stacks for Petition, Summons and Declaration Under UCCJEA). Get a number ticket for “Family Law” at the kiosk on the 1st floor of the Courthouse. File the paperwork with the clerk when your number is called. There is a \$435.00 fee to file the case with the court. The Court accepts cash, check, Visa, MasterCard, AMEX and Discover Card. If you cannot afford to pay the filing fee, you may submit the forms to request a fee waiver.

The Court is located at: The Gibson Courthouse at 10820 Justice Center Drive, Roseville, CA 95678

STEP 3: Serve a Copy to the Other Parent

You must have a copy of your forms personally served to the other parent, along with a blank Response (FL-270) and blank UCCJEA (FL-105). Anyone other than you, over 18, can serve the papers on the other parent. The other parent will have at least 30 days from the date the paperwork is handed to him/her to file a Response with the court, if he/she chooses to participate in the case.

STEP 4: File the Proof of Service

The person who serves the papers to the other parent needs to fill out a Proof of Service of Summons (FL-115) Make sure that the DATE and TIME and ADDRESS where the Respondent was served are filled in. Make 2 copies of the Proof of Service and get a number for “Family Law” at the kiosk on the 1st floor of the Courthouse to file the form. There is no fee to file this form.

Next Steps:

If you disagree with the other parent on issues like custody, visitation and/or child support, you may file a **Request for Order** to get a court hearing. Please request the instruction sheet or purchase the packet at the window for **Request for Order**. If you and the other parent agree with each other, set up an appointment with the Legal Help Center for further help on drafting an agreement that can be submitted to the Judge.