

TABLE OF CONTENTS

CHAPTER 1: CLIENT INTERVIEWING SKILLS

| | | |
|------|---|------|
| 1.00 | The Initial Interview—Client Orientation and Assessment System (COAS) | 1-3 |
| 1.01 | The COAS Interview | 1-5 |
| 1.02 | Frequently Asked Questions | 1-9 |
| 1.03 | Final Note | 1-10 |
| | Table of Forms | 1-11 |

CHAPTER 2: PUBLIC BENEFITS

| | | |
|------|--|------|
| 2.00 | Introduction | 2-3 |
| 2.01 | Basic Principles of Public Benefits | 2-3 |
| 2.02 | Benefits Programs | 2-5 |
| 2.03 | Public Benefits Issues in Family Law Cases | 2-14 |
| | Table of Forms | 2-19 |

CHAPTER 3: FEE WAIVERS

| | | |
|------|--|------|
| 3.00 | Fee Waivers Are Crucial to Litigants' Court Access | 3-3 |
| 3.01 | Completing the Request to Waive Court Fees (FW-001) (Sample Forms 3A-1, 3A-2, 3A-3, and 3A-4). | 3-4 |
| 3.02 | Order on Court Fee Waiver (FW-003) (Sample Form 3B). | 3-11 |
| 3.03 | The Request to Waive Additional Court Fees (FW-002) (Sample Form 3C-1). | 3-12 |
| 3.04 | Order on Court Fee Waiver After Hearing (FW-008) (Sample Form 3D) | 3-14 |
| 3.05 | Reconsideration of Fee Waivers and Recovery of Waived Fees. | 3-14 |
| | Table of Forms | 3-17 |

CHAPTER 4: COURT PROCEDURES AND PRELIMINARY ISSUES RELATED TO FAMILY LAW PRACTICE

| | | |
|------|--|-----|
| 4.00 | Court Procedures | 4-3 |
| 4.01 | Local Court Rules, Family Law Department, Central District | 4-8 |

4.02 Family Law Case Cover Sheet (Sample Form 4A) 4-11

4.03 Notice of Change of Address (Sample Form 4B) 4-12

4.04 Notice to the Child Support Services Department (CSSD). 4-12

4.05 Notice to the Court of Related Cases and Consolidation of Cases . . . 4-14

4.06 Notice of Limited Scope and Substitution of Attorney 4-16

Table of Forms 4-19

CHAPTER 5: SERVICE OF PROCESS

5.00 Introduction 5-3

5.01 Service of Summons 5-3

5.02 Common Pitfalls and Misunderstandings 5-9

5.03 Completing Summons and Proof of Service Forms (Sample Form 6A;
Sample Form 6B) 5-10

5.04 Service of Requests For Order and Other Pleadings. 5-13

5.05 Giving the Litigants Instructions on Executing Service 5-13

5.06 Posting. 5-16

5.07 Posting Phase 1—the Search 5-17

5.08 Posting Phase 2—Obtaining Permission from the Court to Post 5-20

5.09 Posting Phase 3 — Posting 5-25

CHAPTER 6: SERVICE OF PROCESS—FORMS

Table of Forms 6-1

CHAPTER 7: UNIFORM CHILD CUSTODY JURISDICTION AND ENFORCEMENT ACT (UCCJEA)

7.00 Understanding the Uniform Child Custody Jurisdiction and
Enforcement Act, Family Code Section 3400 et. seq. 7-3

7.01 UCCJEA Declaration (FL-105) (Sample Form 7A). 7-6

7.02 Form Completion 7-7

Table of Forms 7-11

CHAPTER 8: DISSOLUTION I

8.00 Introduction: Informed Choices and Anticipating Problems 8-3

8.01 Issue Spotting: Importance of Identifying Other Issues Early 8-6

8.02 HBCFL Three-Stage Dissolution Process 8-8

8.03 Dismissal of Cases Due to Timing Issues 8-10

8.04 Issues Common to All Forms 8-11

8.05 Family Law Case Cover Sheet (LA-20/FAM 020) (Sample Form 9C). . . 8-12

8.06 Summons (FL-110) (Sample Form 9D). 8-13

8.07 Proof of Service of Summons (FL-115) (Sample Forms 6A and 9E) . . . 8-14

8.08 Petition (FL-100) (Sample Form 9F) 8-14

8.09 Child Custody and Visitation Application Attachment (FL-311)
(Sample Form 9G-1). 8-37

8.10 Additional Provisions-Physical Custody Attachment (FL-341(D))
(Sample Form 9G-2). 8-42

8.11 Joint Legal Custody Application Attachment (FL-341(E))
(Sample Form 9H-1). 8-43

8.12 Children’s Holiday Schedule (FL-341(C)) (Sample Form 9H-2). 8-44

8.13 Request for Child Abduction Prevention Orders (FL-312)
(Sample Form 9H-3). 8-46

8.14 Service of Process 8-48

8.15 Active Duty Military Respondents 8-50

8.16 Amended Pleadings. 8-51

8.17 Final Review—Troubleshooting 8-52

8.18 Preview of the Disso II Appointment 8-53

8.19 Checklist for Dissolution I Forms 8-54

CHAPTER 9: DISSOLUTION I—FORMS

Table of Forms 9-1

CHAPTER 10: DISSOLUTION II

| | | |
|-------|---|-------|
| 10.00 | Introduction | 10-5 |
| 10.01 | Waiting Period and Reviewing Documents | 10-8 |
| 10.02 | Overview of Dissolution II—Default and Dissolution II—Contested Appointments | 10-10 |
| 10.03 | Request to Enter Default (FL-165) and Proof of Service by Mail (FL-335) (Sample Forms 11A-1 and 11A-2) (Disso II—Default Only) . . . | 10-12 |
| 10.04 | Property Declarations (FL-160) (Sample Forms 11B and 11C). | 10-14 |
| 10.05 | Declaration of Disclosure (FL-140) (Sample Forms 11E-1, 11E-2, 11F-1 and 11F-2) | 10-21 |
| 10.06 | Schedule of Assets and Debts (FL-142) (Sample Forms 9N and 11G). . . | 10-24 |
| 10.07 | Preparing the Income and Expense Declaration (I&E) (FL-150) or Financial Statement (Simplified) (FSS) (FL-155) (Sample Forms 11H and 11I) | 10-25 |
| 10.08 | Declaration Regarding Service of Declaration of Disclosure (FL-141) (Sample Forms 11J-1, 11J-2, 11K-1 and 11K-2) | 10-39 |
| 10.09 | Notice to the Opposing Party to Complete and Serve Preliminary and Final Declarations of Disclosure (Disso II— Contested Only) | 10-42 |
| 10.10 | Notice to the Child Support Services Department (CSSD). | 10-42 |
| 10.11 | Notice of Related Case (Sample Form 11N-1 or 11O-1) or Notice of Other Cases Involving Minor Children (Sample Form 11N-2) | 10-44 |
| 10.12 | Calculating Child and Spousal Support | 10-45 |
| 10.13 | Preparing Envelopes Addressed to the Litigant’s Spouse | 10-45 |
| 10.14 | Final Review—Troubleshooting | 10-45 |
| 10.15 | Preview of the Next Step | 10-47 |
| 10.16 | Checklist for Disso II Forms | 10-48 |

CHAPTER 11: DISSOLUTION II—FORMS

| | | |
|--|--------------------------|------|
| | Table of Forms | 11-1 |
|--|--------------------------|------|

CHAPTER 12: DISSOLUTION III

| | |
|--|-------|
| 12.00 Introduction | 12-5 |
| 12.01 Preliminary Issues—Default Cases | 12-6 |
| 12.02 Preliminary Issues—Contested Cases | 12-8 |
| 12.03 Complete Judgment and Dissolution III Checklist (Sample Forms 13A, 13B and 13D). | 12-10 |
| 12.04 Overview of Dissolution III Appointments. | 12-11 |
| 12.05 Declaration for Default or Uncontested Dissolution or Legal Separation (FL-170) (Sample Form 13H-1) | 12-13 |
| 12.06 Judgment (Family Law) (FL-180) (Sample Form 13C). | 12-18 |
| 12.07 Judgment Attachments Generally | 12-23 |
| 12.08 Judgment Attachments: Child Custody and Visitation | 12-24 |
| 12.09 Judgment Attachments: Child Support | 12-28 |
| 12.10 Judgment Attachments: Spousal Support | 12-33 |
| 12.11 Judgment Attachments: Health Insurance (Medical Support). | 12-36 |
| 12.12 Judgment Attachments: Property Provisions. | 12-39 |
| 12.13 Judgment Attachments: Court Fees and Costs | 12-43 |
| 12.14 Judgment Attachments: Consolidation Attachment (Sample Form 13E-12) | 12-43 |
| 12.15 Judgment Attachments: Execution of Necessary Documents (Sample Form 13E-14) | 12-44 |
| 12.16 Notice of Entry of Judgment (FL-190) (Sample Form 13G). | 12-44 |
| 12.17 Child Support Case Registry Form (FL-191) (Sample Form 13Y) | 12-45 |
| 12.18 Income Withholding Order/Notice for Support (IWO) (FL-195) (Sample Form 13Q) | 12-46 |
| 12.19 Earnings Assignment Order for Spousal or Partner Support (FL-435) (Sample Form 13R) | 12-47 |
| 12.20 Default Cases—Letter to Default Clerk (Sample Form 13Z) | 12-48 |
| 12.21 Prepare Three Envelopes. | 12-49 |
| 12.22 Abstract of Support Judgment (FL-480) (Sample Form 24I) | 12-49 |
| 12.23 Default Cases—Request for Default Setting (FAM-031/LA-23) (Sample Form 13II-1) | 12-50 |
| 12.24 Proof of Service to the Child Support Services Department (CSSD) | 12-51 |

12.25 Contested Cases—Review by Opposing Party Required 12-52

12.26 Uncontested Cases—Additional Forms Required 12-53

12.27 Final Instructions on the Judgment Papers 12-55

12.28 Disengagement Letter to Litigant (Sample Form 13LL) 12-57

12.29 Final Advice to the Litigant 12-57

12.30 Checklist for Disso III Forms 12-58

CHAPTER 13: DISSOLUTION III—FORMS

Table of Forms 13-1

CHAPTER 14: PATERNITY I

14.00 Introduction 14-5

14.01 What Can Be Achieved 14-6

14.02 Issue Spotting 14-6

14.03 Genetic Tests 14-10

14.04 Voluntary Declaration of Paternity (VDP) 14-12

14.05 Age of the Child 14-13

14.06 Burden of Proof, Presumptions, and Procedures 14-15

14.07 Issues Common to All Forms 14-18

14.08 Venue in Paternity Actions 14-19

14.09 Family Law Case Cover Sheet (LA-20/FAM 020) (Sample Form 15K) . . 14-19

14.10 Summons (FL-210) (Sample Form 15C) 14-20

14.11 Proof of Service of Summons (FL-115) (Sample Forms 15D and 6B) . . 14-20

14.12 Petition to Establish Parental Relationship (FL-200) 14-21

14.13 Declaration Under Uniform Child Custody Jurisdiction and
Enforcement Act (UCCJEA) (FL-105) (Sample Forms 15S and 7A). . . . 14-30

14.14 Note Regarding Domestic Violence 14-30

14.15 Service of Process 14-31

14.16 Response (FL-220) and UCCJEA (FL-105) (Sample Forms 15L
and 7A). 14-33

14.17 Pendente Lite Relief (Temporary Orders) 14-34

14.18 Stipulating to Paternity 14-35

14.19 Defense of Paternity Actions—Right to Counsel 14-35

14.20 Amended Pleadings. 14-36

14.21 Active Duty Military Respondents 14-37

14.22 Final Review—Troubleshooting 14-37

14.23 Preparing the Litigant for the Next Session. 14-38

14.24 Checklist for Paternity I Forms. 14-39

CHAPTER 15: PATERNITY I—FORMS

Table of Forms 15-1

CHAPTER 16: PATERNITY II/III

16.00 Default Paternity Cases 16-5

16.01 Contested Paternity Cases. 16-6

16.02 Paternity II/III Overview. 16-7

16.03 Request to Enter Default (FL-165) and Proof of Service by Mail
(FL-335) (Sample Forms 17C-1 and 17C-2) 16-9

16.04 Income and Expense Declaration (FL-150) or Financial Statement
(Simplified) (FL-155) (Sample Forms 17I and 17J) 16-12

16.05 Paternity II—Notice to the Child Support Services
Department (CSSD). 16-12

16.06 Paternity II—Notice of Related Case (Sample Form 11N-1) or Notice
of Other Cases Involving Minor Children (Sample Form 11N-2). 16-14

16.07 Declaration for Default or Uncontested Judgment (Uniform
Parentage) (FL-230) (Sample Form 17P). 16-15

16.08 Judgment (Uniform Parentage) (FL-250) (Sample Form 17L) 16-17

16.09 Judgment Attachments. 16-20

16.10 Judgment Attachments: Custody and Visitation 16-21

16.11 Judgment Attachments: Child Support 16-23

16.12 Judgment Attachments: Health Insurance (Medical Support). 16-24

16.13 Judgment Attachments: Court Fees and Costs 16-24

16.14 Judgment Attachments: Consolidation of Restraining Orders 16-25

16.15 Notice of Entry of Judgment (FL-190) (Sample Form 17O). 16-25

16.16 Prepare Three Envelopes. 16-26

16.17 Request for Default Setting (LA-23/FAM 031) (Sample Form 17D) . . . 16-26

16.18 Child Support Case Registry Form (FL-191) (Sample Form 17Y) 16-28

16.19 Income Withholding Order/Notice for Support (FL-195)
 (Sample Form 17V) 16-28

16.20 Letter to Default Clerk (Sample Form 17CC) 16-29

16.21 Abstract of Support Judgment (Sample Form 24I) 16-29

16.22 Paternity III—Proof of Service to the Child Support Services
 Department (CSSD) 16-30

16.23 Contested Cases—Review by Opposing Party Required 16-31

16.24 Stipulated Judgments—Additional Forms Required 16-32

16.25 Final Review—Troubleshooting 16-34

16.26 Checklist for Paternity II/III Forms 16-35

CHAPTER 17: PATERNITY II/III—FORMS

Table of Forms 17-1

CHAPTER 18: REQUEST FOR ORDER (RFO)

18.00 Introduction 18-5

18.01 Ex Parte Relief and Notice Requirements 18-7

18.02 Miscellaneous RFO Issues 18-11

18.03 RFO Forms Overview 18-15

18.04 Request For Order (FL-300) (Sample Form 19A) 18-16

18.05 Drafting an Effective Supporting Declaration (Sample Forms 19H,
 19I, 19M and 19Q) 18-24

18.06 Live Testimony and Witness Lists 18-27

18.07 Service (Sample Forms 19R, 19S, 19T, and 19U) 18-28

18.08 Findings and Order After Hearing (FOAH) (FL-340)
 (Sample Form 19AA) 18-30

18.09 FOAH Attachments (Sample Forms 19BB through 19HH, 13E-3,
 13E-5, 13E-6, 13E-8, and 13E-16) 18-33

18.10 Request to Continue Hearing (Sample Form 19X) 18-35

18.11 Mediation (formerly known as Conciliation Court) and
 Our Children First Program 18-35

18.12 Modification of RFO Orders 18-38

18.13 Stipulating to a Commissioner. 18-42

18.14 Notice to the Child Support Services Department (CSSD)
(Sample Form 19V). 18-42

18.15 District Attorney Assistance in Locating Children 18-42

18.16 Final Review for RFOs 18-50

18.17 Checklist of RFO Forms 18-51

CHAPTER 19: REQUEST FOR ORDER (RFO)—FORMS

Table of Forms 19-1

**CHAPTER 20: RFO WITH DOMESTIC VIOLENCE
RESTRAINING ORDERS**

20.00 Introduction 20-5

20.01 Relief Available in Restraining Orders. 20-10

20.02 Restraining Order Procedures 20-12

20.03 DVPA Document Overview 20-17

20.04 Request for Domestic Violence Restraining Order (DV-100)
(Sample Form 21C-1) 20-17

20.05 Attachments to Request for Domestic Violence Restraining Order. . . 20-24

20.06 Temporary Restraining Order (TRO) (DV-110) (Sample Form 21F-1) . . 20-27

20.07 Notice of Court Hearing (Domestic Violence) (DV-109)
(Sample Form 21H) 20-29

20.08 Waiver of Hearing on Denied Request for Temporary
Restraining Order (DV-112) and Proof of Service By Mail (DV-250)
(Sample Forms 21L and 21M) 20-30

20.09 Restraining Order After Hearing (Order of Protection) (ROAH)
(DV-130) (Sample Form 21P-1) 20-31

20.10 Preparing for Restraining Order Hearing — Live Testimony
and Witness Lists 20-32

20.11 Renewal of Restraining Order 20-33

20.12 Notice to the Child Support Services Department (CSSD). 20-35

20.13 Stipulating to a Commissioner. 20-35

20.14 Final Review for Requests For Order with Request for Domestic Violence Restraining Orders 20-35

20.15 Forms Checklist of Request For Restraining Orders. 20-36

CHAPTER 21: RFO WITH DOMESTIC VIOLENCE RESTRAINING ORDERS—FORMS

Table of Forms 21-1

CHAPTER 22: RESPONSES

22.00 Introduction 22-3

22.01 Request to Waive Court Fees (FW-001) (Sample Forms 3A-1 through 3A-4) and Order on Court Fee Waiver (FW-003) (Sample Form 3B). 22-4

22.02 Case Number 22-4

22.03 Response—Marriage (Family Law) (FL-120) (Sample Form 22A) 22-4

22.04 Response—Marriage (Family Law)—Additional Forms to Complete . . 22-8

22.05 Response to Petition to Establish Parental Relationship (FL-220) (Sample Form 22B) 22-8

22.06 Response to Petition to Establish Parental Relationship—Additional Forms to Complete 22-10

22.07 Discovery 22-10

22.08 Need for Request For Order (RFO) to Obtain Immediate Relief 22-10

22.09 Responsive Declaration to Request For Order (FL-320) (Sample Form 22C) (Non-Domestic Violence Case) 22-11

22.10 Responsive Declaration to RFO—Additional Forms to Complete and Preparing for the Hearing 22-12

22.11 Response to Request for Domestic Violence Restraining Order (DV-120) (Sample Form 22D-1). 22-13

22.12 Response to Request for Domestic Violence Restraining Order—Additional Forms to Complete 22-14

22.13 Final Review—Troubleshooting 22-15

22.14 Checklist for Responses—Forms 22-15

Table of Forms 22-19

CHAPTER 23: TRIAL PREPARATION

| | |
|--|-------|
| 23.00 Introduction | 23-3 |
| 23.01 Pretrial Procedure and Mandatory Settlement Efforts | 23-6 |
| 23.02 Preparing for Contested Trials. | 23-8 |
| 23.03 Troubleshooting for Dissolution Cases—Declaration of Disclosure Requirements | 23-12 |
| 23.04 Request for Trial Setting Family Law (FAM 014/LA 41) (Sample Form 23A)—Dissolution and Paternity. | 23-14 |
| 23.05 Trial Brief (Sample Forms 23E and 23F)—Dissolution and Paternity . . | 23-16 |
| 23.06 Trial Setting Conference Statement (Sample Forms 23I-1 and 23I-2)— Dissolution and Paternity. | 23-17 |
| 23.07 Mandatory Settlement Conferences (MSC) | 23-17 |
| 23.08 Notice to the Child Support Services Department (CSSD) (Sample Forms 23J, 23K and 23L) | 23-18 |
| 23.09 Final Review—Troubleshooting | 23-19 |
| 23.10 Checklist for Trial Preparation Forms — Dissolution and Paternity. . . | 23-20 |
| Table of Forms | 23-23 |

CHAPTER 24: CHILD SUPPORT / HEALTH CARE

| | |
|---|-------|
| 24.00 Child Support—An Overview. | 24-3 |
| 24.01 Obtaining Child Support Orders | 24-4 |
| 24.02 Calculating the Amount of Child Support | 24-6 |
| 24.03 Health Care and Medical Support Orders. | 24-9 |
| 24.04 Enforcing Child Support Orders | 24-11 |
| 24.05 Ex Parte Application for Earnings Assignment (FL-430) (Sample Forms 24B and 24C) | 24-23 |
| 24.06 Enforcing the Income Withholding Order/Notice for Support (IWO) . . | 24-25 |
| 24.07 Large Arrearages Owed: Writs of Attachment | 24-26 |
| 24.08 Additional Enforcement Techniques | 24-27 |
| 24.09 Los Angeles County Child Support Services Department (CSSD). . . . | 24-28 |
| 24.10 Final Review for Income Withholding Order/Notice for Support | 24-36 |
| Table of Forms | 24-37 |

CHAPTER 25: DISCOVERY / OTHER REMEDIES

| | | |
|--------------|--|--------------|
| 25.00 | Introduction | 25-5 |
| 25.01 | Deposition Subpoena for Production of Records (Sample Form 25A) | 25-5 |
| 25.02 | Pension/Retirement Plans | 25-13 |
| 25.03 | Pension/Retirement Joinder— Documents | 25-19 |
| 25.04 | Deposition Subpoena for Pension/Retirement Plan Records (Sample Forms 25A and 25KK). | 25-22 |
| 25.05 | Request for Production of an Income and Expense Declaration After Judgment (FL-396) (Sample Form 25Y) and Request for Income and Benefit Information from Employer (FL-397) (Sample Form 25Z) | 25-23 |
| 25.06 | Petition for Custody and Support of Minor Children (Sample Form 25AA) | 25-24 |
| 25.07 | Active Duty Military Respondents | 25-27 |
| 25.08 | Request for Order to Appoint Attorney for Military Respondent (Sample Form 25CC) | 25-32 |
| 25.09 | Consolidation of Cases. | 25-32 |
| 25.10 | Motion for Leave to File Amended Petition | 25-33 |
| | Table of Forms | 25-35 |