



Immigrant Rights Project



SEEKING SPECIAL IMMIGRANT JUVENILE FINDINGS THROUGH CALIFORNIA FAMILY COURTS

APPENDICES

PUBLIC COUNSEL
610 S Ardmore Avenue
Los Angeles, CA. 90005
Phone: 213-385-2977
Fax: 213-385-9089
www.publiccounsel.org

ACACIA
1025 Connecticut Ave, NW,
Suite 1000A (#1008)
Washington, DC 20036
www.acaciajustice.org/

LIST OF APPENDICES

Appendix A – Sample Parentage Filing

Appendix B – Sample Custody Filing

Appendix C – Sample RFO Forms (Parentage and Custody Actions)

Appendix D – Sample Child's Declaration with Certificate of Translation
(Parentage Action)

Appendix E – Sample Child's Declaration with Certificate of Translation
(Custody Action)

Appendix F – Sample Parent's Declaration with Certificate of Translation
(Custody Action)

Appendix G – Sample Forms FL-356 and Memorandum of Points &
Authorities

Appendix H – Sample Forms FL-357

Appendix I- Sample Posting Application

Appendix J – Sample Declaration of Due Diligence

Appendix K – Sample Proofs of Service of Summons and Proof of
Personal Service (Parentage and Custody Actions)

Appendix L – Sample Custody Orders (Parentage and Custody Actions)

Appendix M – Mock Parentage Action Script RFO and SIJ Findings
Hearing

Appendix N – Mock Custody Action Script RFO AND SIJ Findings
Hearing

Appendix O – Sample Default and Judgment Packet (Parentage Action)

Appendix P – Sample Default and Judgment Packet (Custody Action)

Appendix Q – Checklists of Forms and Filing Steps (Parentage and
Custody Actions)

APPENDIX A
SAMPLE PARENTAGE FILING



NAME, ADDRESS, AND TELEPHONE NUMBER OF ATTORNEY OR PARTY WITHOUT ATTORNEY: Joseph Weiner Public Counsel 610 S Ardmore Ave Los Angeles CA 90005 (213) 385-2977 ATTORNEY FOR (Name): Kristen Maria Hamilton Doe	STATE BAR NUMBER 233197	<i>Reserved for Clerk's File Stamp</i>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES		
COURTHOUSE ADDRESS: Stanley Mosk Courthouse 111 North Hill Street Los Angeles CA 90012		
PETITIONER/PLAINTIFF: Kristen Maria Hamilton Doe		
RESPONDENT/DEFENDANT: Jane Doe		
FAMILY LAW CASE COVER SHEET AND CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO DISTRICT		CASE NUMBER:

This form is required for all new Family Law cases filed in the Los Angeles Superior Court

This case cover sheet is required so that the court can assign your case to the correct district for filing and hearing. It satisfies the requirement for a certificate authorizing filing in the district, as set forth in Los Angeles Superior Court Rules 2.3 and 5.2. It must be completed and submitted to the court along with the original Complaint or Petition in all Family Law cases filed in any district of the Los Angeles Superior Court.

I. Consent to Electronic Notification <i>(optional)</i>	
<input checked="" type="checkbox"/> I agree to accept information electronically from the court at the following email address and/or cell phone number	
Email Address jweiner@publiccounsel.org	Cell Phone

II. Address of Petitioner			
Street (including Apt. #) 1234 South Main Street	City Los Angeles	State CA	Zip Code 90015

III. Address of <input checked="" type="checkbox"/> Respondent / <input type="checkbox"/> Joint Petitioner <i>(Do not complete this section if filing a Minor's contract case)</i>			
Street (including Apt. #) 1234 South Main Street	City Los Angeles	State CA	Zip Code 90015

IV. Case Information			
Date of Marriage/Domestic Partnership <i>(if applicable)</i>	Date of Separation <i>(if applicable)</i>	Are there Minor Children Involved? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <i>If yes, indicate how many:</i> <u>1</u>	
Parties agree to mediate: <i>(check one, if applicable)</i>	<input type="checkbox"/> Property and Support <input type="checkbox"/> Property Only <input type="checkbox"/> Support Only	Parties intend to proceed by: <i>(check one, if applicable)</i>	<input type="checkbox"/> Default <input type="checkbox"/> Stipulated Judgment <input type="checkbox"/> Use of private dispute resolution judge <input type="checkbox"/> Collaborative Law process
Do other parties need to be joined to the action to resolve the case? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			

V. Interpreter Request

The Los Angeles Superior Court provides **free** interpreter services to participants in all family law cases. You may also request an interpreter online via the *Interpreter Request Portal* available at <http://www.lacourt.org>. Click the "Online Services" tab to access the *Interpreter Request Portal*.

Do you need an interpreter? Yes No *If yes, indicate the language requested:* Spanish

VI. District Assignment

Step 1. In the "Type of Action" column below, select **one** type of action which best describes the nature of this case. *For dissolution, nullity, and legal separation cases select one option each in sections A, B, and C.*

Step 2. Across from the "Type of Action" you selected, place an "X" in the column that corresponds to the reason for your choice of district. Note that you may only select from the boxes that are *not* shaded.

TYPE OF ACTION (check one)			May be filed in Central District	District where one or more of the parties resides	Child resides within the county	District where the Petitioner resides	Any court location
Dissolution, Nullity, and Legal Separation (required: select one option each in sections A, B, and C below)							
Section A (check one)	<input type="checkbox"/> Dissolution <input type="checkbox"/> Nullity <input type="checkbox"/> Legal Separation	Section B (check one)	<input type="checkbox"/> With Minor Children <input type="checkbox"/> Without Minor Children	Section C (check one)	<input type="checkbox"/> Domestic Partnership <input type="checkbox"/> Marriage		
Dept. of Child Support Services (DCSS)							
<input type="checkbox"/>	DSU – Summons and Complaint [4814]						
<input type="checkbox"/>	DSU – Statement – Registration of California Support Order [4811]						
<input type="checkbox"/>	DSU – Petition – Uniform Support [4810]						
<input type="checkbox"/>	DSU – Statement – Registration Out-of-State Support Order [4812]						
Establish Parental Relationship							
<input checked="" type="checkbox"/>	Petition – Establish Parental Relationship [4040]				✓		
<input checked="" type="checkbox"/>	Petition – Special Immigrant Juvenile Status [4068]				✓		
<input type="checkbox"/>	Petition – Request – Set Aside Voluntary Dec. of Paternity [4054]						
Joint Petition for Summary Dissolution							
<input type="checkbox"/>	Marriage [4041]	<input type="checkbox"/>	Domestic Partnership [4042]				
Surrogacy (if selected, also complete Section VIII, "Surrogacy Case Jurisdiction", on page 3 of this form)							
<input type="checkbox"/>	Surrogacy – Stipulation and Order [4324]						
Other Family Law							
<input type="checkbox"/>	Petition – Custody and Support of Minor Child [4032]						
<input type="checkbox"/>	Registration of Out-of-State Custody Order [4052]						
<input type="checkbox"/>	Statement – Registration of California Support Order [4190]						
<input type="checkbox"/>	Petition – Grandparent/Third Party Visitation [4327]						
<input type="checkbox"/>	Request – Release Confidential Marriage License/Certificate [4407]						
<input type="checkbox"/>	Petition – Minor's Contract (FC § 6751) [4047]						
<input type="checkbox"/>	Petition – Habeas Corpus – Family Law [4011]						
<input type="checkbox"/>	Custody Order – Juvenile Final Judgment – Closing Order [174]						
<input type="checkbox"/>	Petition – Elder/Dependent Adult Abuse [226]						
<input type="checkbox"/>	Order – Register Out-of-State/Tribal Court Restraining Order [4325]						
<input type="checkbox"/>	Petition – Family Law Other [4329]						
<input type="checkbox"/>	Petition – Withdraw Funds from Blocked Account [4308]						
Consent for Minor to Marry/Establish Domestic Partnership							
<input type="checkbox"/>	Marriage [4031]	<input type="checkbox"/>	Domestic Partnership [4030]				
Restraining Orders/Domestic Violence (DV) Prevention Note: Use Civil Case Cover Sheet (LA CIV109) for all Civil Restraining Orders							
<input type="checkbox"/>	DV Prevention with Minor Children [4038]						
<input type="checkbox"/>	DV Prevention without Minor Children [4039]						

VII. Address of Minor Child(ren) (if known)

Complete this section only if you have selected "Child Resides within the County" as an applicable reason for case assignment in Section V above. Do not complete this section if this case falls under Family Code § 6751.

Street (including Apt. #) 1234 South Main Street	City Los Angeles	State CA	Zip Code 90015
---	---------------------	-------------	-------------------

VIII. Surrogacy Case Jurisdiction – Required only for Surrogacy actions (Family Code § 7962)

Please select the appropriate grounds for jurisdiction in Los Angeles County:	<input type="checkbox"/> Child is anticipated to be born in Los Angeles County
	<input type="checkbox"/> Intended parent or intended parents reside in Los Angeles County
	<input type="checkbox"/> Surrogate resides in Los Angeles County
	<input type="checkbox"/> Assisted reproduction agreement for gestational carriers was executed in Los Angeles County
	<input type="checkbox"/> Medical procedures pursuant to the agreement are to be performed in Los Angeles County

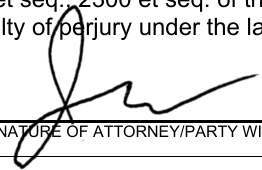
IX. Certification / Declaration of Assignment

The undersigned hereby certifies and declares that the above entitled matter is properly filed for assignment to the: (check one option below)

- | | | |
|---|--|------------------------------------|
| <input checked="" type="checkbox"/> Central | <input type="checkbox"/> East | <input type="checkbox"/> North |
| <input type="checkbox"/> North Valley | <input type="checkbox"/> Northeast | <input type="checkbox"/> Northwest |
| <input type="checkbox"/> South | <input type="checkbox"/> South Central | <input type="checkbox"/> Southeast |
| <input type="checkbox"/> Southwest | <input type="checkbox"/> West (Domestic Violence Only) | |

District of the Los Angeles Superior Court under Code of Civil Procedure § 392 et seq., 2300 et seq. of the Family Code, and Local Rules 2.3 and 5.2 of this court for reason checked above. I certify and declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 07/25/2024



(SIGNATURE OF ATTORNEY/PARTY WITHOUT ATTORNEY)

Clerk stamps date here when form is filed.

If you are getting public benefits, are a low-income person, or do not have enough income to pay for your household's basic needs and your court fees, you may use this form to ask the court to waive your court fees. The court may order you to answer questions about your finances. If the court waives the fees, you may still have to pay later if:

- You cannot give the court proof of your eligibility,
- Your financial situation improves during this case, or
- You settle your civil case for \$10,000 or more. The trial court that waives your fees will have a lien on any such settlement in the amount of the waived fees and costs. The court may also charge you any collection costs.

Fill in court name and street address:

Superior Court of California, County of Los Angeles
Stanley Mosk Courthouse
111 North Hill Street
Los Angeles CA 90012

Fill in case number and name:

Case Number:

Case Name:
Hamilton Doe v. Doe

1 Your Information (person asking the court to waive the fees):

Name: Kristen Maria Hamilton Doe

Street or mailing address: 1234 South Main Street

City: Los Angeles State: CA Zip: 90015

Phone: (213) 987-6543

2 Your Job, if you have one (job title): N/A Student

Name of employer:

Employer's address:

3 Your Lawyer, if you have one (name, firm or affiliation, address, phone number, and State Bar number):

Joseph Weiner Public Counsel 233197

610 S Ardmore Ave Los Angeles CA 90005 (213) 385-2977

a. The lawyer has agreed to advance all or a portion of your fees or costs (check one): Yes No

b. (If yes, your lawyer must sign here) Lawyer's signature:

If your lawyer is not providing legal-aid type services based on your low income, you may have to go to a hearing to explain why you are asking the court to waive the fees.

4 What court's fees or costs are you asking to be waived?

- Superior Court (See Information Sheet on Waiver of Superior Court Fees and Costs (form FW-001-INFO).)
- Supreme Court, Court of Appeal, or Appellate Division of Superior Court (See Information Sheet on Waiver of Appellate Court Fees (form APP-015/FW-015-INFO).)

5 Why are you asking the court to waive your court fees?

a. I receive (check all that apply; see form FW-001-INFO for definitions):

- Food Stamps Supp. Sec. Inc. SSP Medi-Cal County Relief/Gen. Assist. IHSS
- CalWORKS or Tribal TANF CAPI WIC Unemployment

b. My gross monthly household income (before deductions for taxes) is less than the amount listed below. (If you check 5b, you must fill out 7, 8, and 9 on page 2 of this form.)

Family Size	Family Income	Family Size	Family Income	Family Size	Family Income
1	\$2,510.00	3	\$4,303.34	5	\$6,096.67
2	\$3,406.67	4	\$5,200.00	6	\$6,993.34

If more than 6 people at home, add \$896.67 for each extra person.

c. I do not have enough income to pay for my household's basic needs and the court fees. I ask the court to: (check one and you must fill out page 2):

- waive all court fees and costs
- waive some of the court fees
- let me make payments over time

6 Check here if you asked the court to waive your court fees for this case in the last six months. (If your previous request is reasonably available, please attach it to this form and check here):

I declare under penalty of perjury under the laws of the State of California that the information I have provided on this form and all attachments is true and correct.

Date: 07/25/2024

Kristen Maria Hamilton Doe

Print your name here

Kristen M.D.
Sign here



Your name: **Kristen Maria Hamilton Doe**

If you checked 5a on page 1, do not fill out below. If you checked 5b, fill out questions 7, 8, and 9 only. If you checked 5c, you **must** fill out this entire page. If you need more space, attach form MC-025 or attach a sheet of paper and write Financial Information and your name and case number at the top.

7 Check here if your income changes a lot from month to month. If it does, complete the form based on your average income for the past 12 months.

8 Your Gross Monthly Income

a. List the source and amount of **any** income you get each month, including: wages or other income from work before deductions, spousal/child support, retirement, social security, disability, unemployment, military basic allowance for quarters (BAQ), veterans payments, dividends, interest, trust income, annuities, net business or rental income, reimbursement for job-related expenses, gambling or lottery winnings, etc.

- (1) _____ \$ **0**
- (2) _____ \$ _____
- (3) _____ \$ _____
- (4) _____ \$ _____

b. Your total monthly income: \$ **0**

9 Household Income

a. List the income of all other persons living in your home who depend in whole or in part on you for support, or on whom you depend in whole or in part for support.

Name	Age	Relationship	Gross Monthly Income
(1) <u>Jane Doe</u>	<u>35</u>	<u>Mother</u>	<u>\$1,200</u>
(2) _____	_____	_____	\$ _____
(3) _____	_____	_____	\$ _____
(4) _____	_____	_____	\$ _____

b. Total monthly income of persons above: \$ **0**

Total monthly income and household income (8b plus 9b): \$ 1,200

10 Your Money and Property

a. Cash \$ _____

b. All financial accounts (List bank name and amount):

- (1) _____ \$ _____
- (2) _____ \$ _____
- (3) _____ \$ _____

c. Cars, boats, and other vehicles

Make / Year	Fair Market Value	How Much You Still Owe
(1) _____	\$ _____	\$ _____
(2) _____	\$ _____	\$ _____
(3) _____	\$ _____	\$ _____

d. Real estate

Address	Fair Market Value	How Much You Still Owe
(1) _____	\$ _____	\$ _____
(2) _____	\$ _____	\$ _____

e. Other personal property (jewelry, furniture, furs, stocks, bonds, etc.):

Describe	Fair Market Value	How Much You Still Owe
(1) _____	\$ _____	\$ _____
(2) _____	\$ _____	\$ _____

11 Your Monthly Deductions and Expenses

a. List any payroll deductions and the monthly amount below:

- (1) _____ \$ _____
- (2) _____ \$ _____
- (3) _____ \$ _____
- (4) _____ \$ _____

b. Rent or house payment & maintenance \$ _____

c. Food and household supplies \$ _____

d. Utilities and telephone \$ _____

e. Clothing \$ _____

f. Laundry and cleaning \$ _____

g. Medical and dental expenses \$ _____

h. Insurance (life, health, accident, etc.) \$ _____

i. School, child care \$ _____

j. Child, spousal support (another marriage) \$ _____

k. Transportation, gas, auto repair and insurance \$ _____

l. Installment payments (list each below):

- Paid to:
- (1) _____ \$ _____
 - (2) _____ \$ _____
 - (3) _____ \$ _____

m. Wages/earnings withheld by court order \$ _____

n. Any other monthly expenses (list each below).

- Paid to: How Much?
- (1) _____ \$ _____
 - (2) _____ \$ _____
 - (3) _____ \$ _____

Total monthly expenses (add 11a – 11n above): \$ _____

To list any other facts you want the court to know, such as unusual medical expenses, etc., attach form MC-025 or attach a sheet of paper and write Financial Information and your name and case number at the top.

Check here if you attach another page.

Important! If your financial situation or ability to pay court fees improves, you must notify the court within five days on form FW-010.

**Order on Court Fee Waiver
(Superior Court)**

Clerk stamps date here when form is filed.

1 Person who asked the court to waive court fees:

Name: Kristen Maria Hamilton Doe

Street or mailing address: 1234 South Main Street

City: Los Angeles State: CA Zip: 90015

2 Lawyer, if person in 1 has one (name, firm name, address, phone number, e-mail, and State Bar number):

Joseph Weiner 233197

Public Counsel

610 S Ardmore Ave Los Angeles CA 90005

(213) 385-2977

jweiner@publiccounsel.org

Fill in court name and street address:

**Superior Court of California, County of
Los Angeles
Stanley Mosk Courthouse
111 North Hill Street
Los Angeles CA 90012**

Fill in case number and name:

Case Number:

**Case Name:
Hamilton Doe v. Doe**

3 A request to waive court fees was filed on (date): _____

The court made a previous fee waiver order in this case on (date): _____

Read this form carefully. All checked boxes are court orders.

Notice: The court may order you to answer questions about your finances and later order you to pay back the waived fees. If this happens and you do not pay, the court can make you pay the fees and also charge you collection fees. If there is a change in your financial circumstances during this case that increases your ability to pay fees and costs, you must notify the trial court within five days. (Use form FW-010.) If you win your case, the trial court may order the other side to pay the fees. If you settle your civil case for **\$10,000** or more, the trial court will have a lien on the settlement in the amount of the waived fees. The trial court may not dismiss the case until the lien is paid.

4 After reviewing your: *Request to Waive Court Fees* *Request to Waive Additional Court Fees*
the court makes the following orders:

a. The court **grants** your request, as follows:

(1) **Fee Waiver.** The court grants your request and waives your court fees and costs listed below. (*Cal. Rules of Court, rules 3.55 and 8.818.*) You do not have to pay the court fees for the following:

- Filing papers in superior court
- Making copies and certifying copies
- Sheriff's fee to give notice
- Reporter's fee for attendance at hearing or trial, if the court is not electronically recording the proceeding and you request that the court provide an official reporter
- Assessment for court investigations under Probate Code section 1513, 1826, or 1851
- Preparing, certifying, copying, and sending the clerk's transcript on appeal
- Holding in trust the deposit for a reporter's transcript on appeal under rule 8.130 or 8.834
- Making a transcript or copy of an official electronic recording under rule 8.835
- Court fee for phone hearing
- Giving notice and certificates
- Sending papers to another court department

(2) **Additional Fee Waiver.** The court grants your request and waives your additional superior court fees and costs that are checked below. (*Cal. Rules of Court, rule 3.56.*) You do not have to pay for the checked items.

- Jury fees and expenses
- Fees for court-appointed experts
- Other (specify): _____
- Fees for a peace officer to testify in court
- Court-appointed interpreter fees for a witness

Case Number: _____

Your name: **Kristen Maria Hamilton Doe**

b. The court **denies** your fee waiver request because:

Warning! If you miss the deadline below, the court cannot process your request for hearing or the court papers you filed with your original request. If the papers were a notice of appeal, the appeal may be dismissed.

(1) Your request is incomplete. You have **10 days** after the clerk gives notice of this Order (see date of service on next page) to:

- Pay your fees and costs, or
- File a new revised request that includes the incomplete items listed:
 - Below On Attachment 4b(1)

(2) The information you provided on the request shows that you are not eligible for the fee waiver you requested for the reasons stated: Below On Attachment 4b(2)

The court has enclosed a blank *Request for Hearing About Court Fee Waiver Order (Superior Court)* (form FW-006). You have **10 days** after the clerk gives notice of this order (see date of service below) to:

- Pay your fees and costs in full or the amount listed in c below, or
- Ask for a hearing in order to show the court more information. (*Use form FW-006 to request hearing.*)

c. (1) The court needs more information to decide whether to grant your request. You must go to court on the date on page 3. The hearing will be about the questions regarding your eligibility that are stated:

Below On Attachment 4c(1)

(2) Bring the items of proof to support your request, if reasonably available, that are listed:

Below On Attachment 4c(2)

This is a Court Order.

Your name: **Kristen Maria Hamilton Doe**

Case Number: _____

Name and address of court if different from above:

Hearing Date → Date: _____ Time: _____
Dept.: _____ Room: _____

Warning! If item c(1) is checked, and you do not go to court on your hearing date, the judge will deny your request to waive court fees, and you will have 10 days to pay your fees. If you miss that deadline, the court cannot process the court papers you filed with your request. If the papers were a notice of appeal, the appeal may be dismissed.

Date: _____
Signature of (check one): Judicial Officer Clerk, Deputy

Request 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 hearing. Contact the clerk's office for *Request for Accommodations by Persons With Disabilities and Response* (form MC-410). (Civ. Code, § 54.8.)

Clerk's Certificate of Service

I certify that I am not involved in this case and (check one):

- I handed a copy of this Order to the party and attorney, if any, listed in ① and ②, at the court, on the date below.
- This order was mailed first class, postage paid, to the party and attorney, if any, at the addresses listed in ① and ②, from (city): _____, California, on the date below.
- A certificate of mailing is attached.

Date: _____

Clerk, by _____, Deputy
Name: _____

This is a Court Order.

PARTY WITHOUT ATTORNEY OR ATTORNEY: STATE BAR NUMBER: 233197 NAME: Joseph Weiner FIRM NAME: Public Counsel STREET ADDRESS: 610 S Ardmore Ave CITY: Los Angeles STATE: CA ZIP CODE: 90005 TELEPHONE NO.: (213) 385-2977 FAX NO.: (213) 385-9089 E-MAIL ADDRESS: jweiner@publiccounsel.org ATTORNEY FOR (name): Kristen Maria Hamilton Doe	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: Same CITY AND ZIP CODE: Los Angeles 90012 BRANCH NAME: Stanley Mosk Courthouse	
PETITIONER: Kristen Maria Hamilton Doe RESPONDENT: Jane Doe	
PETITION TO DETERMINE PARENTAL RELATIONSHIP	CASE NUMBER:

1. The petitioner
 - a. gave birth to the children listed in item 2.
 - b. wants to be determined as a parent of the children in item 2 because (specify):
 - c. wants to be determined as not a parent of the children listed in item 2 because (specify):
 - d. is the child or the child's personal representative (specify court and date of appointment):
 - e. Other (specify):

2. The children are

a. Child's name	Birthdate	Age
Kristen Maria Hamilton Doe	01/01/2009	15

 - b. a child who is not yet born.

3. The court has jurisdiction over the respondent because the respondent:
 - a. lives in this state.
 - b. had sexual intercourse in this state, which resulted in conception of the children listed in item 2.
 - c. Other (specify):

4. The action is brought in this county because (you must check one or more to file in this county):
 - a. the children live or are found in this county.
 - b. a parent is deceased and proceedings for administration of the estate have been or could be started in this county.

5. Petitioner claims (check all that apply):
 - a. respondent is the parent of the children listed in item 2 above.
 - b. parentage has been determined by a voluntary declaration of parentage or paternity. (Attach a copy if available.)
 - c. respondent is the children's parent and has failed to support the children.
 - d. (name): _____ has furnished or is furnishing the following reasonable expenses of pregnancy and birth for which the respondent as parent of the children should pay:

Amount	Payable to	For (specify):
--------	------------	----------------
 - e. public assistance is being provided to the children.
 - f. Other (specify): **SIJ Findings as requested in FL-356, FL-357**

6. A completed Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) (form FL-105) is attached.

PETITIONER: Kristen Maria Hamilton Doe RESPONDENT: Jane Doe	CASE NUMBER:
--	--------------

Petitioner asks the court to make the determinations indicated below.

7. PARENT-CHILD RELATIONSHIP (check all that apply):

- a. Petitioner Respondent is the parent of the children listed in item 2.
- b. Petitioner Respondent is not the parent of the children listed in item 2.
- c. Petitioner requests genetic testing to determine whether the Petitioner Respondent is the parent of the children listed in item 2.

8. CHILD CUSTODY AND VISITATION (PARENTING TIME)

- a. If Petitioner Respondent is found to be the parent of the children listed in item 2.

	Petitioner	Respondent	Joint	Other
b. Legal custody of children to	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Physical custody of children to	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Child visitation (parenting time) be granted to	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

As requested in form FL-311 form FL-312 form FL-341(C)
 form FL-341(D) form FL-341(E) Attachment 8d

- e. The facts in support of the requested custody and visitation (parenting time) orders are (specify):
 Contained in the attached declaration. **Petitioner wishes for Respondent to have sole custody with no visitation awarded because Respondent provides a safe and loving home, while father abandoned Petitioner.**

9. REASONABLE EXPENSES OF PREGNANCY AND BIRTH

Reasonable expenses of pregnancy and birth to be paid by as follows:	Petitioner	Respondent	Joint
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

10. FEES AND COSTS OF LITIGATION

	Petitioner	Respondent	Joint
a. Attorney fees to be paid by	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Expert fees, guardian ad litem fees, and other costs of the action or pretrial proceedings to be paid by	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

11. NAME CHANGE

Children's names be changed, according to Family Code section 7638, as follows (specify old and new names):

12. CHILD SUPPORT

The court may make orders for support of the children and issue an earnings assignment without further notice to either party.

13. OTHER ORDERS REQUESTED (specify): **SIJS Findings Pursuant to CCP 155**

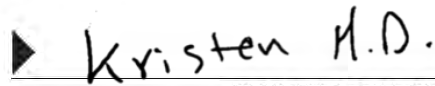
14. I have read the restraining order on the back of the Summons (form FL-210) and I understand it applies to me when this Petition is filed.

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

Date: **07/25/2024**

Kristen Maria Hamilton Doe

(TYPE OR PRINT NAME)



(SIGNATURE OF PETITIONER)

A blank Response to Petition to Determine Parental Relationship (form FL-220) must be served on the respondent with this petition.

NOTICE: If you have a child from this relationship, the court is required to order child support based upon the income of both parents. Support normally continues until the child is 18. You should supply the court with information about your finances. Otherwise, the child support order will be based upon information supplied by the other parent. Any party required to pay child support must pay interest on overdue amounts at the "legal" rate, which is currently 10 percent.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Joseph Weiner 233197 Public Counsel 610 S Ardmore Ave Los Angeles CA 90005 TELEPHONE NO.: (213) 385-2977 FAX NO. (Optional): (213) 385-9089 E-MAIL ADDRESS (Optional): jweiner@publiccounsel.org ATTORNEY FOR (Name): Kristen Maria Hamilton Doe	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: Same CITY AND ZIP CODE: Los Angeles 90012 BRANCH NAME: Stanley Mosk Courthouse	
PETITIONER: Kristen Maria Hamilton Doe <i>(This section applies only to family law cases.)</i> RESPONDENT: Jane Doe OTHER PARTY:	
GUARDIANSHIP OF (Name): _____ Minor	CASE NUMBER: _____
DECLARATION UNDER UNIFORM CHILD CUSTODY JURISDICTION AND ENFORCEMENT ACT (UCCJEA)	

1. **I am a party** to this proceeding to determine custody of a child.
2. My present address and the present address of each child residing with me is confidential under Family Code section 3429 as I have indicated in item 3.
3. There are (specify number): **1** minor children who are subject to this proceeding, as follows:
(Insert the information requested below. The residence information must be given for the last FIVE years.)

a. Child's name Kristen Maria Hamilton Doe	Place of birth El Salvador	Date of birth 01/01/2009	Sex Female
Period of residence 07/2018 to present	Address 1234 South Main Street Los Angeles CA 90015 <input type="checkbox"/> Confidential	Person child lived with (name and complete current address) Jane Doe (Same address) <input type="checkbox"/> Confidential	Relationship Mother
01/2004 to 07/2018	Child's residence (City, State) 49 Avenida Sur 1 00, Casa 20 San Salvador, El Salvador	Person child lived with (name and complete current address) John Hamilton Same address	Father
to	Child's residence (City, State)	Person child lived with (name and complete current address)	
to	Child's residence (City, State)	Person child lived with (name and complete current address)	
b. Child's name	Place of birth	Date of birth	Sex
<input type="checkbox"/> Residence information is the same as given above for child a. (If NOT the same, provide the information below.)			
Period of residence	Address	Person child lived with (name and complete current address)	Relationship
to present	<input type="checkbox"/> Confidential	<input type="checkbox"/> Confidential	
to	Child's residence (City, State)	Person child lived with (name and complete current address)	
to	Child's residence (City, State)	Person child lived with (name and complete current address)	
to	Child's residence (City, State)	Person child lived with (name and complete current address)	

- c. Additional residence information for a child listed in item a or b is continued on attachment 3c.
- d. Additional children are listed on form FL-105(A)/GC-120(A). (Provide all requested information for additional children.)

SHORT TITLE: Hamilton Doe v. Doe	CASE NUMBER:
--	--------------

4. Do you have information about, or have you participated as a party or as a witness or in some other capacity in, another court case or custody or visitation proceeding, in California or elsewhere, concerning a child subject to this proceeding?
 Yes No (If yes, attach a copy of the orders (if you have one) and provide the following information):

Proceeding	Case number	Court <i>(name, state, location)</i>	Court order or judgment <i>(date)</i>	Name of each child	Your connection to the case	Case status
a. <input type="checkbox"/> Family						
b. <input type="checkbox"/> Guardianship						
c. <input type="checkbox"/> Other						

Proceeding	Case Number	Court <i>(name, state, location)</i>
d. <input type="checkbox"/> Juvenile Delinquency/ Juvenile Dependency		
e. <input type="checkbox"/> Adoption		

5. One or more domestic violence restraining/protective orders are now in effect. (Attach a copy of the orders if you have one and provide the following information):

Court	County	State	Case number <i>(if known)</i>	Orders expire <i>(date)</i>
a. <input type="checkbox"/> Criminal				
b. <input type="checkbox"/> Family				
c. <input type="checkbox"/> Juvenile Delinquency/ Juvenile Dependency				
d. <input type="checkbox"/> Other				

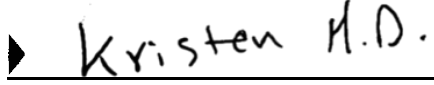
6. Do you know of any person who is not a party to this proceeding who has physical custody or claims to have custody of or visitation rights with any child in this case? Yes No (If yes, provide the following information):

a. Name and address of person <input type="checkbox"/> Has physical custody <input type="checkbox"/> Claims custody rights <input type="checkbox"/> Claims visitation rights Name of each child	b. Name and address of person <input type="checkbox"/> Has physical custody <input type="checkbox"/> Claims custody rights <input type="checkbox"/> Claims visitation rights Name of each child	c. Name and address of person <input type="checkbox"/> Has physical custody <input type="checkbox"/> Claims custody rights <input type="checkbox"/> Claims visitation rights Name of each child
---	---	---

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
 Date: 07/25/2024

Kristen Maria Hamilton Doe

 (TYPE OR PRINT NAME)



 (SIGNATURE OF DECLARANT)

7. Number of pages attached: _____

NOTICE TO DECLARANT: You have a continuing duty to inform this court if you obtain any information about a custody proceeding in a California court or any other court concerning a child subject to this proceeding.

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: Joseph Weiner FIRM NAME: Public Counsel STREET ADDRESS: 610 S Ardmore Ave CITY: Los Angeles TELEPHONE NO.: (213) 385-2977 EMAIL ADDRESS: jweiner@publiccounsel.org ATTORNEY FOR (name): Kristen Maria Hamilton Doe	STATE BAR NUMBER: 233197 STATE: CA ZIP CODE: 90005 FAX NO.: (213) 385-9089	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: Same CITY AND ZIP CODE: Los Angeles 90012 BRANCH NAME: Stanley Mosk Courthouse		
PLAINTIFF/PETITIONER: Kristen Maria Hamilton Doe DEFENDANT/RESPONDENT: Jane Doe OTHER PARENT/PARTY:		
APPLICATION FOR APPOINTMENT OF GUARDIAN AD LITEM—CIVIL AND FAMILY LAW <input type="checkbox"/> EX PARTE		CASE NUMBER:
<p><i>This form is for use in a civil or family law proceeding in which a party is a minor, a person who lacks legal capacity to make decisions, or a person for whom a conservator has been appointed. A person who seeks the appointment of a guardian ad litem in a proceeding under the Probate Code—other than a proceeding under Probate Code sections 3500–3613 for approval of a compromise, settlement, or disposition of judgment proceeds—should use form DE-350/GC-100. NOTE: A person may not act as a guardian ad litem unless the person is represented by an attorney, is an attorney, or, in an action under the Uniform Parentage Act (Family Code, §§ 7600–7730), is an adult relative of a minor party.</i></p>		

1. I (applicant's name): **Kristen Maria Hamilton Doe**
am (check all that apply):
- the parent of (name):
 - the guardian of (name):
 - the conservator of (name):
 - a party to the suit.
 - the minor to be represented (if the minor is 14 years of age or older).
 - another interested person (specify capacity): **Attorney for the minor.**
2. I am asking the court to appoint the following person as guardian ad litem (name, address, phone number, and email address):
Juana Diaz
300 West 55th Street Los Angeles CA 90044
(323) 555-5555
3. The guardian ad litem will represent the interest of (name, address, and, if applicable, phone number and email address):
Kristen Maria Hamilton Doe
1234 South Main Street
Los Angeles, CA 90015
4. The person named in item 3 is a party and is (check all that apply):
- a minor (date of birth): **01/01/2009**
 - a person who lacks legal capacity to make decisions (explain the basis for claiming lack of capacity):
- Continued on Attachment 4b.
- c. a person for whom a conservator has been appointed (provide the details of the appointment):

Continued on Attachment 4c.

PLAINTIFF/PETITIONER: Kristen Maria Hamilton Doe DEFENDANT/RESPONDENT: Jane Doe OTHER PARENT/PARTY:	CASE NUMBER:
---	--------------

5. The person named in item 3 is a minor and is (*check one*):
- a. a plaintiff or petitioner in this action and the summons has not been issued.
 - b. a defendant or respondent in this action. More than 10 days have passed since service of the summons, and no one has applied for the appointment of a guardian ad litem.

6. I am asking the court to appoint a guardian ad litem because the person named in item 3 (*check all that apply*):
- a. is a minor who is a party to an action under the Uniform Parentage Act (Family Code, §§ 7600–7730).
 - b. is a minor who is requesting or opposing a request for an injunction or restraining order described in Code of Civil Procedure sections 372(b)(1) and 374(a). (*If the minor is 12 years of age or older, check one of the following*):
 The minor does does not object to the appointment of the person named in item 2.
 I don't know whether the minor objects to the appointment of the person named in item 2.
 - c. has no guardian or conservator of the estate.
 - d. has a guardian or conservator of the estate, but the guardian or conservator is inadequate to represent the person's interest in this action or proceeding because (*explain*):

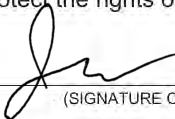
Continued on Attachment 6d.
 The guardian or conservator of the estate is (*name, address, telephone number, and email address*):

(*After filing this application, you must give notice and a copy of the application to the guardian or conservator above.*)

7. The proposed guardian ad litem is fully competent and qualified to understand and protect the rights of the person named in item 3.

Joseph Weiner

 (TYPE OR PRINT NAME)

▶ 

 (SIGNATURE OF ATTORNEY)

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

Date: **07/25/2024**

Kristen Maria Hamilton Doe

 (TYPE OR PRINT NAME)

▶ 

 (SIGNATURE OF APPLICANT)

DISCLOSURES AND CONSENT TO ACT AS GUARDIAN AD LITEM

8. I have the following relationship with the person named in item 3 (*check one*):
- a. No relationship
 - b. A familial relationship (*specify*):
 - c. An affiliate (nonfamilial) relationship (*specify*):
9. I am (*check one*):
- a. not aware of any actual or potential conflicts of interest that would or might arise from the appointment.
 - b. aware of the following actual or potential conflicts that would or might arise from the appointment (*describe the actual or potential conflicts of interest and explain why the proposed guardian should still be appointed*):

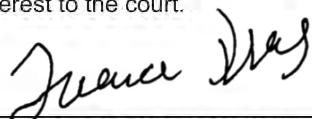
Continued on Attachment 9b.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. I consent to act as guardian ad litem in this action or proceeding. If I become aware that a potential conflict of interest has become an actual conflict, or that a new potential or actual conflict exists, I will promptly disclose the conflict of interest to the court.

Date: **07/25/2024**

Juana Diaz

 (TYPE OR PRINT NAME)

▶ 

 (SIGNATURE OF PROPOSED GUARDIAN AD LITEM)

SUMMONS

CITACIÓN (Paternidad—Custodia y Manutención)

(Parentage—Custody and Support)

NOTICE TO RESPONDENT (Name):Jane Doe

AVISO AL DEMANDADO (Nombre):Jane Doe

FOR COURT USE ONLY (SOLO PARA USO DE LA CORTE)

**You have been sued. Read the information below and on the next page.
 Lo han demandado. Lea la información a continuación y en la página siguiente.**

Petitioner's name:Kristen Maria Hamilton Doe
 El nombre del demandante:Kristen Maria Hamilton Doe

CASE NUMBER: (Número de caso)

You have 30 calendar days after this <i>Summons</i> and <i>Petition</i> are served on you to file a <i>Response</i> (form FL-220 or FL-270) at the court and have a copy served on the petitioner. A letter, phone call, or court appearance will not protect you.	Tiene 30 días de calendario después de haber recibido la entrega legal de esta Citación y Petición para presentar una Respuesta (formulario FL-220 o FL-270) ante la corte y efectuar la entrega legal de una copia al demandante. Una carta o llamada telefónica o una audiencia de la corte no basta para protegerlo.
If you do not file your <i>Response</i> on time, the court may make orders affecting your right to custody of your children. You may also be ordered to pay child support and attorney fees and costs.	Si no presenta su Respuesta a tiempo, la corte puede dar órdenes que afecten la custodia de sus hijos. La corte también le puede ordenar que pague manutención de los hijos, y honorarios y costos legales.
For legal advice, contact a lawyer immediately. Get help finding a lawyer at the California Courts Online Self-Help Center (www.courts.ca.gov/selfhelp), at the California Legal Services website (www.lawhelpca.org), or by contacting your local bar association.	Para asesoramiento legal, póngase en contacto de inmediato con un abogado. Puede obtener información para encontrar un abogado en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en el sitio web de los Servicios Legales de California (www.lawhelpca.org), o poniéndose en contacto con el colegio de abogados de su condado.
NOTICE: The restraining order on page 2 remains in effect against each parent until the petition is dismissed, a judgment is entered, or the court makes further orders. This order is enforceable anywhere in California by any law enforcement officer who has received or seen a copy of it.	AVISO: La orden de protección que aparecen en la pagina 2 continuará en vigencia en cuanto a cada parte hasta que se emita un fallo final, se despidia la petición o la corte dé otras órdenes. Cualquier agencia del orden público que haya recibido o visto una copia de estas orden puede hacerla acatar en cualquier lugar de California.
FEE WAIVER: If you cannot pay the filing fee, ask the clerk for a fee waiver form. The court may order you to pay back all or part of the fees and costs that the court waived for you or the other party.	EXENCIÓN DE CUOTAS: Si no puede pagar la cuota de presentación, pida al secretario un formulario de exención de cuotas. La corte puede ordenar que usted pague, ya sea en parte o por completo, las cuotas y costos de la corte previamente exentos a petición de usted o de la otra parte.

[SEAL]

- The name and address of the court are: (El nombre y dirección de la corte son:)
Stanley Mosk Courthouse
111 North Hill Street
Los Angeles CA 90012
- The name, address, and telephone number of petitioner's attorney, or petitioner without an attorney, are: (El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante si no tiene abogado, son:)
Joseph Weiner 233197
Public Counsel
610 S Ardmore Ave
Los Angeles CA 90005
(213) 385-2977

Date (Fecha): _____ Clerk, by (Secretario, por) _____, Deputy (Asistente)

STANDARD RESTRAINING ORDER
 (Parentage—Custody and Support)

ORDEN DE RESTRICCIÓN ESTÁNDAR
 (Paternidad—Custodia y Manutención)

Starting immediately, you and every other party are restrained from removing from the state, or applying for a passport for, the minor child or children for whom this action seeks to establish a parent-child relationship or a custody order without the prior written consent of every other party or an order of the court.

This restraining order takes effect against the petitioner when he or she files the petition and against the respondent when he or she is personally served with the *Summons* and *Petition* OR when he or she waives and accepts service.

This restraining order remains in effect until the judgment is entered, the petition is dismissed, or the court makes other orders.

This order is enforceable anywhere in California by any law enforcement officer who has received or seen a copy of it.

En forma inmediata, usted y cada otra parte tienen prohibido llevarse del estado a los hijos menores para quienes esta acción judicial procura establecer una relación entre hijos y padres o una orden de custodia, ni pueden solicitar un pasaporte para los mismos, sin el consentimiento previo por escrito de cada otra parte o sin una orden de la corte.

Esta orden de restricción entrará en vigencia para el demandante una vez presentada la petición, y para el demandado una vez que éste reciba la notificación personal de la Citación y Petición, o una vez que renuncie su derecho a recibir dicha notificación y se dé por notificado.

Esta orden de restricción continuará en vigencia hasta que se emita un fallo final, se despida la petición o la corte dé otras órdenes.

Cualquier agencia del orden público que haya recibido o visto una copia de esta orden puede hacerla acatar en cualquier lugar de California.

NOTICE— ACCESS TO AFFORDABLE HEALTH INSURANCE Do you or someone in your household need affordable health insurance? If so, you should apply for Covered California. Covered California can help reduce the cost you pay toward high-quality, affordable health care. For more information, visit www.coveredca.com. Or call Covered California at 1-800-300-1506.

AVISO— ACCESO A SEGURA DE SALUD MÁS ECONOMICO Necesita seguro de salud a un costo asequible, ya sea para usted o alguien en su hogar? Si es así, puede presentar una solicitud con Covered California. Covered California lo puede ayudar a reducir al costo que paga por seguro de salud asequible y de alta calidad. Para obtener más información, visite www.coveredca.com. O llame a Covered California al 1-800-300-0213.

APPENDIX B
SAMPLE SAMPLE CUSTODY FILING



NAME, ADDRESS, AND TELEPHONE NUMBER OF ATTORNEY OR PARTY WITHOUT ATTORNEY: Joseph Weiner Public Counsel 610 S Ardmore Ave Los Angeles CA 90005 (213) 385-2977 ATTORNEY FOR (Name): Kristen Maria Hamilton Doe	STATE BAR NUMBER 233197	<i>Reserved for Clerk's File Stamp</i>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES		
COURTHOUSE ADDRESS: Stanley Mosk Courthouse 111 North Hill Street Los Angeles CA 90012		
PETITIONER/PLAINTIFF: Kristen Maria Hamilton Doe		
RESPONDENT/DEFENDANT: Jane Doe		
FAMILY LAW CASE COVER SHEET AND CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO DISTRICT		CASE NUMBER:

This form is required for all new Family Law cases filed in the Los Angeles Superior Court

This case cover sheet is required so that the court can assign your case to the correct district for filing and hearing. It satisfies the requirement for a certificate authorizing filing in the district, as set forth in Los Angeles Superior Court Rules 2.3 and 5.2. It must be completed and submitted to the court along with the original Complaint or Petition in all Family Law cases filed in any district of the Los Angeles Superior Court.

I. Consent to Electronic Notification (optional)	
<input checked="" type="checkbox"/> I agree to accept information electronically from the court at the following email address and/or cell phone number	
Email Address jweiner@publiccounsel.org	Cell Phone

II. Address of Petitioner			
Street (including Apt. #) 1234 South Main Street	City Los Angeles	State CA	Zip Code 90015

III. Address of <input checked="" type="checkbox"/> Respondent / <input type="checkbox"/> Joint Petitioner (Do not complete this section if filing a Minor's contract case)			
Street (including Apt. #) 1234 South Main Street	City Los Angeles	State CA	Zip Code 90015

IV. Case Information			
Date of Marriage/Domestic Partnership (if applicable) 01/01/2003	Date of Separation (if applicable)	Are there Minor Children Involved? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, indicate how many: <u>1</u>	
Parties agree to mediate: (check one, if applicable)	<input type="checkbox"/> Property and Support <input type="checkbox"/> Property Only <input type="checkbox"/> Support Only	Parties intend to proceed by: (check one, if applicable)	<input type="checkbox"/> Default <input type="checkbox"/> Stipulated Judgment <input type="checkbox"/> Use of private dispute resolution judge <input type="checkbox"/> Collaborative Law process
Do other parties need to be joined to the action to resolve the case? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			

V. Interpreter Request

The Los Angeles Superior Court provides **free** interpreter services to participants in all family law cases. You may also request an interpreter online via the *Interpreter Request Portal* available at <http://www.lacourt.org>. Click the "Online Services" tab to access the *Interpreter Request Portal*.

Do you need an interpreter? Yes No *If yes, indicate the language requested:* Spanish

VI. District Assignment

Step 1. In the "Type of Action" column below, select **one** type of action which best describes the nature of this case. *For dissolution, nullity, and legal separation cases select one option each in sections A, B, and C.*

Step 2. Across from the "Type of Action" you selected, place an "X" in the column that corresponds to the reason for your choice of district. Note that you may only select from the boxes that are *not* shaded.

TYPE OF ACTION (check one)			May be filed in Central District	District where one or more of the parties resides	Child resides within the county	District where the Petitioner resides	Any court location
Dissolution, Nullity, and Legal Separation (required: select one option each in sections A, B, and C below)							
Section A (check one)	<input type="checkbox"/> Dissolution <input type="checkbox"/> Nullity <input type="checkbox"/> Legal Separation	Section B (check one)	<input type="checkbox"/> With Minor Children <input type="checkbox"/> Without Minor Children	Section C (check one)	<input type="checkbox"/> Domestic Partnership <input type="checkbox"/> Marriage		
Dept. of Child Support Services (DCSS)							
<input type="checkbox"/>	DSU – Summons and Complaint [4814]						
<input type="checkbox"/>	DSU – Statement – Registration of California Support Order [4811]						
<input type="checkbox"/>	DSU – Petition – Uniform Support [4810]						
<input type="checkbox"/>	DSU – Statement – Registration Out-of-State Support Order [4812]						
Establish Parental Relationship							
<input checked="" type="checkbox"/>	Petition – Establish Parental Relationship [4040]				<input checked="" type="checkbox"/>		
<input checked="" type="checkbox"/>	Petition – Special Immigrant Juvenile Status [4068]						
<input type="checkbox"/>	Petition – Request – Set Aside Voluntary Dec. of Paternity [4054]						
Joint Petition for Summary Dissolution							
<input type="checkbox"/>	Marriage [4041]	<input type="checkbox"/>	Domestic Partnership [4042]				
Surrogacy (if selected, also complete Section VIII, "Surrogacy Case Jurisdiction", on page 3 of this form)							
<input type="checkbox"/>	Surrogacy – Stipulation and Order [4324]						
Other Family Law							
<input type="checkbox"/>	Petition – Custody and Support of Minor Child [4032]				<input checked="" type="checkbox"/>		
<input type="checkbox"/>	Registration of Out-of-State Custody Order [4052]						
<input type="checkbox"/>	Statement – Registration of California Support Order [4190]						
<input type="checkbox"/>	Petition – Grandparent/Third Party Visitation [4327]						
<input type="checkbox"/>	Request – Release Confidential Marriage License/Certificate [4407]						
<input type="checkbox"/>	Petition – Minor's Contract (FC § 6751) [4047]						
<input type="checkbox"/>	Petition – Habeas Corpus – Family Law [4011]						
<input type="checkbox"/>	Custody Order – Juvenile Final Judgment – Closing Order [174]						
<input type="checkbox"/>	Petition – Elder/Dependent Adult Abuse [226]						
<input type="checkbox"/>	Order – Register Out-of-State/Tribal Court Restraining Order [4325]						
<input type="checkbox"/>	Petition – Family Law Other [4329]						
<input type="checkbox"/>	Petition – Withdraw Funds from Blocked Account [4308]						
Consent for Minor to Marry/Establish Domestic Partnership							
<input type="checkbox"/>	Marriage [4031]	<input type="checkbox"/>	Domestic Partnership [4030]				
Restraining Orders/Domestic Violence (DV) Prevention Note: Use Civil Case Cover Sheet (LA CIV109) for all Civil Restraining Orders							
<input type="checkbox"/>	DV Prevention with Minor Children [4038]						
<input type="checkbox"/>	DV Prevention without Minor Children [4039]						

VII. Address of Minor Child(ren) (if known)

Complete this section only if you have selected "Child Resides within the County" as an applicable reason for case assignment in Section V above. Do not complete this section if this case falls under Family Code § 6751.

Street (including Apt. #) 1234 South Main Street	City Los Angeles	State CA	Zip Code 90015
---	---------------------	-------------	-------------------

VIII. Surrogacy Case Jurisdiction – Required only for Surrogacy actions (Family Code § 7962)

- Please select the appropriate grounds for jurisdiction in Los Angeles County:
- Child is anticipated to be born in Los Angeles County
 - Intended parent or intended parents reside in Los Angeles County
 - Surrogate resides in Los Angeles County
 - Assisted reproduction agreement for gestational carriers was executed in Los Angeles County
 - Medical procedures pursuant to the agreement are to be performed in Los Angeles County

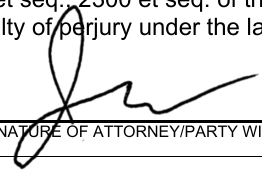
IX. Certification / Declaration of Assignment

The undersigned hereby certifies and declares that the above entitled matter is properly filed for assignment to the: (check one option below)

- Central
- North Valley
- South
- Southwest
- East
- Northeast
- South Central
- West (Domestic Violence Only)
- North
- Northwest
- Southeast

District of the Los Angeles Superior Court under Code of Civil Procedure § 392 et seq., 2300 et seq. of the Family Code, and Local Rules 2.3 and 5.2 of this court for reason checked above. I certify and declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 07/25/2024



(SIGNATURE OF ATTORNEY/PARTY WITHOUT ATTORNEY)

Clerk stamps date here when form is filed.

If you are getting public benefits, are a low-income person, or do not have enough income to pay for your household's basic needs and your court fees, you may use this form to ask the court to waive your court fees. The court may order you to answer questions about your finances. If the court waives the fees, you may still have to pay later if:

- You cannot give the court proof of your eligibility,
- Your financial situation improves during this case, or
- You settle your civil case for **\$10,000** or more. The trial court that waives your fees will have a lien on any such settlement in the amount of the waived fees and costs. The court may also charge you any collection costs.

Fill in court name and street address:

**Superior Court of California, County of Los Angeles
Stanley Mosk Courthouse
111 North Hill Street
Los Angeles CA 90012**

Fill in case number and name:

Case Number:

**Case Name:
Doe v. Hamilton**

1 Your Information *(person asking the court to waive the fees):*

Name: **Jane Doe**
Street or mailing address: **1234 South Main Street**
City: **Los Angeles** State: **CA** Zip: **90015**
Phone: **(213) 987-6543**

2 Your Job, if you have one *(job title)*: **Waitress**

Name of employer: **Denny's**
Employer's address: **530 Ramirez Street, Los Angeles, CA 90012**

3 Your Lawyer, if you have one *(name, firm or affiliation, address, phone number, and State Bar number)*:

Joseph Weiner Public Counsel 233197
610 S Ardmore Ave Los Angeles CA 90005 (213) 385-2977

a. The lawyer has agreed to advance all or a portion of your fees or costs *(check one)*: Yes No

b. *(If yes, your lawyer must sign here)* Lawyer's signature: _____
If your lawyer is not providing legal-aid type services based on your low income, you may have to go to a hearing to explain why you are asking the court to waive the fees.

4 What court's fees or costs are you asking to be waived?

- Superior Court *(See Information Sheet on Waiver of Superior Court Fees and Costs (form FW-001-INFO).)*
- Supreme Court, Court of Appeal, or Appellate Division of Superior Court *(See Information Sheet on Waiver of Appellate Court Fees (form APP-015/FW-015-INFO).)*

5 Why are you asking the court to waive your court fees?

- a. I receive *(check all that apply; see form FW-001-INFO for definitions)*:
- Food Stamps Supp. Sec. Inc. SSP Medi-Cal County Relief/Gen. Assist. IHSS
 - CalWORKS or Tribal TANF CAPI WIC Unemployment
- b. My gross monthly household income (before deductions for taxes) is less than the amount listed below. *(If you check 5b, you must fill out 7, 8, and 9 on page 2 of this form.)*

Family Size	Family Income	Family Size	Family Income	Family Size	Family Income
1	\$2,510.00	3	\$4,303.34	5	\$6,096.67
2	\$3,406.67	4	\$5,200.00	6	\$6,993.34

If more than 6 people at home, add \$896.67 for each extra person.

- c. I do not have enough income to pay for my household's basic needs *and* the court fees. I ask the court to: *(check one and you must fill out page 2)*:
- waive all court fees and costs
 - waive some of the court fees
 - let me make payments over time

- 6** Check here if you asked the court to waive your court fees for this case in the last six months. *(If your previous request is reasonably available, please attach it to this form and check here):*

I declare under penalty of perjury under the laws of the State of California that the information I have provided on this form and all attachments is true and correct.

Date: **07/25/2024**

Jane Doe

Print your name here

Kristen H.D.
Sign here



Your name: **Kristen Maria Hamilton Doe**

If you checked 5a on page 1, do not fill out below. If you checked 5b, fill out questions 7, 8, and 9 only. If you checked 5c, you **must** fill out this entire page. If you need more space, attach form MC-025 or attach a sheet of paper and write Financial Information and your name and case number at the top.

7 Check here if your income changes a lot from month to month. If it does, complete the form based on your average income for the past 12 months.

8 Your Gross Monthly Income

a. List the source and amount of any income you get each month, including: wages or other income from work before deductions, spousal/child support, retirement, social security, disability, unemployment, military basic allowance for quarters (BAQ), veterans payments, dividends, interest, trust income, annuities, net business or rental income, reimbursement for job-related expenses, gambling or lottery winnings, etc.

- (1) Denny's \$1,200
(2) \$
(3) \$
(4) \$

b. Your total monthly income: \$1,200

9 Household Income

a. List the income of all other persons living in your home who depend in whole or in part on you for support, or on whom you depend in whole or in part for support.

Table with columns: Name, Age, Relationship, Gross Monthly Income. Row 1: Kristen M. Hamilton Doe, 15, Daughter, \$0

b. Total monthly income of persons above: \$0

Total monthly income and household income (8b plus 9b): \$1,200

10 Your Money and Property

- a. Cash \$
b. All financial accounts (List bank name and amount):
(1) \$
(2) \$
(3) \$

Table for cars, boats, and other vehicles with columns: Make / Year, Fair Market Value, How Much You Still Owe. Rows 1-3.

Table for real estate with columns: Address, Fair Market Value, How Much You Still Owe. Rows 1-2.

Table for other personal property with columns: Describe, Fair Market Value, How Much You Still Owe. Rows 1-2.

11 Your Monthly Deductions and Expenses

a. List any payroll deductions and the monthly amount below:

- (1) \$
(2) \$
(3) \$
(4) \$

- b. Rent or house payment & maintenance \$
c. Food and household supplies \$
d. Utilities and telephone \$
e. Clothing \$
f. Laundry and cleaning \$
g. Medical and dental expenses \$
h. Insurance (life, health, accident, etc.) \$
i. School, child care \$
j. Child, spousal support (another marriage) \$
k. Transportation, gas, auto repair and insurance \$

- l. Installment payments (list each below):
Paid to:
(1) \$
(2) \$
(3) \$

m. Wages/earnings withheld by court order \$

- n. Any other monthly expenses (list each below).
Paid to: How Much?
(1) \$
(2) \$
(3) \$

Total monthly expenses (add 11a - 11n above): \$

To list any other facts you want the court to know, such as unusual medical expenses, etc., attach form MC-025 or attach a sheet of paper and write Financial Information and your name and case number at the top. Check here if you attach another page. Important! If your financial situation or ability to pay court fees improves, you must notify the court within five days on form FW-010.

**Order on Court Fee Waiver
(Superior Court)**

Clerk stamps date here when form is filed.

1 Person who asked the court to waive court fees:

Name: Jane Doe

Street or mailing address: 1234 South Main Street

City: Los Angeles State: CA Zip: 90015

2 Lawyer, if person in 1 has one (name, firm name, address, phone number, e-mail, and State Bar number):

Joseph Weiner 233197

Public Counsel

610 S Ardmore Ave Los Angeles CA 90005

(213) 385-2977

jweiner@publiccounsel.org

Fill in court name and street address:

**Superior Court of California, County of
Los Angeles
Stanley Mosk Courthouse
111 North Hill Street
Los Angeles CA 90012**

Fill in case number and name:

Case Number:

**Case Name:
Doe v. Hamilton**

3 A request to waive court fees was filed on (date): _____

The court made a previous fee waiver order in this case on (date): _____

Read this form carefully. All checked boxes are court orders.

Notice: The court may order you to answer questions about your finances and later order you to pay back the waived fees. If this happens and you do not pay, the court can make you pay the fees and also charge you collection fees. If there is a change in your financial circumstances during this case that increases your ability to pay fees and costs, you must notify the trial court within five days. (Use form FW-010.) If you win your case, the trial court may order the other side to pay the fees. If you settle your civil case for **\$10,000** or more, the trial court will have a lien on the settlement in the amount of the waived fees. The trial court may not dismiss the case until the lien is paid.

4 After reviewing your: *Request to Waive Court Fees* *Request to Waive Additional Court Fees*
the court makes the following orders:

a. The court **grants** your request, as follows:

(1) **Fee Waiver.** The court grants your request and waives your court fees and costs listed below. (*Cal. Rules of Court, rules 3.55 and 8.818.*) You do not have to pay the court fees for the following:

- Filing papers in superior court
- Making copies and certifying copies
- Sheriff's fee to give notice
- Reporter's fee for attendance at hearing or trial, if the court is not electronically recording the proceeding and you request that the court provide an official reporter
- Assessment for court investigations under Probate Code section 1513, 1826, or 1851
- Preparing, certifying, copying, and sending the clerk's transcript on appeal
- Holding in trust the deposit for a reporter's transcript on appeal under rule 8.130 or 8.834
- Making a transcript or copy of an official electronic recording under rule 8.835
- Court fee for phone hearing
- Giving notice and certificates
- Sending papers to another court department

(2) **Additional Fee Waiver.** The court grants your request and waives your additional superior court fees and costs that are checked below. (*Cal. Rules of Court, rule 3.56.*) You do not have to pay for the checked items.

- Jury fees and expenses
- Fees for court-appointed experts
- Other (specify): _____
- Fees for a peace officer to testify in court
- Court-appointed interpreter fees for a witness

Case Number: _____

Your name: **Kristen Maria Hamilton Doe**

b. The court **denies** your fee waiver request because:

Warning! If you miss the deadline below, the court cannot process your request for hearing or the court papers you filed with your original request. If the papers were a notice of appeal, the appeal may be dismissed.

(1) Your request is incomplete. You have **10 days** after the clerk gives notice of this Order (see date of service on next page) to:

- Pay your fees and costs, or
- File a new revised request that includes the incomplete items listed:
 - Below On Attachment 4b(1)

(2) The information you provided on the request shows that you are not eligible for the fee waiver you requested for the reasons stated: Below On Attachment 4b(2)

The court has enclosed a blank *Request for Hearing About Court Fee Waiver Order (Superior Court)* (form FW-006). You have **10 days** after the clerk gives notice of this order (see date of service below) to:

- Pay your fees and costs in full or the amount listed in c below, or
- Ask for a hearing in order to show the court more information. (*Use form FW-006 to request hearing.*)

c. (1) The court needs more information to decide whether to grant your request. You must go to court on the date on page 3. The hearing will be about the questions regarding your eligibility that are stated:

Below On Attachment 4c(1)

(2) Bring the items of proof to support your request, if reasonably available, that are listed:

Below On Attachment 4c(2)

This is a Court Order.

Your name: **Kristen Maria Hamilton Doe**

Case Number: _____

Name and address of court if different from above:

Hearing Date

Date: _____ Time: _____
Dept.: _____ Room: _____

Warning! If item c(1) is checked, and you do not go to court on your hearing date, the judge will deny your request to waive court fees, and you will have 10 days to pay your fees. If you miss that deadline, the court cannot process the court papers you filed with your request. If the papers were a notice of appeal, the appeal may be dismissed.

Date: _____

Signature of (check one): Judicial Officer Clerk, Deputy

Request 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 hearing. Contact the clerk's office for *Request for Accommodations by Persons With Disabilities and Response* (form MC-410). (Civ. Code, § 54.8.)

Clerk's Certificate of Service

I certify that I am not involved in this case and (check one):

- I handed a copy of this Order to the party and attorney, if any, listed in ① and ②, at the court, on the date below.
- This order was mailed first class, postage paid, to the party and attorney, if any, at the addresses listed in ① and ②, from (city): _____, California, on the date below.
- A certificate of mailing is attached.

Date: _____

Clerk, by _____, Deputy
Name: _____

This is a Court Order.

PARTY WITHOUT ATTORNEY OR ATTORNEY STATE BAR NUMBER: 233197 NAME: Joseph Weiner FIRM NAME: Public Counsel STREET ADDRESS: 610 S Ardmore Ave CITY: Los Angeles STATE: CA ZIP CODE: 90005 TELEPHONE NO.: (213) 385-2977 FAX NO.: (213) 385-9089 E-MAIL ADDRESS: jweiner@publiccounsel.org ATTORNEY FOR (name): Jane Doe	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: Same CITY AND ZIP CODE: Los Angeles 90012 BRANCH NAME: Stanley Mosk Courthouse	
PETITIONER: Jane Doe RESPONDENT: John Hamilton	
PETITION FOR CUSTODY AND SUPPORT OF MINOR CHILDREN	CASE NUMBER:
NOTICE: This action will not terminate a marriage or domestic partnership and will not determine a parental relationship.	

1. I am the petitioner. The respondent and I are the parents of the following minor children:

<u>Child's name</u>	<u>Birthdate</u>	<u>Age</u>
Kristen Maria Hamilton Doe	01/01/2009	15

continued on Attachment 1.

2. Choose at least one box below to explain why you are using this form:

- a. I am married to the respondent, and no action is pending in any court for dissolution, legal separation, or nullity.
- b. Respondent and I have signed a voluntary declaration of parentage or paternity regarding the minor children, and no action regarding the children has been filed in any other court. A copy is attached.
- c. Respondent and I have legally adopted a child together.
- d. Respondent and I have been determined to be the parents in juvenile court or governmental child support.
 Case number: _____
 County: _____ State: _____ Country (if not the United States): _____

3. A completed Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) (form FL-105) is attached.

4. Child custody and visitation (parenting time). I request the following orders:

	Petitioner	Respondent	Joint	Other
a. Legal custody of children to:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Physical custody of children to:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Visitation (parenting time) of children with:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. If "Other" is checked above, name of the other person is (specify): _____				
The proposed schedule for visitation (parenting time) is as follows:				

See the attached form FL-311, Child Custody and Visitation (Parenting Time) Application Attachment.

PETITIONER: Kristen Maria Hamilton Doe RESPONDENT: Jane Doe	CASE NUMBER:
--	--------------

4. e. I request that the child abduction prevention orders requested on form FL-312 be approved.
- f. I request that the proposed holiday schedule set out in form FL-341(C) other be approved.
- g. I request that additional orders regarding child custody set out in form FL-341(D) other be approved.
- h. I request that joint legal custody orders set out in form FL-341(E) other be approved.
- i. I request that visitation (parenting time) be supervised for the following persons, with the following restrictions:

Continued on Attachment 4i.

j. Other (specify):

5. Fees and cost of litigation

- a. Attorney's fees will be paid by petitioner respondent.
- b. Each party will pay their own attorney's fees.

6. **Child support.** The court may make orders for support of the children and issue an earnings assignment without further notice to either party.

7. Other (specify):
 FL-357 Special Immigrant Juvenile Findings (see FL-356 Confidential Request for Special Immigrant Juvenile Findings)

8. I have read the restraining order on the back of the *Summons* (form FL-210) that is being filed with this petition, and I understand that it applies to me when this petition is filed.

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

Date: 07/25/2024

Jane Doe
(TYPE OR PRINT NAME)


(SIGNATURE OF PETITIONER)

A blank *Response to Petition for Custody and Support of Minor Children* (form FL-270) must be served on the respondent with a copy of this Petition.

NOTICE: If you have a child from this relationship, the court is required to order child support based on the incomes of both parents. You should supply the court with information about your income. Otherwise, the child support order will be based on information supplied by the other parent. Any party required to pay child support must pay interest on overdue amounts at the "legal rate," which is currently 10 percent.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Joseph Weiner 233197 Public Counsel 610 S Ardmore Ave Los Angeles CA 90005 TELEPHONE NO.: (213) 385-2977 FAX NO. (Optional): (213) 385-9089 E-MAIL ADDRESS (Optional): jweiner@publiccounsel.org ATTORNEY FOR (Name): Jane Doe	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: Same CITY AND ZIP CODE: Los Angeles 90012 BRANCH NAME: Stanley Mosk Courthouse	
PETITIONER: Jane Doe <i>(This section applies only to family law cases.)</i> RESPONDENT: Jahn Hamilton OTHER PARTY:	
GUARDIANSHIP OF (Name): _____ Minor <i>(This section applies only to guardianship cases.)</i>	CASE NUMBER:
DECLARATION UNDER UNIFORM CHILD CUSTODY JURISDICTION AND ENFORCEMENT ACT (UCCJEA)	

1. I am a party to this proceeding to determine custody of a child.
2. My present address and the present address of each child residing with me is confidential under Family Code section 3429 as I have indicated in item 3.
3. There are (specify number): **1** minor children who are subject to this proceeding, as follows:
(Insert the information requested below. The residence information must be given for the last FIVE years.)

a. Child's name Kristen Maria Hamilton Doe	Place of birth El Salvador	Date of birth 01/01/2009	Sex Female
Period of residence 07/2018 to present	Address 1234 South Main Street Los Angeles CA 90015 <input type="checkbox"/> Confidential	Person child lived with (name and complete current address) Jane Doe (Same address) <input type="checkbox"/> Confidential	Relationship Mother
01/2004 to 07/2018	Child's residence (City, State) 49 Avenida Sur 1 00, Casa 20 San Salvador, El Salvador	Person child lived with (name and complete current address) John Hamilton Same address	Father
to	Child's residence (City, State)	Person child lived with (name and complete current address)	
to	Child's residence (City, State)	Person child lived with (name and complete current address)	
b. Child's name	Place of birth	Date of birth	Sex
<input type="checkbox"/> Residence information is the same as given above for child a. (If NOT the same, provide the information below.)			
Period of residence	Address	Person child lived with (name and complete current address)	Relationship
to present	<input type="checkbox"/> Confidential	<input type="checkbox"/> Confidential	
to	Child's residence (City, State)	Person child lived with (name and complete current address)	
to	Child's residence (City, State)	Person child lived with (name and complete current address)	
to	Child's residence (City, State)	Person child lived with (name and complete current address)	

- c. Additional residence information for a child listed in item a or b is continued on attachment 3c.
- d. Additional children are listed on form FL-105(A)/GC-120(A). (Provide all requested information for additional children.)

SHORT TITLE: Doe v. Hamilton	CASE NUMBER:
--	--------------

4. Do you have information about, or have you participated as a party or as a witness or in some other capacity in, another court case or custody or visitation proceeding, in California or elsewhere, concerning a child subject to this proceeding?
 Yes No (If yes, attach a copy of the orders (if you have one) and provide the following information):

Proceeding	Case number	Court (name, state, location)	Court order or judgment (date)	Name of each child	Your connection to the case	Case status
a. <input type="checkbox"/> Family						
b. <input type="checkbox"/> Guardianship						
c. <input type="checkbox"/> Other						

Proceeding	Case Number	Court (name, state, location)
d. <input type="checkbox"/> Juvenile Delinquency/ Juvenile Dependency		
e. <input type="checkbox"/> Adoption		

5. One or more domestic violence restraining/protective orders are now in effect. (Attach a copy of the orders if you have one and provide the following information):

Court	County	State	Case number (if known)	Orders expire (date)
a. <input type="checkbox"/> Criminal				
b. <input type="checkbox"/> Family				
c. <input type="checkbox"/> Juvenile Delinquency/ Juvenile Dependency				
d. <input type="checkbox"/> Other				

6. Do you know of any person who is not a party to this proceeding who has physical custody or claims to have custody of or visitation rights with any child in this case? Yes No (If yes, provide the following information):


a. Name and address of person <input type="checkbox"/> Has physical custody <input type="checkbox"/> Claims custody rights <input type="checkbox"/> Claims visitation rights Name of each child	b. Name and address of person <input type="checkbox"/> Has physical custody <input type="checkbox"/> Claims custody rights <input type="checkbox"/> Claims visitation rights Name of each child	c. Name and address of person <input type="checkbox"/> Has physical custody <input type="checkbox"/> Claims custody rights <input type="checkbox"/> Claims visitation rights Name of each child
---	---	---

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

Date: 07/25/2024

Jane Doe

 (TYPE OR PRINT NAME)



 (SIGNATURE OF DECLARANT)

7. Number of pages attached: _____

NOTICE TO DECLARANT: You have a continuing duty to inform this court if you obtain any information about a custody proceeding in a California court or any other court concerning a child subject to this proceeding.

SUMMONS

CITACIÓN (Paternidad—Custodia y Manutención)

(Parentage—Custody and Support)

NOTICE TO RESPONDENT (Name): John Hamilton

AVISO AL DEMANDADO (Nombre): John Hamilton

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

You have been sued. Read the information below and on the next page.
Lo han demandado. Lea la información a continuación y en la página siguiente.

Petitioner's name: Jane Doe

El nombre del demandante: Jane Doe

CASE NUMBER: (Número de caso)

<p>You have 30 calendar days after this <i>Summons</i> and <i>Petition</i> are served on you to file a <i>Response</i> (form FL-220 or FL-270) at the court and have a copy served on the petitioner. A letter, phone call, or court appearance will not protect you.</p>	<p><i>Tiene 30 días de calendario</i> después de haber recibido la entrega legal de esta Citación y Petición para presentar una Respuesta (formulario FL-220 o FL-270) ante la corte y efectuar la entrega legal de una copia al demandante. Una carta o llamada telefónica o una audiencia de la corte no basta para protegerlo.</p>
<p>If you do not file your <i>Response</i> on time, the court may make orders affecting your right to custody of your children. You may also be ordered to pay child support and attorney fees and costs.</p>	<p><i>Si no presenta su Respuesta a tiempo, la corte puede dar órdenes que afecten la custodia de sus hijos. La corte también le puede ordenar que pague manutención de los hijos, y honorarios y costos legales.</i></p>
<p>For legal advice, contact a lawyer immediately. Get help finding a lawyer at the California Courts Online Self-Help Center (www.courts.ca.gov/selfhelp), at the California Legal Services website (www.lawhelpca.org), or by contacting your local bar association.</p>	<p><i>Para asesoramiento legal, póngase en contacto de inmediato con un abogado. Puede obtener información para encontrar un abogado en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en el sitio web de los Servicios Legales de California (www.lawhelpca.org), o poniéndose en contacto con el colegio de abogados de su condado.</i></p>
<p>NOTICE: <i>The restraining order on page 2 remains in effect against each parent until the petition is dismissed, a judgment is entered, or the court makes further orders. This order is enforceable anywhere in California by any law enforcement officer who has received or seen a copy of it.</i></p>	<p>AVISO: <i>La orden de protección que aparecen en la pagina 2 continuará en vigencia en cuanto a cada parte hasta que se emita un fallo final, se despida la petición o la corte dé otras órdenes. Cualquier agencia del orden público que haya recibido o visto una copia de estas orden puede hacerla acatar en cualquier lugar de California.</i></p>
<p>FEE WAIVER: If you cannot pay the filing fee, ask the clerk for a fee waiver form. The court may order you to pay back all or part of the fees and costs that the court waived for you or the other party.</p>	<p>EXENCIÓN DE CUOTAS: <i>Si no puede pagar la cuota de presentación, pida al secretario un formulario de exención de cuotas. La corte puede ordenar que usted pague, ya sea en parte o por completo, las cuotas y costos de la corte previamente exentos a petición de usted o de la otra parte.</i></p>

[SEAL]

- The name and address of the court are: (El nombre y dirección de la corte son:)
Stanley Mosk Courthouse
111 North Hill Street
Los Angeles CA 90012
- The name, address, and telephone number of petitioner's attorney, or petitioner without an attorney, are: (El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante si no tiene abogado, son:)
Joseph Weiner 233197
Public Counsel
610 S Ardmore Ave
Los Angeles CA 90005
(213) 385-2977

Date (Fecha): _____ Clerk, by (Secretario, por) _____, Deputy (Asistente)

STANDARD RESTRAINING ORDER
(Parentage—Custody and Support)

ORDEN DE RESTRICCIÓN ESTÁNDAR
(Paternidad—Custodia y Manutención)

Starting immediately, you and every other party are restrained from removing from the state, or applying for a passport for, the minor child or children for whom this action seeks to establish a parent-child relationship or a custody order without the prior written consent of every other party or an order of the court.

This restraining order takes effect against the petitioner when he or she files the petition and against the respondent when he or she is personally served with the *Summons* and *Petition* OR when he or she waives and accepts service.

This restraining order remains in effect until the judgment is entered, the petition is dismissed, or the court makes other orders.

This order is enforceable anywhere in California by any law enforcement officer who has received or seen a copy of it.

En forma inmediata, usted y cada otra parte tienen prohibido llevarse del estado a los hijos menores para quienes esta acción judicial procura establecer una relación entre hijos y padres o una orden de custodia, ni pueden solicitar un pasaporte para los mismos, sin el consentimiento previo por escrito de cada otra parte o sin una orden de la corte.

Esta orden de restricción entrará en vigencia para el demandante una vez presentada la petición, y para el demandado una vez que éste reciba la notificación personal de la Citación y Petición, o una vez que renuncie su derecho a recibir dicha notificación y se dé por notificado.

Esta orden de restricción continuará en vigencia hasta que se emita un fallo final, se despida la petición o la corte dé otras órdenes.

Cualquier agencia del orden público que haya recibido o visto una copia de esta orden puede hacerla acatar en cualquier lugar de California.

NOTICE— ACCESS TO AFFORDABLE HEALTH

INSURANCE Do you or someone in your household need affordable health insurance? If so, you should apply for Covered California. Covered California can help reduce the cost you pay toward high-quality, affordable health care. For more information, visit www.coveredca.com. Or call Covered California at 1-800-300-1506.

AVISO— ACCESO A SEGURA DE SALUD MÁS

ECONOMICO Necesita seguro de salud a un costo asequible, ya sea para usted o alguien en su hogar? Si es así, puede presentar una solicitud con Covered California. Covered California lo puede ayudar a reducir al costo que paga por seguro de salud asequible y de alta calidad. Para obtener más información, visite www.coveredca.com. O llame a Covered California al 1-800-300-0213.

APPENDIX C
SAMPLE RFO FORMS
(PARENTAGE AND CUSTODY ACTIONS)



PARTY WITHOUT ATTORNEY OR ATTORNEY STATE BAR NUMBER: 233197 NAME: Joseph Weiner FIRM NAME: Public Counsel STREET ADDRESS: 610 S Ardmore Ave CITY: Los Angeles STATE: CA ZIP CODE: 90005 TELEPHONE NO.: (213) 385-2977 FAX NO.: (213) 385-9089 E-MAIL ADDRESS: jweiner@publiccounsel.org ATTORNEY FOR (name): Kristen Maria Hamilton Doe	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: Same CITY AND ZIP CODE: Los Angeles 90012 BRANCH NAME: Stanley Mosk Courthouse	
PETITIONER: Kristen Maria Hamilton Doe RESPONDENT: Jane Doe OTHER PARENT/PARTY:	
REQUEST FOR ORDER <input type="checkbox"/> CHANGE <input type="checkbox"/> TEMPORARY EMERGENCY ORDERS <input checked="" type="checkbox"/> Child Custody <input type="checkbox"/> Visitation (Parenting Time) <input type="checkbox"/> Spousal or Partner Support <input type="checkbox"/> Child Support <input type="checkbox"/> Domestic Violence Order <input type="checkbox"/> Attorney's Fees and Costs <input type="checkbox"/> Property Control <input type="checkbox"/> Other (specify):	CASE NUMBER:

NOTICE OF HEARING

1. TO (name(s)): Jane Doe
 Petitioner Respondent Other Parent/Party Other (specify):

2. **A COURT HEARING WILL BE HELD AS FOLLOWS:**

a. Date: _____ Time: _____ <input type="checkbox"/> Dept.: _____ <input type="checkbox"/> Room.: _____ b. Address of court <input checked="" type="checkbox"/> same as noted above <input type="checkbox"/> 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.)

(Forms [FL-300-INFO](#) and [DV-400-INFO](#) provide information about completing this form.)

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

PETITIONER: Kristen Maria Hamilton Doe RESPONDENT: Jane Doe OTHER PARENT/PARTY:	CASE NUMBER:
---	--------------

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**

VISITATION (PARENTING TIME)

I request temporary emergency orders

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

Child's Name	Date of Birth	<input checked="" type="checkbox"/> Legal Custody to (person who decides: health, education, etc):	<input checked="" type="checkbox"/> Physical Custody to (person with whom child lives):
Kristen Maria Hamilton Doe	01/01/2009	Respondent	Respondent

b. The orders I request for child custody visitation (parenting time) are:

Attachment 2a.

- (1) Specified in the attached forms:
- | | | | |
|---|---|---|---|
| <input type="checkbox"/> Form FL-305 | <input type="checkbox"/> Form FL-311 | <input type="checkbox"/> Form FL-312 | <input type="checkbox"/> Form FL-341(C) |
| <input type="checkbox"/> Form FL-341(D) | <input type="checkbox"/> Form FL-341(E) | <input type="checkbox"/> Other (specify): | |
- (2) As follows (specify): Attachment 2b.

Sole physical and legal custody to the respondent.

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

Attachment 2c.

Respondent has been caring for the minor child throughout her life. She needs a Custody Order to ensure that she will be able to make all legal, educational, and medical decisions for the minor.

d. This is a change from the current order for child custody visitation (parenting time).

(1) The order for legal or physical custody was filed on (date): . The court ordered (specify):

(2) The visitation (parenting time) order was filed on (date): . The court ordered (specify):

Attachment 2d.

PETITIONER: Kristen Maria Hamilton Doe RESPONDENT: Jane Doe OTHER PARENT/PARTY:	CASE NUMBER:
---	--------------

3. CHILD SUPPORT
 (Note: An earnings assignment may be issued. See *Income Withholding for Support* ([form FL-195](#)))
- a. I request that the court order child support as follows:
- | | | |
|-----------------------------|---|---|
| <u>Child's name and age</u> | <input type="checkbox"/> I request support for each child | <u>Monthly amount (\$) requested</u>
based on the child support guideline. (if not by guideline) |
|-----------------------------|---|---|
- b. I want to change a current court order for child support filed on (date): [Attachment 3a.](#)
 The court ordered child support as follows (specify):
- c. I have completed and filed with this *Request for Order* a current *Income and Expense Declaration* ([form FL-150](#)) or I filed a current *Financial Statement (Simplified)* ([form FL-155](#)) because I meet the requirements to file form FL-155.
- d. The court should make or change the support orders because (specify): [Attachment 3d.](#)

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 should make, change, or end the support orders because (specify): [Attachment 4e.](#)

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.

PETITIONER: Kristen Maria Hamilton Doe RESPONDENT: Jane Doe OTHER PARENT/PARTY:	CASE NUMBER:
---	--------------

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. **DOMESTIC VIOLENCE ORDER**

- Do not use this form to ask for domestic violence restraining orders! Read form DV-505-INFO, *How Do I Ask for a Temporary Restraining Order*, for forms and information you need to ask for domestic violence restraining orders.
- Read form DV-400-INFO, *How to Change or End a Domestic Violence Restraining Order* for more information.

- a. The *Restraining Order After Hearing* (form DV-130) was filed on (date): _____
- b. I request that the court change end the personal conduct, stay-away, move-out orders, or other protective orders made in *Restraining Order After Hearing* (form DV-130). (If you want to change the orders, complete 7c.)
- c. I request that the court make the following changes to the restraining orders (specify): Attachment 7c.
- d. I want the court to change or end the orders because (specify): Attachment 7d.

8. **OTHER ORDERS REQUESTED (specify):** Attachment 8.
 Special Immigrant Juvenile Findings as requested in FL-356

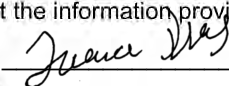
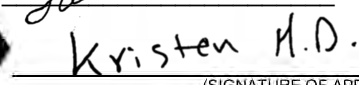
9. **TIME FOR SERVICE / TIME UNTIL HEARING** I urgently need:
- a. To serve the *Request for Order* no less than (number): _____ court days before the hearing.
 - b. The hearing date and service of the the *Request for Order* to be sooner.
 - c. I need the order because (specify): Attachment 9c.

10. **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 10.
 See concurrently filed declaration of the minor child.

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: 07/25/2024 Juana Diaz (Guardian ad litem)

Kristen Maria Hamilton Doe
 (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 www.courts.ca.gov/forms for *Request for Accommodations by Persons With Disabilities and Response* (form MC-410). (Civ. Code, § 54.8.)

PARTY WITHOUT ATTORNEY OR ATTORNEY STATE BAR NUMBER: 233197 NAME: Joseph Weiner FIRM NAME: Public Counsel STREET ADDRESS: 610 S Ardmore Ave CITY: Los Angeles STATE: CA ZIP CODE: 90005 TELEPHONE NO.: (213) 385-2977 FAX NO.: (213) 385-9089 E-MAIL ADDRESS: jweiner@publiccounsel.org ATTORNEY FOR (name): Kristen Maria Hamilton Doe	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: Same CITY AND ZIP CODE: Los Angeles 90012 BRANCH NAME: Stanley Mosk Courthouse	
PETITIONER: Jane Doe RESPONDENT: John Hamilton OTHER PARENT/PARTY:	
REQUEST FOR ORDER <input type="checkbox"/> CHANGE <input type="checkbox"/> TEMPORARY EMERGENCY ORDERS <input checked="" type="checkbox"/> Child Custody <input type="checkbox"/> Visitation (Parenting Time) <input type="checkbox"/> Spousal or Partner Support <input type="checkbox"/> Child Support <input type="checkbox"/> Domestic Violence Order <input type="checkbox"/> Attorney's Fees and Costs <input type="checkbox"/> Property Control <input type="checkbox"/> Other (specify):	CASE NUMBER:

NOTICE OF HEARING

1. TO (name(s)): John Hamilton
 Petitioner Respondent Other Parent/Party Other (specify):

2. **A COURT HEARING WILL BE HELD AS FOLLOWS:**

a. Date: _____ Time: _____ <input type="checkbox"/> Dept.: _____ <input type="checkbox"/> Room.: _____ b. Address of court <input checked="" type="checkbox"/> same as noted above <input type="checkbox"/> 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.)

(Forms [FL-300-INFO](#) and [DV-400-INFO](#) provide information about completing this form.)

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

PETITIONER: Jane Doe RESPONDENT: John Hamilton OTHER PARENT/PARTY:	CASE NUMBER:
--	--------------

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>	<input checked="" type="checkbox"/> <u>Legal Custody to</u> (person who decides: health, education, etc):	<input checked="" type="checkbox"/> <u>Physical Custody to</u> (person with whom child lives):
Kristen Maria Hamilton Doe	01/01/2009	Petitioner	Petitioner

b. The orders I request for child custody visitation (parenting time) are:

[Attachment 2a.](#)

(1) Specified in the attached forms:

- [Form FL-305](#) [Form FL-311](#) [Form FL-312](#) [Form FL-341\(C\)](#)
- [Form FL-341\(D\)](#) [Form FL-341\(E\)](#) Other (specify):

(2) As follows (specify):

[Attachment 2b.](#)

Sole physical and legal custody to the respondent.

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

[Attachment 2c.](#)

Petitioner has been caring for the minor child throughout her life. She needs a Custody Order to ensure that she will be able to make all legal, educational, and medical decisions for the minor.

d. This is a change from the current order for child custody visitation (parenting time).

(1) The order for legal or physical custody was filed on (date): . The court ordered (specify):

(2) The visitation (parenting time) order was filed on (date): . The court ordered (specify):

[Attachment 2d.](#)

PETITIONER: Jane Doe RESPONDENT: John Hamilton OTHER PARENT/PARTY:	CASE NUMBER:
--	--------------

3. CHILD SUPPORT
 (Note: An earnings assignment may be issued. See *Income Withholding for Support* ([form FL-195](#)))
- a. I request that the court order child support as follows:
- | | | |
|-----------------------------|---|--|
| <u>Child's name and age</u> | <input type="checkbox"/> I request support for each child | <u>Monthly amount (\$) requested based on the child support guideline. (if not by guideline)</u> |
|-----------------------------|---|--|
- b. I want to change a current court order for child support filed on (date): [Attachment 3a.](#)
 The court ordered child support as follows (specify):
- c. I have completed and filed with this *Request for Order* a current *Income and Expense Declaration* ([form FL-150](#)) or I filed a current *Financial Statement (Simplified)* ([form FL-155](#)) because I meet the requirements to file form FL-155.
- d. The court should make or change the support orders because (specify): [Attachment 3d.](#)

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 should make, change, or end the support orders because (specify): [Attachment 4e.](#)

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.

PETITIONER: Jane Doe RESPONDENT: John Hamilton OTHER PARENT/PARTY:	CASE NUMBER:
--	--------------

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. **DOMESTIC VIOLENCE ORDER**

- Do not use this form to ask for domestic violence restraining orders! Read [form DV-505-INFO](#), *How Do I Ask for a Temporary Restraining Order*, for forms and information you need to ask for domestic violence restraining orders.
- Read [form DV-400-INFO](#), *How to Change or End a Domestic Violence Restraining Order* for more information.

- a. The *Restraining Order After Hearing* (form DV-130) was filed on (date): _____
- b. I request that the court change end the personal conduct, stay-away, move-out orders, or other protective orders made in *Restraining Order After Hearing* (form DV-130). (If you want to change the orders, complete 7c.)
- c. I request that the court make the following changes to the restraining orders (specify): [Attachment 7c.](#)
- d. I want the court to change or end the orders because (specify): [Attachment 7d.](#)

8. **OTHER ORDERS REQUESTED (specify):** [Attachment 8.](#)
 Special Immigrant Juvenile Findings as requested in FL-356

9. **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 the *Request for Order* to be sooner.
 - c. I need the order because (specify): [Attachment 9c.](#)

10. **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 10.](#)
 See concurrently filed declaration of the minor child.

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: **07/25/2024**

Jane Doe _____
 (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 www.courts.ca.gov/forms for *Request for Accommodations by Persons With Disabilities and Response* (form [MC-410](#)). (Civ. Code, § 54.8.)

APPENDIX D
SAMPLE CHILD'S DECLARATION WITH
CERTIFICATE OF TRANSLATION
(PARENTAGE ACTION)



1 JOSEPH WEINER (Cal. Bar. No. 233197)
2 PUBLIC COUNSEL
3 610 S. Ardmore Avenue
4 Los Angeles, CA 90005
5 Tel: (213) 385-2977
6 Fax: (213-385-9089

7 Attorney for Petitioner,
8 KRISTEN MARIA HAMILTON DOE

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **COUNTY OF LOS ANGELES**

11 In Re
12 KRISTEN MARIA HAMILTON DOE,
13 Petitioner,
14 and
15 JANE DOE,
16 Respondent.

CASE NO. 19STPT12345

**DECLARATION OF KRISTEN MARIA
HAMILTON DOE IN SUPPORT OF
REQUEST FOR ORDER AND SPECIAL
IMMIGRANT JUVENILE FINDINGS**

HEARING:

Date:
Time: 8:30 AM
Dept:

17
18
19
20
21 **DECLARATION OF KRISTEN MARIA HAMILTON DOE IN SUPPORT OF**
22 **REQUEST FOR ORDER AND SPECIAL IMMIGRANT JUVENILE FINDINGS**
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

DECLARATION OF KRISTEN MARIA HAMILTON DOE

I, Kristen Maria Hamilton Doe, am the minor in this case. If asked to come to court, I would and could testify to the facts in this declaration.

1. My name is Kristen Maria Hamilton Doe. I was born on January 1, 2004, in San Salvador, El Salvador. I am fifteen years old. I want my mother to have sole custody of me, and for this court to make Special Immigrant Juvenile Findings for me.
2. My mother is Jane Doe and my father is John Hamilton. I know that Jane Doe is my mother because she has taken care of me for as long as I can remember and because we look alike. She is also on my birth certificate as my mother. I know that John Hamilton is my father because I lived with him in El Salvador, and because he is listed on my birth certificate as my father as well.
3. When I was about seven years old, my mother moved to the United States to find better work opportunities. After my mother left, she sent me money and called me almost every day to see how I was doing. I missed my mother a lot after she moved to the United States, but I knew that she moved to help give me a better life.
4. After my mother left El Salvador, I lived with my father, John Hamilton. I did not like living with my father because he started to hurt me after my mother left. My father would hit me with a belt or with a stick, which would hurt me a lot. He would leave my back red from his beatings – my body was always bruised and in pain. When he would hit me with a stick, I would bleed a lot too. One time, he hit me so hard that he broke the stick on my back. My father used to call me horrible names too, like stupid bitch and ugly cow. I was always scared and sad, and I used to cry because of how my father treated me. He would hit me all the time when I lived with him.

- 1 5. My life at home was bad, but I could at least get out of the house and see my friends
2 at school most days. That all changed when I was about fourteen years old, and gang
3 members began to threaten me. They wanted me to do things for them, but I refused. I
4 did not want to get involved in anything illegal, since I am a Christian and believe
5 that God does not approve of such things. I told the gang members that I would not do
6 anything for them, but they said that if I did not do what they said they would kill me.
- 7 6. I was terrified, and decided to stop going to school in order to avoid contact with the
8 gang members. I would still go out occasionally, but whenever I left the house, I
9 would see gang members hanging out on the street and was scared that they would do
10 something to me. I began to have problems sleeping and I lost a lot of weight.
- 11 7. In 2018, I fled to the United States. I was tired of my father hurting me and tired of
12 being scared of the gang members. I wanted to be with my mother and live like a
13 normal kid again. When I arrived at the border, immigration officers detained me,
14 sent me to a shelter for kids, and then released me to my mother in Los Angeles,
15 California. I have been living with my mother since immigration officials released me
16 to her on April 1, 2018.
- 17 8. I am really happy living with my mother in the United States. She takes good care of
18 me and supports me in any way that she can. She helped me enroll in school, find a
19 therapist to help me feel less sad and anxious, and find a lawyer to help me with my
20 immigration case. I do not know what I would have done if my mother was not here
21 to help me out.
- 22 9. I want my mother to have custody over me. I trust her to make good decisions for me
23 and to continue supporting me. I love my mother so much, and I really want to keep
24 living with her. I am scared of what will happen if I have a medical or other

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

emergency and my mother does not have custody over me. I want my mother to have the power to make sure that I am safe and cared for.

10. I am still really scared to return to El Salvador. I am scared that my father will continue hurting me, and am scared that the gang will find me and kill me. I would not be able to go to school because the gang is just as powerful as it was when I left El Salvador, and if I went out in public, they would almost certainly hurt or even kill me. I would also lose access to my therapist, who has done so much to help me understand my feelings and help me be comfortable with who I am. Here in the United States, my mother takes care of me, I am safe, and I can go to school.

11. I hope that the court allows me to continue living with my mother in the United States, since she takes care of me and I feel safe here. I want my mother to have legal and physical custody of me.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and ability. Executed on March 22, 2019, in Los Angeles, California.

Signature: Kristen H.D.

Kristen Maria Hamilton Doe


1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

CERTIFICATION OF TRANSLATION

I, Cameron Hernandez, declare and say as follows:

I certify that I am competent to render translation in both the English and Spanish languages, that I have translated the oral declaration of Kristen Maria Hamilton Doe into English to the best of my knowledge and ability from Spanish, and that I have reviewed it in Spanish with Kristen Maria Hamilton Doe, who confirmed that she understood and verified the contents thereof prior to signing.

I declare under penalty of perjury that the foregoing is true and correct. Executed on this March 22, 2019, in Los Angeles, California.



APPENDIX E
SAMPLE CHILD'S DECLARATION WITH
CERTIFICATE OF TRANSLATION
(CUSTODY ACTION)



1 JOSEPH WEINER (Cal. Bar. No. 233197)
2 PUBLIC COUNSEL
3 610 S. Ardmore Avenue
4 Los Angeles, CA 90005
5 Tel: (213) 385-2977
6 Fax: (213-385-9089

7 Attorney for Petitioner,
8 JANE DOE

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **COUNTY OF LOS ANGELES**

11 In Re

12 JANE DOE,

13 Petitioner,

14 and

15 JOHN HAMILTON,

16 Respondent.

CASE NO.

**DECLARATION OF KRISTEN MARIA
HAMILTON DOE IN SUPPORT OF
REQUEST FOR ORDER AND SPECIAL
IMMIGRANT JUVENILE FINDINGS**

HEARING:

Date:

Time: 8:30 AM

Dept:

17
18
19
20
21 **DECLARATION OF KRISTEN MARIA HAMILTON DOE IN SUPPORT OF**
22 **REQUEST FOR ORDER AND SPECIAL IMMIGRANT JUVENILE FINDINGS**
23
24
25
26
27
28

DECLARATION OF KRISTEN MARIA HAMILTON DOE IN SUPPORT OF
REQUEST FOR ORDER AND SPECIAL IMMIGRANT JUVENILE FINDINGS

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

DECLARATION OF KRISTEN MARIA HAMILTON DOE

I, Kristen Maria Hamilton Doe, am the minor in this case. If asked to come to court, I would and could testify to the facts in this declaration.

1. My name is Kristen Maria Hamilton Doe. I was born on January 1, 2004, in San Salvador, El Salvador. I am fifteen years old. I want my mother to have sole custody of me, and for the court to make Special Immigrant Juvenile Findings for me.
2. My parents are Jane Doe and John Hamilton. I know that Jane is my mother because she has always taken care of me, even when we did not live together. She is on my birth certificate as my mother. I know that John is my father because he is on my birth certificate too.
3. I only lived with my father until I was six years old, which was when he moved to another part of San Salvador and started a family with another woman. For a couple of years, my father stayed in contact with me and sent me money, but when I was about eight years old my father stopped calling and sending money. I spoke to my father once when I was twelve years old, but I did not hear from him after that. He did not call me or answer my calls, and he did not support me in any way. I never moved or changed my phone number, and my father could have called me if he wanted.
4. I felt sad growing up without my father around, and I still feel sad when I think about it. Even though my father was not with me and did not take care of me, I still miss him.
5. Unlike my father, my mother always loved me and cared for me. She moved to the United States when I was about thirteen years old, but she still took care of me. She called me regularly and sent money to support me too. I was really sad to be separated from my mother and I missed her a lot, but I knew that she loved me and was working hard to make my life better.

- 1 6. My mother left me with my grandparents, who also loved me and did their best to
2 take care of me – but they could not protect me. When I was about fourteen years old,
3 a group of gang members began to harass me after school. They would follow me
4 home and tell me that I had to be the girlfriend of their leader. The gang members
5 would say mean things to me, and told me that they would beat me up if I refused to
6 do what they said. I was terrified, and reported their threats to the police, but the
7 police did nothing to help me. The gang members found out that I went to the police
8 and started leaving me threatening messages, saying that they would kill me if they
9 ever saw me again.
- 10 7. I was so afraid. I could not sleep at night, had nightmares all the time, and always felt
11 anxious. I also stopped going to school and did not leave the house unless I really
12 needed to go somewhere. I thought that every time I left the house I could die.
- 13 8. In 2018, I fled to the United States. I was terrified that the gang members would kill
14 me if I stayed in El Salvador. Immigration officers detained me near the border, sent
15 me to a shelter for immigrant children, and then released me to my mother in Los
16 Angeles, California on April 1, 2018. I have been living with my mother ever since
17 that time.
- 18 9. I am so glad to be with my mother in the United States. My mother takes care of me
19 and supports me. I had a hard time adjusting to life in this country, but my mother
20 helped make the transition much easier for me. She helped me find therapy and a case
21 manager to help me feel better after everything that happened to me.
- 22 10. My mother also helped me enroll in school. I am in the ninth grade right now at
23 Thomas Jefferson High School. I really like school because I like to learn. I want to
24 graduate high school and go to college. I want to become an attorney one day.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

11. I want my mother to have custody over me. I trust my mother to make good decisions for me and to continue supporting me. I love my mother a lot and I want to keep living with her. I am scared of what will happen if I have a medical or other emergency and my mother does not have custody over me. I want my mother to have the power to make sure that I am safe and cared for.

12. I am really scared to return to El Salvador. I am scared that the gang members that threatened me will find me and kill me. My grandparents are also very old now, my father has not spoken to me since I was 12 years old, and there is no one else who could take care of me in El Salvador. I would not be able to go to school because I would have to work to survive and pay for my needs. I would also lose my case manager, who has done so much to help me. Here in the United States, my mother takes care of me, I am safe, and I can go to school.

13. I really hope that I am allowed to continue living with my mother in the United States because she takes care of me and I am safe here. I want my mother to have legal and physical custody of me.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and ability. Executed on March 22, 2019, in Los Angeles, California.

Signature: Kristen H. D.
Kristen Maria Hamilton Doe

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

CERTIFICATION OF TRANSLATION

I, Cameron Hernandez, declare and say as follows:

I certify that I am competent to render translation in both the English and Spanish languages, that I have translated the oral declaration of Kristen Maria Hamilton Doe into English to the best of my knowledge and ability from Spanish, and that I have reviewed it in Spanish with Kristen Maria Hamilton Doe, who confirmed that she understood and verified the contents thereof prior to signing.

I declare under penalty of perjury that the foregoing is true and correct. Executed on this March 22, 2019, in Los Angeles, California.



APPENDIX F
SAMPLE PARENT'S DECLARATION WITH
CERTIFICATE OF TRANSLATION
(CUSTODY ACTION)



1 JOSEPH WEINER (Cal. Bar. No. 233197)
2 PUBLIC COUNSEL
3 610 S. Ardmore Avenue
4 Los Angeles, CA 90005
5 Tel: (213) 385-2977
6 Fax: (213-385-9089

7
8 Attorney for Petitioner,
9 JANE DOE

10
11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
12 **COUNTY OF LOS ANGELES**

13 In Re
14 JANE DOE,
15 Petitioner,
16 and
17 JOHN HAMILTON,
18 Respondent.

CASE NO.
**DECLARATION OF JANE DOE IN
SUPPORT OF REQUEST FOR ORDER AND
SPECIAL IMMIGRANT JUVENILE
FINDINGS**
HEARING:
Date:
Time: 8:30 AM
Dept:

19
20
21 **DECLARATION OF JANE DOE IN SUPPORT OF**
22 **REQUEST FOR ORDER AND SPECIAL IMMIGRANT JUVENILE FINDINGS**
23
24
25
26
27
28

1 I, Jane Doe, am the Petitioner in this matter. I offer my declaration instead of personal testimony
2 pursuant to sections 2009 and 2015.5 of the California Code of Civil Procedure; *Reifler v.*
3 *Superior Court* (1974) 39 Cal.App.3d 479; and *Marriage of Stevenot* (1984) 154 Cal.App.3d
4 1051.

- 5 1. I was born on January 1, 1984, in El Salvador. I am the mother of Kristen Maria Hamilton
6 Doe and I submit this declaration in support of my request to be awarded sole legal and
7 physical custody of Kristen. I also request that this court enter Special Immigrant Juvenile
8 findings on behalf of Kristen. I make this declaration from my own personal knowledge
9 and if called as a witness could and would testify competently about the contents of this
10 declaration.
- 11 2. I married John Hamilton on January 1, 2003. I was nineteen years old and he was twenty.
12 My parents approved of our marriage and we were legally married. I was young and in
13 love with John. I thought we would be happy together.
- 14 3. At first, our life together was beautiful. Our daughter, Kristen Maria Hamilton Doe, was
15 born on January 1, 2004. I was so happy when Kristen was born, and wanted nothing more
16 than to care for her and give her a good life. She has been my reason for moving forward in
17 life and the motivation for everything that I do.
- 18 4. After Kristen was born, John began to hit me. He would hit me frequently, about once or
19 twice every other day. He would hit me with his belt on my face and body. I still have a
20 scar on my hand from an especially brutal beating where he threw a lamp at me, which
21 shattered all over my hand. He would also call me horrible names, like stupid and dog. I
22 reported John to the police, but the police in El Salvador would not help me. They said it is
23 normal for a man to hit his wife and that I just had to bear it.
- 24 5. In about 2010, John moved in with another woman. Although John had children with this
25 woman, he still sent me money for Kristen's expenses. John sent money and called Kristen
26 for about two years, but he eventually stopped calling and sending money. I would call, but
27 he would not answer. The one time he did pick up I asked him to continue supporting and
28 calling Kristen, but he did not. The last time Kristen or I heard from John was in about
2016. He told me that he was sorry for how he had treated us, but that he would not

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

support Kristen any longer.

6. I moved to the United States in about 2017 because I was desperate to support my daughter. It was very difficult for me to make the decision to travel to the United States, but I could not find work in El Salvador and had to find some way to support Kristen. I left Kristen with my parents, since I knew that they would treat her well and care for her. I called Kristen almost every day and sent money regularly to support her. Even when we were apart, I wanted Kristen to know how much I loved her.
7. In 2018, Kristen came to the United States. When Kristen was about fourteen, gang members began to harass and threaten her. They told her that she had to become the girlfriend of a gang leader, since he had seen her walking in the neighborhood and began to like her. When Kristen refused to become this gang member's girlfriend, other members of the gang began to threaten her and eventually told her that they would kill her. Kristen fled to the United States in order to be safe. After Kristen arrived in the United States, immigration authorities detained her, took her to a shelter for children, and then released her into my care on April 1, 2018. She has been living with me continuously since that time.
8. I am so happy to have Kristen with me in the United States, where I can support her and be with her. When Kristen arrived in the United States, she had a very tough time – she had suffered a lot and was scared almost all the time. I helped Kristen find a therapist and a caseworker so that she could begin to recover from everything she had been through in El Salvador, and I found a lawyer to help her as well.
9. I also helped Kristen enroll in school, and she is now in the ninth grade at Thomas Jefferson High School, near where we live in Los Angeles. I want Kristen to have a good life and to have the education and support she needs.
10. I need a custody order so that I can care for Kristen and make all necessary decisions for her. Even though John is no longer in Kristen's life, I do not have any document in English that shows I am Kristen's mother and that I can make decisions for her. I am worried about what will happen if Kristen has a medical or mental health emergency and I do not have a custody order. I want to have custody so Kristen knows that she will be able to stay with

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

me – where she is safe, and where I can care for her.


11. I am very afraid about what will happen to Kristen if she is forced to return to El Salvador.

Her life is in danger there, and there is no one who can care for her. The gang members threatened to kill Kristen after she reported them to the police, and I am very afraid that they will hurt my child. Moreover, my parents are too old and sick to care for Kristen anymore. My father is now deaf, and my mother has health problems as well. Kristen’s father will not care for her either. Kristen would also lose access to the therapy and case management services she has received here. I am afraid that her mental health will decline and that she will not get the help she needs in El Salvador. Here in the United States, Kristen is safe, supported, and well cared for by me. She has everything that she needs, and is with her mother who loves her.

12. I ask that the court grant me sole legal and physical custody of Kristen and make Special Immigrant Juvenile findings for her.

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

Executed March 22, 2019, at Los Angeles, California.


Jane Doe
Petitioner

CERTIFICATION OF TRANSLATION

I, Cameron Hernandez, declare and say as follows:

I certify that I am competent to render translation in both the English and Spanish languages, that I have translated the declaration of Jane Doe to the best of my knowledge and ability from Spanish, and I have reviewed it in Spanish with Jane Doe who confirmed that she understood and verified the contents thereof prior to signing.

I declare under penalty of perjury that the foregoing is true and correct. Executed on this March 22, 2019, in Los Angeles, California.



APPENDIX G
SAMPLE FORMS FL-356 AND
MEMORANDUM OF POINTS & AUTHORITIES



PARTY WITHOUT ATTORNEY or ATTORNEY STATE BAR NO.: **233197**
 NAME: **Joseph Weiner**
 FIRM NAME: **Public Counsel**
 STREET ADDRESS: **610 S Ardmore Ave**
 CITY: **Los Angeles** STATE: **CA** ZIP CODE: **90005**
 TELEPHONE NO.: **(213) 385-2977** FAX NO.: **(213) 385-9089**
 E-MAIL ADDRESS: **jweiner@publiccounsel.org**
 ATTORNEY FOR (name): **Kristen Maria Hamilton Doe**

FOR COURT USE ONLY
CONFIDENTIAL

SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles
 STREET ADDRESS: **111 North Hill Street**
 MAILING ADDRESS: **Same**
 CITY AND ZIP CODE: **Los Angeles 90012**
 BRANCH NAME: **Stanley Mosk Courthouse**

PETITIONER: **Kristen Maria Hamilton Doe**
 RESPONDENT: **Jane Doe**
 OTHER PARENT/PARTY:

**CONFIDENTIAL REQUEST
 FOR SPECIAL IMMIGRANT JUVENILE FINDINGS—FAMILY LAW**

CASE NUMBER:

To the person filing this request: You must file this request in the case identified in 6, below, at the same time as or any time after the petition and a request for an order of sole physical custody of the child named in 4.*
To the court clerk: You must file this request in a confidential part of the case file.

1. A COURT HEARING WILL BE HELD AS FOLLOWS:

a. Date: _____ Time: _____ Dept.: _____ Room: _____
 b. Address of court same as noted above other (specify): _____

2. I am the petitioner respondent other parent or party. I allege the following facts and request that the court make the specified findings and conclusions.

3. This court has jurisdiction to make a custody determination about the child in item 4 under the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA). (Fam. Code, §§ 3400–3465.) If not currently on file with the court, *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)* (form FL-105) is attached.

4. The child (name):* **Kristen Maria Hamilton Doe** (date of birth): **01/01/2009**
 is a national of (country): _____

5. The child's parents are (name each):
Jane Doe
John Hamilton

6. The following petition has been filed earlier in this case at the same time as this request.
- a. *Petition—Marriage/Domestic Partnership* (form [FL-100](#)), asking for sole physical custody of the child named in 4.
 - b. *Petition to Determine Parental Relationship* (form [FL-200](#)), asking for sole physical custody of the child named in 4.
 - c. *Petition for Custody and Support of Minor Children* (form [FL-260](#)), asking for sole physical custody of the child named in 4.
 - d. *Request for Domestic Violence Restraining Order* (form [DV-100](#)), asking for sole physical custody of the child named in 4.
 - e. *Adoption Request* (form [ADOPT-200](#)) asking to adopt the child named in 4.
 - f. Another petition and request for sole physical custody of the child named in 4 (specify): _____

7. This court made final orders about physical custody of the child on (date): _____ . The orders remain in effect.
 The case in item 6 is pending in this court.

* (Prepare and file a separate form FL-356 for each child for whom you are requesting Special Immigrant Juvenile findings.) Page 1 of 2

PETITIONER: Kristen Maria Hamilton Doe RESPONDENT: Jane Doe OTHER PARENT/PARTY:	CASE NUMBER:
---	--------------

- 8. After the court has made final orders in this case, identified in item 6, the child will be legally placed under the custody of an individual appointed by the court. The court will have jurisdiction to determine requests to modify or terminate these orders, unless another court acquires valid jurisdiction, until the child reaches 18 years of age.
- 9. I understand that section 3026 of the Family Code prohibits the court from ordering reunification services as part of a child custody proceeding. After the court has issued final orders giving sole physical custody to one parent, return of the child to the physical custody of another parent (i.e., reunification) will not be legally possible while those orders are in effect.

I REQUEST THAT THE COURT MAKE THE FOLLOWING FINDINGS:

- 10. The child has been placed in the custody of (name): **Jane Doe**
who is an individual appointed by the court as described in the orders referred to in 7, 8, and 9.
- 11. Reunification with (specify name or names): **John Hamilton**
is not viable under California law because of (check all that apply).
 - abuse
 - neglect
 - abandonment
 - another legal basis (specify):

Facts supporting this finding (specify):

Kristen Maria Hamilton Doe cannot reunify with her father, John Hamilton, due to abuse. Under the California Penal Code, abuse occurs when a person willfully inflicts "cruel and inhuman corporal punishment" on a child "resulting in a traumatic condition." See Cal. Pen. Code§ 273d(a). Under the California Family Code, abuse is defined as "(1) To intentionally or recklessly cause or attempt to cause bodily injury, (2) sexual assault, [or] (3) to place a person in reasonable apprehension of imminent serious bodily injury to that person or to another," and "abuse is not limited to the actual infliction of physical injury or assault." See Cal. Fam. Code§ 6203(a). Kristen's father abused her when he regularly hit Kristen, leaving her bruised and terrified. See concurrently filed declaration of Petitioner (minor child).

Continued on [Attachment 11](#).

- 12. It is not in the best interest of the child to be returned to the child's or the parent's country of nationality or country of last habitual residence (specify country or countries): **El Salvador**

Facts supporting this finding (specify):

See concurrently filed declaration describing the violence and abuse Kristen endured and continues to face in El Salvador.

Continued on [Attachment 12](#).

- 13. Additional documents in support of the request are attached and incorporated into this form. Number of pages attached: _____

I declare under penalty of perjury under the laws of the State of California that the information on this form is true and correct.

Date: **07/25/2024**



 (Child Petitioner) (SIGNATURE) (Appointed guardian ad litem)

PARTY WITHOUT ATTORNEY or ATTORNEY STATE BAR NO.: **233197**
 NAME: **Joseph Weiner**
 FIRM NAME: **Public Counsel**
 STREET ADDRESS: **610 S Ardmore Ave**
 CITY: **Los Angeles** STATE: **CA** ZIP CODE: **90005**
 TELEPHONE NO.: **(213) 385-2977** FAX NO.: **(213) 385-9089**
 E-MAIL ADDRESS: **jweiner@publiccounsel.org**
 ATTORNEY FOR (name): **Jane Doe**

FOR COURT USE ONLY
CONFIDENTIAL

SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles
 STREET ADDRESS: **111 North Hill Street**
 MAILING ADDRESS: **Same**
 CITY AND ZIP CODE: **Los Angeles 90012**
 BRANCH NAME: **Stanley Mosk Courthouse**

PETITIONER: **Jane Doe**
 RESPONDENT: **John Hamilton**
 OTHER PARENT/PARTY:

**CONFIDENTIAL REQUEST
 FOR SPECIAL IMMIGRANT JUVENILE FINDINGS—FAMILY LAW**

CASE NUMBER:

To the person filing this request: You must file this request in the case identified in 6, below, at the same time as or any time after the petition and a request for an order of sole physical custody of the child named in 4.*
To the court clerk: You must file this request in a confidential part of the case file.

1. A COURT HEARING WILL BE HELD AS FOLLOWS:

a. Date: _____ Time: _____ Dept.: _____ Room: _____
 b. Address of court same as noted above other (specify): _____

2. I am the petitioner respondent other parent or party. I allege the following facts and request that the court make the specified findings and conclusions.

3. This court has jurisdiction to make a custody determination about the child in item 4 under the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA). (Fam. Code, §§ 3400–3465.) If not currently on file with the court, *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)* (form FL-105) is attached.

4. The child (name):* **Kristen Maria Hamilton Doe** (date of birth): **01/01/2009**
 is a national of (country): _____

5. The child's parents are (name each):
Jane Doe
John Hamilton

6. The following petition has been filed earlier in this case at the same time as this request.
- a. *Petition—Marriage/Domestic Partnership* (form [FL-100](#)), asking for sole physical custody of the child named in 4.
 - b. *Petition to Determine Parental Relationship* (form [FL-200](#)), asking for sole physical custody of the child named in 4.
 - c. *Petition for Custody and Support of Minor Children* (form [FL-260](#)), asking for sole physical custody of the child named in 4.
 - d. *Request for Domestic Violence Restraining Order* (form [DV-100](#)), asking for sole physical custody of the child named in 4.
 - e. *Adoption Request* (form [ADOPT-200](#)) asking to adopt the child named in 4.
 - f. Another petition and request for sole physical custody of the child named in 4 (specify): _____

7. This court made final orders about physical custody of the child on (date): _____ . The orders remain in effect.
 The case in item 6 is pending in this court.

* (Prepare and file a separate form FL-356 for each child for whom you are requesting Special Immigrant Juvenile findings.) Page 1 of 2

PETITIONER: Jane Doe RESPONDENT: John Hamilton OTHER PARENT/PARTY:	CASE NUMBER:
--	--------------

- 8. After the court has made final orders in this case, identified in item 6, the child will be legally placed under the custody of an individual appointed by the court. The court will have jurisdiction to determine requests to modify or terminate these orders, unless another court acquires valid jurisdiction, until the child reaches 18 years of age.
- 9. I understand that section 3026 of the Family Code prohibits the court from ordering reunification services as part of a child custody proceeding. After the court has issued final orders giving sole physical custody to one parent, return of the child to the physical custody of another parent (i.e., reunification) will not be legally possible while those orders are in effect.

I REQUEST THAT THE COURT MAKE THE FOLLOWING FINDINGS:

- 10. The child has been placed in the custody of *(name)*: **Jane Doe**
 who is an individual appointed by the court as described in the orders referred to in 7, 8, and 9.
- 11. Reunification with *(specify name or names)*: **John Hamilton**
 is not viable under California law because of *(check all that apply)*.
 - abuse
 - neglect
 - abandonment
 - another legal basis *(specify)*:

Facts supporting this finding *(specify)*:

Kristen Maria Hamilton Doe cannot reunify with her father, John Hamilton, due to abandonment. Under the Family Code, abandonment means that a child has been left without provision for reasonable and necessary care or supervision. See Cal. Fam. Code§ 3402(a). Under the Welfare and Institutions Code, abandonment occurs when "a child has been left without any provision for support." See Cal. Welf. & Inst. Code§ 300(g). Kristen's father abandoned her under California law because he has failed to visit, contact, or support Kristen with any material, emotional, or financial resources for the majority of her life.

Continued on [Attachment 11](#).

- 12. It is not in the best interest of the child to be returned to the child's or the parent's country of nationality or country of last habitual residence *(specify country or countries)*: **El Salvador**

Facts supporting this finding *(specify)*:
See concurrently filed declarations.

Continued on [Attachment 12](#).

- 13. Additional documents in support of the request are attached and incorporated into this form. Number of pages attached: _____

I declare under penalty of perjury under the laws of the State of California that the information on this form is true and correct.

Date: **07/25/2024**



 (SIGNATURE)

1 Joel Frost-Tift (Cal. Bar No. 304736)
Public Counsel
2 610 S. Ardmore Avenue Los Angeles, CA 90005
Tel: (213) 385-2977, ext. 191
3 E-mail: jfrost-tift@publiccounsel.org

4 Attorney for Petitioner,
MICHAEL JOHN DOE GARCIA
5
6
7

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF LOS ANGELES
10 CENTRAL DIVISION
11

12 IN RE

13 MICHAEL JOHN DOE GARCIA,

14 Petitioner,

15 vs.

16 JANE GARCIA,

17 Respondent.
18
19
20

Case No.: 19STPT12345

**MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT OF
REQUEST FOR CUSTODY ORDERS
AND REQUEST FOR SPECIAL
IMMIGRANT JUVENILE FINDINGS**

HEARING:

DATE: 09/01/2024

TIME: 8:30AM DEPT: 6 JUDGE: HON.

JUDGE HONOR
21
22
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

I. INTRODUCTION.....1

II. STATEMENT OF FACTS.....1

III. ARGUMENT.....2

 A. This Court should award Jane sole physical and legal custody of Michael because it has jurisdiction to do so and such an order is in Michael's best interests.....2

 1. This Court has subject matter jurisdiction to determine the custody of Michael because California is his home state.....2

 2. It is in Michael's best interest that Jane be awarded sole physical and legal custody.....2

 B. This Court must make SIJ Findings for Michael because it has jurisdiction to do so and the evidence shows that Michael cannot reunify with his father due to abandonment and that it is not in his best interest to return to Guatemala.....4

 1. Awarding Respondent sole physical and legal custody of Michael satisfies the requirement that Michael be "placed under the custody of, an agency or department of a State, or an individual or entity appointed by a State or juvenile court.".....5

 2. Reunification with Michael's father is not viable due to abandonment.....6

 3. It is not in Michael's best interest to return to Guatemala. It is in his best interest to remain in the United States with Jane.....10

IV. CONCLUSION.....11

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

I. INTRODUCTION

Thirteen-year-old Petitioner, Michael John Doe Garcia ("Michael" or "Petitioner"), through pro bono counsel and his appointed guardian ad litem, submits this memorandum in connection with his Petition to Establish Parental Relationship and Request for Special Immigrant Juvenile Findings. Petitioner respectfully requests this court enter an order awarding sole legal and physical custody to his mother Jane Garcia ("Respondent") and make Special Immigrant Juvenile Findings ("SIJ Findings") as required by California Code of Civil Procedure Section 155, subdivision (b).

II. STATEMENT OF FACTS

Michael John Doe Garcia is a 13-year-old boy who was born in San Michael, Guatemala, on April 1, 2011. (Declaration of Michael John Doe Garcia ("Decl. of Petn' r") ii 1.) He is the son of Jane Garcia and Carlos Doe. (*Id.* ,i 2.) His mother is the Respondent in this action and Michael is requesting that his mother be awarded his custody. (*Id.* ,i 14.)

When Michael was born, he lived in Guatemala with his parents and siblings. (*Id.* ii 3.) By the time Michael was five years old and his mother came to the United States, Michael's parents were no longer together. (*Id.*) When Michael's mother came to the United States, Michael and his siblings remained in Guatemala living with his maternal grandmother. (*Id.*) Michael's father lived in a different part of town. (*Id.*) When Michael's father lived with his family, he helped take care of Michael and with family expenses. (*Id.*,i 5.) After Michael's parents separated, it was Michael's mother who took care of Michael and made sure he had everything he needed; his father did not provide for his care. (*Id.*) Michael's father did not have a steady job and drank a lot. (*Id.*, i 6.) When Michael was about eight years old, his father died because of his alcoholism. (*Id.*)

Michael fled Guatemala because he was afraid there and because there was no one who could protect him in Guatemala. (*Id.* ,i,i 9, 13.) When Michael was 10 years old, gang members approached him and his sister. (*Id.* ,i 8.) The gang members told Michael that they wanted him to join their gang and they wanted his sister to be their girlfriend. (*Id.*) The gang members told Michael and his sister that if they refused, they would kill them. (*Id.*) When Michael and his sister refused, the gang members attempted to kidnap them but they were able to get away. (*Id.*)

1 Michael was not safe in Guatemala; he barely left the house after the gang members tried to
2 kidnap him. (*Id.* 19.) Michael fled Guatemala and has been with his mother in the United States
3 since October of 2016. (*Id.*)

4 Michael is happy here in the United States and happy to be with his mother, with whom he
5 feels safe. (*Id.* 11 10 , 14.) Michael is also currently attending high school and wants to be a doctor
6 when he grows up so he can help people. (*Id.* 1 11.) Michael is in immigration proceedings and
7 afraid to go back to Guatemala. (*Id.* 119, 13.)

8 III. ARGUMENT

9 A. This Court should award Jane sole physical and legal custody of Michael because it has 10 jurisdiction to do so and such an order is in Michael's best interests.

11 1. This Court has subject matter jurisdiction to determine the custody of Michael 12 because California is his home state.

13 Under Family Code section 3421, subdivision (a)(1), California has jurisdiction to make
14 initial child custody determinations if California is the home state of the minor child on the date of
15 the commencement of the proceedings. Family Code section 3402, subdivision (g), defines home
16 state as "the state in which a child lived with a parent or a person acting as a parent for at least six
17 consecutive months immediately before the commencement of a child custody proceeding."

18 California is Michael's home state. Michael began living with Jane in Los Angeles,
19 California, in 2021. (Decl. of Petn' r1 1.) At the time of filing this action, Michael had resided
20 continuously in California for more than the six months required to established jurisdiction.
21 Therefore, California is Michael's home state, and consequently this Court has jurisdiction to make
22 initial custody determinations over him.

23 2. It is in Michael's best interest that Jane be awarded sole physical and legal 24 custody.

25 This Court may make an order for custody of a child any time it "seems necessary or
26 proper." (Fam. Code, § 3022.) The Family Code also specifically recognizes that a court may make a
27 custody order in the context of a parentage case. (Fam. Code, § 7637.) When making an initial child
28

1 custody determination, the court is governed by the best interest of the minor child. (Fam. Code, §
2 3020, subd. (a); *In re Marriage of Burgess* (1996) 13 Cal.4th 25, 31.) The question of best interest is
3 determined from the standpoint of the minor child. (*Taber v. Taber* (1930) 209 Cal. 755, 756-57.)
4 Paramount to this determination is the "health, safety, and welfare of the child." (Fam. Code, § 3011
5 subd. (a); see also Fam. Code, § 3020, subd. (a).)

6 It is in Michael's best interest that Jane be awarded sole legal and physical custody over him
7 because his father abandoned him and is unable to play an active role in his life. Michael's father did
8 not support him or provide for his care, and his alcoholism led him to his death. (Dec. of Pet'n'r 115-
9 6.) Additionally, Michael and his sister were threatened and almost kidnapped by gang members
10 who wanted Michael to join them and wanted his sister to be their girlfriend. (*Id.* 18.) Throughout
11 the majority of his life, Michael has relied on his mother for his care and support. (*Id.* 15.) Even
12 with his mother's support however, Michael lacked the care and protection of his father when he
13 was threatened by gang members. (*Id.* 118-9) It is in Michael's best interest for custody to be
14 awarded to the parent that has provided for all of his needs and who can keep him safe and care for
15 him here in the United States.

16 Michael is happy in his mother's care and wishes to remain with his mother. (*Id.* 1110-13.)
17 The court should consider Michael's wish that Jane be granted sole physical and legal custody. (Fam.
18 Code, § 3042, subd. (a).) Michael has sufficient "capacity to reason so as to form an intelligent
19 preference as to custody." (See *id.*) In his declaration, Michael has clearly articulated his desire for
20 Jane to have custody over him, and he has legitimate reasons for making this request. (See Decl. of
21 Petn'r.) Michael has relied on his mother his entire life, and continues to need her care and support.

22 Finally, granting Michael's request to award Jane sole physical and legal custody will
23 formalize and maintain the status quo. Jane has provided Michael with the love, wisdom, and
24 guidance that is at the heart of a parent-child relationship. (See *in re Marriage of Carney* (1979) 24
25 Cal.3d 725, 739.) Continuity and stability are important factors in custody determinations, especially
26 when disruption of established patterns of care and emotional bonds will result in harm to the child.
27 (*In re Marriage of Burgess, supra*, 13 Cal.4th at p. 33.) Michael is currently in eighth grade at Los
28 Angeles Middle School and feels loved and safe with Jane. (Decl. of Petn' r 117-9.) Any change to

1 this arrangement would hurt Michael and the emotional bonds he has with Jane and his community.

2 This Court should grant Michael's request and award Jane sole physical and legal custody. In
3 this case, Michael's father failed to act in his best interests and did not support him. (Decl. of Petn'r
4 ,r,r 3-4, 9; Decl. of Resp' t ,r 6.) In contrast, Jane has provided emotional and financial support for
5 Michael throughout the entirety of his life. (Decl. of Petn' r; Decl. of Resp' t.) Jane is currently
6 tending to Michael's needs, but needs a formal custody order so she has the legal authority to make
7 unilateral decisions regarding Michael's mental health and medical needs, immigration proceedings,
8 education, insurance, and identity documents. Therefore, it is necessary and proper that this Court
9 issue custody orders in this case, and in accordance with the factors set forth in California Family
10 Code section 3011, it is in the minor's best interest this Court award Jane sole physical and legal
11 custody of Michael.

12 **B. This Court must make SIJ findings for Michael because it has jurisdiction to do so and**
13 **the evidence shows that Michael cannot reunify with his father due to abandonment**
14 **and that it is not in his best interest to return to Guatemala.**

15 SIJ findings are findings made by a California court that enable a child to petition federal
16 Immigration authorities for Special Immigrant Juvenile Status ("SIJS"), a humanitarian form of
17 immigration relief for particularly vulnerable children. (*See* Civ. Proc. Code, § 155, subd. (a)(l).)
18 Importantly, the state court' s role in the SIJS process is to make the requisite findings, nothing more.
19 (*Leslie H. v. Superior Court* (2014) 224 Cal.App.4th 340, 351 (" A state court's role in the SIJ
20 process is not to determine worthy candidates for citizenship, but simply to identify abused,
21 neglected, or abandoned alien children under its jurisdiction who cannot reunify with a parent or
22 be safely returned in their best interests to their home country."].) Findings by this Court will not
23 entitle Michael to SIJS or any other immigration benefit. (*See id.*) Rather, this Court's findings are a
24 prerequisite to filing a petition for immigration relief, which will then be adjudicated by the federal
25 government. (*See* 8 C.F.R., § 204.11(d)(2).)

26 Under California Code of Civil Procedure section 155, juvenile, probate, and family court
27 divisions of the superior court have jurisdiction to make SIJ findings and are required to make SIJ
28 findings "if there is evidence to support those findings." The California Civil Code of Procedure

1 also addresses what evidence should be submitted to support the findings. The Code specifically
2 provides that such evidence "may consist solely of, but is not limited to, a declaration by the child."
3 (Civ. 2 Proc. Code, § 155, subd. (b)(l)). The Legislature's recognition that the minor' s declaration
4 will often be the best and sole evidence is prudent for several reasons. First, by nature of the SIJ
5 findings, much of the evidence, and the actors, are often located abroad. Second, it will often be very
6 traumatic for a minor to testify in open court about her history of abuse, abandonment, or neglect.
7 (*See in re Jennifer J* (1992) 8 Cal.App.4th 1080, 1085 [holding that "a child witness can be found "
8 unavailable" to testify if it is terminated that the testimonial process would cause substantial
9 emotional trauma to the child."].) Accordingly, the Legislature's provision that of a written
10 declaration of the minor may be the sole evidence in these cases is prudent and in line with
11 California priorities.

12 In the present case, Michael has submitted sufficient evidence in the form of supporting
13 declarations to mandate that this Court make SIJ Findings on his behalf. These declarations make
14 clear that Michael's father abandoned him and that it would not be in Michael' s best interest to
15 return to Guatemala. Therefore, Petitioner respectfully requests that this Court issue an order making
16 the appropriate findings regarding Michael's custody, history of mistreatment, and best interests.

17 **1. Awarding Respondent sole physical and legal custody of Michael satisfies the**
18 **requirement that Michael be "placed under the custody of, an agency or**
19 **department of a State, or an individual or entity appointed by a State or juvenile**
20 **court."**

21 First, when this Court places Michael in the custody of Jane, he will be " legally
22 committed to, or placed under the custody of, an agency or department of a State, or an individual or
23 entity appointed by the court." (Civ. Proc. Code, § 155, subd. (b)(l)(A)(ii).) The California Family
24 Code provides that "sole legal custody means that one parent shall have the right and the
25 responsibility to make the decisions relating to the health, education, and welfare of a child" and
26 "sole physical custody means that a child shall reside with and be under the supervision of one
27 parent, subject to the power of the court to order visitation." (§§ 3006-7.) Thus, under California law,
28 by awarding Jane sole legal and physical custody of Michael, this Court will be officially naming

1 Respondent as the parent who is entrusted to care for and supervise Michael. Therefore, under
2 California law, when a parent is awarded sole custody of a child, that child is "placed under the
3 custody of ... an individual or entity appointed by the court." (Civ. Proc. Code, § 155, subd.
4 (b)(1)(A)(ii).)

5 This plain-language interpretation is affirmed by California law and policy. On September
6 30, 2014, Curtis L. Child, Chief Operating Officer, Judicial Council issued a *Memorandum to the*
7 *Presiding Judges of the Superior Courts and the Court Executive Officers of the Superior Courts on*
8 *Senate Bill 873 and the Special Immigrant Juvenile Process in the Superior Courts.* (Attached as
9 Exhibit A.) The Memorandum clarifies that awarding Respondent sole physical and legal custody of
10 Michael satisfies the requirement that Michael be "placed under the custody of an agency or
11 department of a State, or an individual or entity appointed by a State or juvenile court." (*Id.* at p. 14.)
12 Specifically, the Memorandum states that "a child whose parent was awarded sole custody based on
13 another parent's conduct ... assuming no other impediments" will be eligible for the finding that he
14 has come under the supervision of the court. (*Id.*) As such, this court should find that this
15 requirement has been satisfied upon granting Jane custody of Michael.

16 **2. Reunification with Michael's father is not viable due to abandonment.**

17 In order to make SJJ findings, this Court must find that Michael's reunification with one or
18 both of his parents is not viable due to abuse, neglect, abandonment, or a similar basis found under
19 State law. (Civ. Proc. Code, § 155, subd. (b)(1)(B).) The abandonment or mistreatment that serves as
20 a basis for this finding may have occurred in the child's home country. (See Judicial Council of
21 California Memorandum at p. 15, attached as Exhibit A.) Notably, the law requires abuse,
22 abandonment, or neglect by "one or both" parents; in other words, the court only need find that the
23 minor was abused, abandoned, or neglected by one parent. (*Id.* ["[A] family court award of sole
24 custody of an undocumented child to one parent based on the other parent's maltreatment of the child
25 might serve as the basis for [nonviability of reunification due to abuse, neglect, or abandonment]."];
26 see also *The People v. Israel O.* (2015) 233 Cal.App.4th 279.) Similarly, the court must only find the
27 child suffered abuse, abandonment, neglect or a similar basis in order to make SIJ findings, and does
28

1 not need to find that the child suffered all forms of mistreatment. (Civ. Proc. Code, § 155, subd.
2 (b)(1).)

3 This Court should find that Michael cannot be reunified with his father, Carlos Doe, due to
4 abandonment. Under California law, a parent can be considered to have "abandoned" a child in
5 multiple contexts. First, California Welfare and Institutions Code section 300(g) provides the ground
6 on which "abandoned" children can become juvenile court dependents. (*See Sara M v. Superior*
7 *Court* (2005) 36 Cal.4th 998, 1011 [referring to adjudication under Section 300(g) as adjudication
8 for abandonment.]) Only one of the clauses of Section 300(g) - relating to voluntary surrender - has
9 an element of parental intent; all other subsections look at the *child's* situation of having been left
10 without provision for support. (See Welf. & Inst. Code, § 300(g).) California Family Code section
11 7822(a)(3) allows for termination of parental rights for an "abandoned" child when a child has been
12 left by one parent "in the care and custody of the other parent for a period of one year without any
13 provision for the child's support, or without communication from the parent, with the intent on the
14 part of the parent to abandon the child." Here, the intent to abandon is required - but "failure to
15 provide support, or failure to communicate is presumptive evidence of the intent to abandon" and
16 "token efforts" will not prevent the court from finding a child abandoned. (*Id* at § 7822(b).)

17 Moreover, when determining whether reunification services are appropriate for a child under
18 section 300(g) jurisdiction, the court must consider whether the parent willfully abandoned the child
19 - thus indicating that not all abandonments are willful. (See *id* § 361.5(b)(9).) A minor can be found
20 to be "left without any provision for support" without a finding that the minor's parents *willfully* left
21 the minor. (*D.M. v. Super. Ct.* (2009) 173 Cal. App. 4th 1117, 1128-29.) (See also *Guardianship*
22 *of Saul H* 13 Cal. 5th 827 23-24 (2022)). In *D.M v. Super. Ct.*, the court held that, "Petitioners'
23 attempt to import into subdivision (g) as a whole the 'willful' abandonment standard and 'good faith'
24 exception from § 361.5, subdivision (b)(9), also fails. The Legislature's omission of similar language
25 from § 300, subdivision (g), signals the Legislature's intent [that] those concepts do not apply." (173
26 Cal. App. 4th at 1128-29.) In *In re Jorge*, the Court of Appeals also found that parents who were
27 incarcerated and unable to care for their child had "abandoned" their child within the meaning of
28

1 Family Code § 3424(a); intent to abandon was not required in order to make a finding of
2 abandonment. (*In re Jorge G.* (2008) 164 Cal. App. 4th 125, 25 133.)

3 California law makes it clear that a child in Michael's circumstance - that is, a child who has
4 been abandoned and has experienced the death of one parent - is treated similarly to a child who has
5 been left "without any provision for support." Being "left without any provision for support" is
6 different from being "willfully abandoned," yet the two bases for dependency are treated similarly.
7 Both result in a holding that a child is dependent on the court. (See Welf. & Inst. Code, § 300.) In
8 Michael's case, his father did not provide for him for the years leading up to his death. Not only did
9 Michael's father abandon him under section 7822(a)(3) of the Family Code, but in dying
10 permanently left Michael without any provision for support.

11 Moreover, California courts have held that a child who has been orphaned by the death of
12 both parents is a child who has been left without any provision for support. (*See Vanessa P. v.*
13 *Jackson* (1996) 38 Cal. App. 4th 1763, 1767- 68, 1771.) In *Vanessa P.*, a child's father died before
14 her birth, and her mother committed suicide when the child was just two weeks old. (38 Cal. App.
15 4th at 1766.) The mother's will nominated her sister as guardian, but the maternal aunt said she was
16 too distraught to care for the child. (*Id.*) Under these circumstances, the court determined the child
17 was a dependent of the court and ordered the Department of Family and Children's Services to
18 investigate which relatives she should be placed with temporarily. (*Id.* at 1767.) The California Court
19 of Appeal affirmed the juvenile court's determination that the child was a dependent of the court
20 because upon being orphaned, she was "left without any provision for support." (*Id.* at 1771 [holding
21 that the child was "left without any provision for support" despite the fact that relatives were willing
22 to take her in.])

23 Like the child in *Vanessa P.*, Michael has been "left without any provision for support"
24 from his father. As such, Michael is legally in the same position as an abandoned child - he is left
25 without the critical care and assistance of his father.

26 An additional section of the California Welfare and Institutions Code treats the death of a
27 parent on a similar basis as abandonment by a parent. Welfare and Institutions Code § 11250

1 discusses when families with children under the age of 18 are eligible to receive aid from the state. It
2 states:

3 Aid, services, or both shall be granted under the provisions of this chapter ... to families with
4 related children under the age of 18 years ... in need thereof because they have been deprived
5 of parental support or care due to: (a) the death, physical or mental incapacity, or
6 incarceration of a parent. (c) Continued absence of a parent from the home due
7 to...desertion ..' Continued absence' exists when the nature of the absence is such as either to
8 interrupt or to terminate the parent's functioning as a provider of maintenance, physical care,
9 or guidance for the child, and the known or indefinite duration of the absence precludes
10 counting on the parent's performance of the function of planning for the present support or
11 care of the child.

12 (Welf. & Inst. Code, § 11250.) In this section, then, children whose parents are deceased are
13 treated the same way as children whose parents have deserted, or abandoned, them -children in both
14 situations are eligible for state aid. Since children either willfully abandoned or un-willfully
15 abandoned by death are both eligible for the same relief from the State, intent to abandon drops out
16 of the analysis. What is significant under California law in this context is that the child has been left
17 to fend for him or herself without provision for support due the absence of a parent. Such absence
18 can be caused by abandonment as a result of a parent's death.

19 In *Eddie E. v. Superior Court* (2015) 234 Cal. App. 4th 319 the petitioner's mother had
20 abandoned him as a child and subsequently died. (See *id.* at 332.) The Court of Appeals held that the
21 petitioner's reunification with his mother was still not viable due to abandonment, stating that, "[t]he
22 facts here amply demonstrate that petitioner's mother permanently abandoned him. That she died
23 only cemented the permanent abandonment already in place." (See *id.*) The facts of *Eddie E.* are the
24 same as those of Michael's case. In *D.M v. Armando B.*, an unpublished Court of Appeals decision
25 from 2016, the Court of Appeals held that intentional abandonment is not required for SIJS purposes,
26 and that the court need only look at whether a child can currently reunify with an absent parent:
27 "After all, the SIJ statute focuses on the child's current ability to reunify with one or both parents;
28 whether the parents' abandonment was intentional or unintentional, *its impact on the child's welfare*

1 *and ability to be cared for in his home country is the same.*" (*D.M v. Armando B.* (2016) Cal. App.
2 Unpub. LEXIS 7241, at 12 (emphasis added) (attached as Exhibit B).) In *Saul H* the Supreme Court
3 found that a showing of intent "is not required in the context of determining whether returning a
4 child to live with a parent is workable or practical for SIJS predicate findings. Employing this
5 unnecessary requirement could lead to unnecessary denials of SIJS findings, when, for example, a
6 child has been orphaned, the parent is incarcerated or suffering mental illness, or the parent's failure
7 to adequately care for a child leads the child to leave the home or seek other sources of provisions
8 for the child's needs." (*Guardianship of Saul H* 13 Cal. 5th 827 24 (2022)).

9 Since California treats the death of a parent in the same way it treats abandonment for
10 dependency purposes and eligibility for state aid, death also constitutes a similar basis to
11 abandonment under California law, and is therefore also a similar basis to abandonment for SIJS
12 purposes. Thus, this Court can make the SIJ Findings in Michael's case based on abandonment.
13 Under California Family Code 7822(a)(3), Michael's father has abandoned him because he left him
14 without any provision for support. Michael cannot not be reunified with his father, as he is deceased,
15 and he should not be forced to return to Guatemala when he has a loving mother who is able and
16 willing to continue to care for him here in the United States.

17 **3. It is not in Michael's best interest to return to Guatemala. It is in his best**
18 **interest to remain in the United States with Jane.**

19 It is not in Michael's best interest to return to Guatemala. As explained above, it is in Michael's best
20 interest that he be placed in the custody of Jane, who lives here in the United States. In making a
21 determination of the best interest of Michael, this Court should be guided by the factors delineated in
22 California Family Code section 3011. The court's primary concern in determining the best interest of
23 the minor child includes assuring the health safety and welfare of the child. (Fam. 13 Code, § 3020,
24 subd. (a).)

25 The question of the child's best interest is determined from the child's standpoint "and the
26 feelings and desires of the contesting parties are not to be considered, except in so far as they affect
27 the best interests of the child." (*Tab er, supra*, 209 Cal. at pp. 756-57.) It is a relative standard that
28 requires the court to compare one set of circumstances against another. (*Adoption of Michelle T*

1 (1975) 44 Cal.App.3d 699, 707.) In the context of SIJ findings, "the court can focus on
2 circumstances shown by the evidence presented to be directly connected to the child's life and
3 relationships in the United States and in his or her country of origin." (See Judicial Council of
4 California Memorandum at p. 16, attached as Exhibit A.)

5 In this case, it is not in Michael's best interest to return to Guatemala. In Guatemala, Michael
6 has no one to care for him and he faces violence at the hands of Guatemala's dangerous gangs.
7 (Decl. of Petn'r ,r 10; Decl. of Resp't ,r 11.) The United States is the only home where Michael has
8 felt safe and not at risk of being forcibly recruited by gangs or having his sister kidnapped. (Decl. of
9 Petn'r ,r,r 1, 10.) In contrast, Michael is safe and well cared for in the United States. (Decl. of Petn'r
10 ,r,r 2-4.) Michael lives with Jane, who provides for all of his needs and gives him love and support.
11 (*Id.*) He is safe, protected, and able to live free from threats of violence. (Decl. of Petn'r ,r,r 2-4.)
12 Michael is also thriving in school, has friends, and is learning. (Decl. of Petn'r 1 9.) It is not in
13 Michael's best interest to return to Guatemala, where there is no one to care for him and where he
14 faces violence. Instead, it is in his best interest to remain in the United States where he is safe, well
15 cared for, and loved.

16 Therefore, in accordance with the factors set forth in Family Code section 3011, it is in
17 Michael's best interest to remain in the United States in the sole custody of Jane and that this Court
18 issue the specific findings ensuring his health, welfare, and safety.

19 IV. CONCLUSION

20 As demonstrated above, this Court should grant Respondent sole legal and physical custody
21 of Michael and make the requisite SIJ Findings. Therefore, Petitioner respectfully requests that the
22 Court issue an order granting Jane sole physical and legal custody of Michael and make SIJ
23 Findings on his behalf.

24
25 August 1, 2024 Submitted By:

26

Joel Frost-Tift
27 Pro Bono Attorney for Petitioner
28

INDEX TO EXHIBITS

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

EXHIBIT A: Curtis L. Child, Chief Operating Officer, Judicial Council, *Memorandum to the Presiding Judges of the Superior Courts and the Court Executive Officers of the Superior Courts on Senate Bill 873 and the Special Immigrant Juvenile Process in the Superior Courts* (Sept. 30, 2014).

EXHIBIT B: *D.M v. Armando B.*, 2016 Cal. App. Unpub. LEXIS 7241

APPENDIX H
SAMPLE FORMS FL-357



PARTY WITHOUT ATTORNEY OR ATTORNEY STATE BAR NO.: 233197 NAME: Joseph Weiner FIRM NAME: Public Counsel STREET ADDRESS: 610 S Ardmore Ave CITY: Los Angeles STATE: CA ZIP CODE: 90005 TELEPHONE NO.: (213) 385-2977 FAX NO.: (213) 385-9089 E-MAIL ADDRESS: jweiner@publiccounsel.org ATTORNEY FOR (name): Kristen Maria Hamilton Doe	FOR COURT USE ONLY CONFIDENTIAL
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: Same CITY AND ZIP CODE: Los Angeles 90012 BRANCH NAME: Stanley Mosk Courthouse	
CASE NAME: Kristen Maria Hamilton Doe v. Jane Doe	
SPECIAL IMMIGRANT JUVENILE FINDINGS	CASE NUMBER: 19STPT 12345

1. Child's name: **Kristen Maria Hamilton Doe** Date of birth: **01/01/2009**
2. The petition or request for Special Immigrant Juvenile (SIJ) findings was heard
 - a. Date of hearing: **08/22/2024** Time: **8:30** Dept.: **1** Room: **1**
 - b. Judicial officer (name): **Hon. Ruth Kagan Sotomayor**
 - c. Persons and attorneys present (names):
Kristen Maria Hamilton Doe (petitioner/minor); Jane Doe (respondent/mother); Joseph Weiner (attorney for petitioner)
Juana Diaz (guardian ad litem)

The court has reviewed the evidence and finds the following:

3. Notice of the underlying proceeding was given as required by law.
4. a. The child was declared a dependent of the juvenile court of the county of (specify):
 on (date): and remains under the court's jurisdiction.

OR

- b. The child was
 - (1) placed under the custody of an individual (name, unless confidential): **Jane Doe**
 - (2) placed under the custody of an entity (name):
 - (3) committed to a state agency or department (name):
 appointed by this court or another California court on (date): **08/22/2024**
 The custody or commitment order remains in effect.

Supporting legal conclusions or factual findings, if necessary:

Jane Doe was awarded sole legal and physical custody of Kristen under sections 3006 and 3007 of the California Family Code on May 22, 2019. It is in Kristen's best interest that Ms. Doe, Kristen's mother, be awarded sole legal and physical custody because the custody order best promotes Kristen's health, safety, and welfare. See Cal. Fam. Code §§ 3011 (a), 3022(a). Ms. Doe has been caring for Kristen throughout her life, and the custody order promotes the safety and well-being of Kristen and ensures that Ms. Doe is able to make necessary educational and medical decisions for her. In contrast, Kristen's father, John Hamilton, abused Kristen. Therefore, it is in Kristen's best interest under California law that Ms. Doe be granted sole legal and physical custody of her under sections 3006 and 3007 of the California Family Code.

Continued on Attachment 4.

CASE NAME: Kristen Maria Hamilton Doe v. Jane Doe	CASE NUMBER:
---	--------------

5. Reunification of the child with the mother the father the other legal parent is not viable under California law because of parental abuse, neglect, abandonment, or a similar legal basis (specify):

as established on (date): 08/22/2024, for the following reasons (for each parent with whom reunification is not viable, state the reasons that apply to that parent):

Kristen cannot reunify with her father, John Hamilton, due to abuse. Under the California Penal Code, abuse occurs when a person willfully inflicts "cruel and inhuman corporal punishment" on a child "resulting in a traumatic condition." See Cal. Pen. Code § 273d (a). Under the California Family Code, abuse is defined as "(1) To intentionally or recklessly cause or attempt to cause bodily injury, (2) sexual assault, [or] (3) to place a person in reasonable apprehension of imminent serious bodily injury to that person or to another" and "abuse is not limited to the actual infliction of physical injury or assault." See Cal. Fam. Code § 6203(a).

Kristen's father abused her under California law because he regularly beat Kristen throughout her childhood, leaving her bleeding and with bruises. Furthermore, Kristen's father often used harmful language with Kristen, calling her stupid bitch and ugly cow. This behavior constitutes cruel and inhuman corporal punishment that left Kristen in a traumatized condition, and is abuse under section 273d(a) of the California Penal Code. It also constitutes abuse under section 6203(a) of the California Family Code because Kristen's father both intentionally and recklessly caused bodily injury to Kristen when he beat her and caused bruises and bleeding on the body of his young daughter.

Continued on Attachment 5.

6. It is not in the child's best interest to be returned to the child's or parent's country of nationality or country of last habitual residence (specify country or countries): El Salvador for the following reasons:

Pursuant to sections 3011 (a) and 3020(a) of the California Family Code, it is not in Kristen's best interest to return to El Salvador because Kristen's health, safety, and welfare will be jeopardized in El Salvador. In El Salvador, Kristen suffered severe violence at the hands of her father, who beat her regularly and left her bruised and bleeding. Kristen is also at risk in El Salvador because she faced death threats from gang members for refusing to cooperate with them. If Kristen returned to El Salvador, she faces renewed violence from her father and from the gang, and her life would be in danger. It is in Kristen's best interest to remain in The United States where she is safe, well-cared for by her mother, attending school, and receiving the support she needs to recover from the trauma she has endured. See Cal. Fam. Code § 3011 (a).

Continued on Attachment 6.

Date:

JUDICIAL OFFICER

SIGNATURE FOLLOWS LAST ATTACHMENT

PARTY WITHOUT ATTORNEY OR ATTORNEY STATE BAR NO.: 233197 NAME: Joseph Weiner FIRM NAME: Public Counsel STREET ADDRESS: 610 S Ardmore Ave CITY: Los Angeles STATE: CA ZIP CODE: 90005 TELEPHONE NO.: (213) 385-2977 FAX NO.: (213) 385-9089 E-MAIL ADDRESS: jweiner@publiccounsel.org ATTORNEY FOR (name): Jane Doe	FOR COURT USE ONLY CONFIDENTIAL
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: Same CITY AND ZIP CODE: Los Angeles 90012 BRANCH NAME: Stanley Mosk Courthouse	
CASE NAME: Doe V. Hamilton	
SPECIAL IMMIGRANT JUVENILE FINDINGS	CASE NUMBER: 19STPT 12345

1. Child's name: **Kristen Maria Hamilton Doe** Date of birth: **01/01/2009**
2. The petition or request for Special Immigrant Juvenile (SIJ) findings was heard
 - a. Date of hearing: **08/22/2024** Time: **8:30** Dept.: **1** Room: **1**
 - b. Judicial officer (name): **Hon. Ruth Kagan Sotomayor**
 - c. Persons and attorneys present (names):
Jane Doe (petitioner); Kristen Maria Hamilton Doe (minor); Joseph Weiner (attorney for petitioner)

The court has reviewed the evidence and finds the following:

3. Notice of the underlying proceeding was given as required by law.
4. a. The child was declared a dependent of the juvenile court of the county of (specify):
on (date): and remains under the court's jurisdiction.

OR

- b. The child was
 - (1) placed under the custody of an individual (name, unless confidential): **Jane Doe (petitioner)**
 - (2) placed under the custody of an entity (name):
 - (3) committed to a state agency or department (name):
appointed by this court or another California court on (date): **08/22/2024**
The custody or commitment order remains in effect.

Supporting legal conclusions or factual findings, if necessary:

Jane Doe was awarded sole legal and physical custody of Kristen Maria Hamilton Doe under sections 3006 and 3007 of the California Family Code. It is in Kristen's best interest that Jane Doe, Kristen's mother, be awarded sole legal and physical custody because the custody order best promotes Kristen's health, safety, and welfare. See Cal. Fam. Code §§ 3011 (a), 3022(a). Ms. Doe has been caring for Kristen throughout her life and the custody order promotes the safety and well-being of Kristen and ensures that Ms. Doe is able to make necessary educational and medical decisions on Kristen's behalf. In contrast, Kristen's father, John Hamilton, left Kristen when she was young and has failed to support her with any material, emotional, or financial resources. It is in Kristen's best interest under California law that Ms. Doe be granted sole legal and physical custody under sections 3006 and 3007 of the California Family Code.

Continued on Attachment 4.

CASE NAME: Kristen Maria Hamilton Doe v. Jane Doe	CASE NUMBER:
---	--------------

5. Reunification of the child with the mother the father the other legal parent is not viable under California law because of parental abuse, neglect, abandonment, or a similar legal basis (*specify*):

as established on (*date*): 08/22/2024, for the following reasons (*for each parent with whom reunification is not viable, state the reasons that apply to that parent*):

Kristen cannot reunify with her father, John Hamilton, due to abandonment. Under the California Family Code, abandonment means that a child has been left without provision for reasonable and necessary care or supervision. See Cal. Fam. Code § 3402 (a). Under the California Welfare and Institutions Code, abandonment occurs when a "a child has been left without any provision for support." See Cal. Welf. & Inst. Code § 300(g).

Kristen's father abandoned her because he has failed to provide for or support her in any way since she was a young child. Kristen's father has not communicated with Kristen since she was twelve years old, and has not given Kristen any emotional or financial support or provided for her in any other way since she was eight years old. The behavior of Kristen's father constitutes abandonment under Family Code section 3402(a) and Welfare and Institutions Code section 300(g).

Continued on Attachment 5.

6. It is not in the child's best interest to be returned to the child's or parent's country of nationality or country of last habitual residence (*specify country or countries*): El Salvador for the following reasons:

Pursuant to sections 3011 (a) and 3020(a) of the California Family Code, it is not in Kristen's best interest to return to El Salvador because Kristen's health, safety, and welfare will be jeopardized there. In El Salvador, Kristen faces violence from gangs, who threatened to kill her. There is no one in El Salvador who can care for Kristen. It is in Kristen's best interest to remain in the United States where she is safe, well-cared for by her mother, attending school, and receiving the support she needs to recover from the trauma she has endured. See Cal. Fam. Code § 3011 (a).

Continued on Attachment 6.

Date:

JUDICIAL OFFICER

SIGNATURE FOLLOWS LAST ATTACHMENT

APPENDIX I
SAMPLE POSTING APPLICATION



ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Joseph Weiner 233197 Public Counsel 610 S Ardmore Ave Los Angeles CA 90005 TELEPHONE NO.: (213) 385-2977 FAX NO. (Optional): (213) 385-9089 E-MAIL ADDRESS (Optional): jweiner@publiccounsel.org ATTORNEY FOR (Name): Jane Doe	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: Same CITY AND ZIP CODE: Los Angeles 90012 BRANCH NAME: Stanley Mosk Courthouse	
PETITIONER: Jane Doe RESPONDENT: John Hamilton OTHER PARTY/PARENT:	
APPLICATION FOR ORDER FOR <input type="checkbox"/> PUBLICATION OR <input checked="" type="checkbox"/> POSTING	CASE NUMBER:

1. **Publication Request:** The petitioner requests that the court issue an order directing service of the summons listed in item 3 based on Code of Civil Procedure section 413.30, and that the summons be published in the following newspaper of general circulation (name of proposed newspaper of general circulation where respondent is most likely to receive actual notice):

2. **Posting Request:** The petitioner requests that the court issue an order directing service of the summons listed in item 3 by posting at the location listed below. The petitioner has submitted a *Request to Waive Court Fees* (form FW-001). This request is based on Code of Civil Procedure section 413.30.

Posting location (name, city, and state of proposed location to post where respondent is most likely to receive actual notice):
Stanley Mosk Courthouse
111 N Hill Street
Los Angeles, CA 90012

3. **The legal documents to be served are:**
 a. *Summons (Family Law)* (form FL-110)
 b. *Summons (Uniform Parentage—Petition for Custody and Support)* (form FL-210)
 c. *Other (specify):*
FL-260, FL-356, Declaration of Petitioner, Declaration of Kristen Maria Hamilton Doe, FL-105, FL-300, FL-210

PETITIONER: Jane Doe RESPONDENT: John Hamilton OTHER PARTY/PARENT:	CASE NUMBER:
--	--------------

4 The respondent cannot with reasonable diligence be served in any manner specified in Code of Civil Procedure sections 415.10 through 415.40 based on the declaration below.

5. **Declaration:**

Describe how you tried to find the respondent. This search may include checking with respondent's last known address; respondent's friends and family, respondent's current and past employers and any unions, Internet research, and the tax assessor records in the county of respondent's last known address or any county in which you think the respondent may live. List all steps, the date you took each step, and the results. (You may want to check with your local court's self-help center or the California courts on-line self-help center for additional ideas about how to locate someone).

- a. I last saw or had contact with the respondent on (date): **2016**
at (location): **San Salvador, El Salvador**
- b. The last address I have for respondent is:
Calle Loma Linda 55, Casa 20, Colonia Roma, San Salvador, El Salvador
- c. The last work or business address I have for respondent is:
None
- d. I have taken the following steps to try to find the respondent:
Sec attached declarations of Cameron Hernandez and Joseph Weiner

Continued on the attached declaration. Number of pages attached: 6

Search results attached.

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

Date: **07/25/2024**

Jane Doe

(TYPE OR PRINT NAME)



(SIGNATURE OF PETITIONER)

APPENDIX J

SAMPLE DECLARATIONS OF DUE DILIGENCE



1 Joseph Weiner (Cal. Bar No. 233197)
Public Counsel
2 610 S. Ardmore Avenue
Los Angeles, CA 90005
3 Tel: (213) 385-2977
Fax: (213) 385-9089

4
5 Pro Bono Attorney for Petitioner,
JANE DOE

6
7
8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF LOS ANGELES
10 CENTRAL DISTRICT

11 In Re
12 JANE DOE,
13 Petitioner,
14 And
15 JOHN HAMILTON,
16 Respondent.

CASE NO. 19STFL12345

**CAMERON HERNANDEZ'S
DECLARATION OF DUE DILIGENCE
REGARDING NOTICE TO RESPONDENT**

1 I, Cameron Hernandez, declare the following:

- 2 1. I am a paralegal at Los Angeles-based Public Counsel. I have personal knowledge of the
3 matters set forth below, unless otherwise noted. I could competently testify to them if
4 called to do so. I am bilingual in English and Spanish.
- 5 2. Joseph Weiner is the Pro Bono attorney for the Petitioner in this matter.
- 6 3. Petitioner exercised due diligence in attempting to locate the Respondent, John Hamilton,
7 in order to provide him with notice of these proceedings. However, she has been unable
8 to locate Respondent and Respondent's whereabouts remain unknown.
- 9 4. On Friday, March 29, 2019, at 1:55 PM, I called Belinda Hamilton, Respondent's mother,
10 at 011-503-1234-5678. The woman who answered the phone identified herself as Belinda
11 Hamilton. In Spanish, I identified myself as a paralegal at Public Counsel and explained to
12 her that we needed to find John Hamilton. Belinda informed me that she has not seen
13 Respondent since approximately 2017. Ms. Hamilton informed me that Respondent is
14 estranged from her family and that she has not seen or heard from him for about two
15 years.
- 16 5. On Friday, March 29, 2019, at 2:15 PM, I called Jaime Jose Jaguiri, Respondent's
17 stepfather, at 011-503-5555-5555. The man who answered the phone identified himself as
18 Jaime Jose Jaguiri. In Spanish, I identified myself as a paralegal at Public Counsel and
19 explained to him that we needed to find John Hamilton because we are working on a case
20 related to his daughter. Jaime Jose Jaguiri informed me that he had lost contact with
21 Respondent and that he does not know his whereabouts. Jaime Jose Jaguiri informed me
22 that the last time he saw John Hamilton was at the end of 2016 or the beginning of 2017.
23 Jaime Jose Jaguiri told me that he has asked his family for more information regarding
24 John, but that no one with whom he spoke knows John's current whereabouts.
- 25 6. On Friday, March 29, 2019 at 3:30 PM, I conducted an online search for John Hamilton
26 using Google, Facebook, Yahoo and Bing. My search was unsuccessful, since I could not
27 find any person with the name John Hamilton. I broadened my search and used other
28 spellings of John Hamilton's name. Again, my search was unsuccessful.

- 1 7. On Thursday, April 4, 2019 at 10:15 AM, I called the Consulate General of El Salvador in
2 Los Angeles. I spoke with Francisco Sanchez Ceren, who is in charge of protection
3 services at the consulate. Speaking in Spanish, I asked Mr. Sanchez Ceren if the consulate
4 could help me locate John Hamilton. Mr. Sanchez Ceren told me that he could perform a
5 search for me, and that he would email me the results of that search within about a week.
6 On Monday April 8, 2019, at 1:15 PM, I received an email from Mr. Sanchez Ceren
7 informing me that he could not locate John Hamilton in El Salvador.
- 8 8. On Friday, April 5, 2019 at 11:36 AM, I called Belinda Hamilton, Respondent's mother,
9 at 011-503-1234-5678. The woman who answered the phone identified herself as Belinda
10 Hamilton. In Spanish, I identified myself as the paralegal at Public Counsel with whom
11 she previously spoke. I asked her if she knew whether any family member(s) or family
12 friend(s) had kept in contact or knew of the whereabouts of John Hamilton. She informed
13 me that no one she knows has kept in contact with Mr. Hamilton. She could not provide
14 me with any further information about how to locate Respondent.
- 15 9. On Friday, April 12, 2019, at 2:15 PM, I called Dan Hamilton, Respondent's adult son at
16 011-503-2222-2222. The man with whom I spoke identified himself as Dan Hamilton. In
17 Spanish, I identified myself as a paralegal at Public Counsel and explained to him that we
18 needed to find John Hamilton. Dan Hamilton told me that his father had left him and his
19 family many years ago and they have had no contact with him since. Dan Hamilton
20 reported that he had no way to contact his father and no way to ascertain his whereabouts.
- 21 10. On Friday, April 12, 2019, at 3:15 PM, I called Ceci Hamilton, Respondent's adult
22 daughter at 011-503-9876-5432. The woman with whom I spoke identified herself as Ceci
23 Hamilton. In Spanish, I identified myself as a paralegal at Public Counsel and explained to
24 him that we needed to find John Hamilton. Ceci Hamilton told me that her father had left
25 her and her family many years ago and that she has had no contact with him since. Ceci
26 Hamilton reported that she had no way to contact her father and no way to ascertain his
27 whereabouts.
- 28

1 I declare under penalty of perjury that the foregoing is true and correct, except as to those matters
2 stated upon my information and belief and as to those matters I believe them to be true. Executed on
3 April 22, 2019, in Los Angeles, California.

4
5 Signature:



6
7 Cameron Hernandez
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 Joseph Weiner (Cal. Bar No. 233197)
Public Counsel
2 610 S. Ardmore Avenue
Los Angeles, CA 90005
3 Tel: (213) 385-2977
Fax: (213) 385-9089
4

5 Pro Bono Attorney for Petitioner,
JANE DOE
6
7

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA

9 FOR THE COUNTY OF LOS ANGELES

10 CENTRAL DISTRICT

11 In Re

12 JANE DOE,

13 Petitioner,

14 And

15 JOHN HAMILTON,

16 Respondent.
17
18
19
20
21
22
23
24
25
26
27
28

CASE NO. 19STFL12345

**JOSEPH WEINER'S DECLARATION OF
DUE DILIGENCE REGARDING NOTICE
TO RESPONDENT**

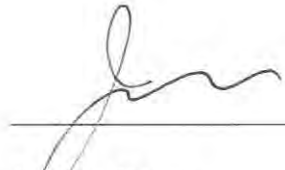
1 I, Joseph Weiner, declare the following:

- 2 1. I am an attorney at Los Angeles-based Public Counsel, and a member of the California
3 State Bar (SBN: 233197). I have personal knowledge of the matters set forth below,
4 unless otherwise noted. I could competently testify to them if called to do so. I am
5 bilingual in English and Spanish.
- 6 2. I am the Pro Bono attorney for the Petitioner in this matter.
- 7 3. Petitioner exercised due diligence in attempting to locate the Respondent, John Hamilton,
8 in order to provide him with notice of these proceedings. However, she has been unable to
9 locate Respondent and Respondent's whereabouts remain unknown.
- 10 4. On March 28, 2019, I sent a letter in Spanish, via airmail, to Respondent at his last known
11 address: Calle Loma Linda 55, Casa 20, San Salvador, El Salvador. The letter states that
12 Petitioner has filed a Petition for Custody against Respondent and is also seeking Special
13 Immigrant Juvenile findings. The letter urged Respondent to contact me so that Petitioner
14 could provide him notice of these proceedings. I provided my telephone number and
15 address to Respondent. To date, I have not received a response.
- 16 5. On April 4, 2019, I spoke to Jaime Jose Jaguiri, Respondent's stepfather, by phone at 011-
17 503-5555-5555. Mr. Jaguiri informed me that he went to Petitioner's last known address
18 (Calle Loma Linda 55, Casa 20, San Salvador, El Salvador) to look for him and knocked
19 on the door. Respondent was not present. The current residents informed him that John
20 Hamilton does not live at the home any longer.
- 21 6. On April 11, 2019, I attempted to locate Respondent by conducting online records
22 searches for Respondent. I searched "John Hamilton" and three alternate spellings of his
23 name – "Jon Hamilton," and "John Jamilton," and "Jon Jamilton," – at Open Public
24 Records (http://www.open-public-records.com/california_public_records.htm), but did not
25 find any information pertaining to Respondent. I also searched for Respondent on
26 publiclibraries.com, which provides free public records searches in California, but did not
27 find any information pertaining to Respondent. I also conducted online searches for
28

1 Respondent via Salvadoran public search engines, including
2 <http://www.paginasamarillas.com.sv/> and <http://whitepages.sv/>.

3
4 I declare under penalty of perjury that the foregoing is true and correct, except as to those matters
5 stated upon my information and belief and as to those matters I believe them to be true. Executed on
6 April 22, 2019, in Los Angeles, California.

7
8
9 Signature: _____

10 
11 Joseph Weiner
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

APPENDIX K
SAMPLE PROOFS OF SERVICE OF SUMMONS AND
PROOF OF PERSONAL SERVICE
(PARENTAGE AND CUSTODY ACTIONS)



PARTY WITHOUT ATTORNEY <i>or</i> ATTORNEY STATE BAR NO.: 233197 NAME: Joseph Weiner FIRM NAME: Public Counsel STREET ADDRESS: 610 S Ardmore Ave CITY: Los Angeles STATE: CA ZIP CODE: 90005 TELEPHONE NO.: (213) 385-2977 FAX NO.: (213) 385-9089 E-MAIL ADDRESS: jweiner@publiccounsel.org ATTORNEY FOR (name): Kristen Maria Hamilton Doe	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: Same CITY AND ZIP CODE: Los Angeles 90012 BRANCH NAME: Stanley Mosk Courthouse	
PETITIONER: Kristen Maria Hamilton Doe RESPONDENT: Jane Doe	
PROOF OF SERVICE OF SUMMONS	CASE NUMBER: 19STPT12345

1. At the time of service I was at least 18 years of age and not a party to this action. I served the respondent with copies of:
- a. Family Law: *Petition—Marriage/Domestic Partnership* (form [FL-100](#)), *Summons* (form [FL-110](#)), and blank *Response—Marriage/Domestic Partnership* (form [FL-120](#))
 - or–
 - b. Uniform Parentage: *Petition to Determine Parental Relationship* (form [FL-200](#)), *Summons* (form [FL-210](#)), and blank *Response to Petition to Determine Parental Relationship* (form [FL-220](#))
 - or–
 - c. Custody and Support: *Petition for Custody and Support of Minor Children* (form [FL-260](#)), *Summons* (form [FL-210](#)), and blank *Response to Petition for Custody and Support of Minor Children* (form [FL-270](#))
 - and
 - d. (1) Completed and blank *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)* (form [FL-105](#)) (5) Completed and blank *Financial Statement (Simplified)* (form [FL-155](#))
 - (2) Completed and blank *Declaration of Disclosure* (form [FL-140](#)) (6) Completed and blank *Property Declaration* (form [FL-160](#))
 - (3) Completed and blank *Schedule of Assets and Debts* (form [FL-142](#)) (7) *Request for Order* (form [FL-300](#)), and blank *Responsive Declaration to Request for Order* (form [FL-320](#))
 - (4) Completed and blank *Income and Expense Declaration* (form [FL-150](#)) (8) Other (specify):
FL-356, Declaration of Kristen Maria Hamilton Doe, Blank FL-358
2. Address where respondent was served:
3. I served the respondent by the following means (check proper boxes):
- a. **Personal service.** I personally delivered the copies to the respondent (Code Civ. Proc., § 415.10) on (date): **04/05/2024** at (time): **2:00 pm**
 - b. **Substituted service.** I left the copies with or in the presence of (name):
 who is (specify title or relationship to respondent):
 - (1) **(Business)** a person at least 18 years of age who was apparently in charge at the office or usual place of business of the respondent. I informed the person of the general nature of the papers.
 - (2) **(Home)** a competent member of the household (at least 18 years of age) at the home of the respondent. I informed the person of the general nature of the papers.
 on (date): _____ at (time): _____
 I thereafter mailed additional copies (by first class, postage prepaid) to the respondent at the place where the copies were left (Code Civ. Proc., § 415.20b) on (date): _____
 A declaration of diligence is attached, stating the actions taken to first attempt personal service.

PETITIONER: Kristen Maria Hamilton Doe RESPONDENT: Jane Doe	CASE NUMBER: 19STPT12345
--	------------------------------------

3. c. **Mail and acknowledgment service.** I mailed the copies to the respondent, addressed as shown in item 2, by first-class mail, postage prepaid, on *(date)*: _____ from *(city)*: _____
- (1) with two copies of the *Notice and Acknowledgment of Receipt* (form [FL-117](#)) and a postage-paid return envelope addressed to me. **(Attach completed *Notice and Acknowledgment of Receipt* (form [FL-117](#)).**)
(Code Civ. Proc., § 415.30.)
- (2) to an address outside California (by registered or certified mail with return receipt requested). **(Attach signed return receipt or other evidence of actual delivery to the respondent.)** (Code Civ. Proc., §§ 415.40, 417.20.)
- d. **Other** (*specify code section*): _____
- Continued on Attachment 3d.

4. **Person who served papers**
 Name: **Cameron Hernandez**
 Address: **610 South Ardmore Avenue**
Los Angeles, CA 90005

Telephone number: **(213) 385-2977**

This person is

- a. exempt from registration under Business and Professions Code section 22350(b).
- b. not a registered California process server.
- c. a registered California process server: an employee or an independent contractor
 (1) Registration no.: _____
 (2) County: _____
- d. **The fee** for service was (*specify*): \$ _____
5. **I declare** under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
- or—
6. **I am a California sheriff, marshal, or constable**, and I certify that the foregoing is true and correct.

Date: **04/05/2024**

Cameron Hernandez
(NAME OF PERSON WHO SERVED PAPERS)


(SIGNATURE OF PERSON WHO SERVED PAPERS)

ATTORNEY OR PARTY WITHOUT ATTORNEY OR GOVERNMENTAL AGENCY (under Family Code, §§ 17400,17406 <i>(Name, State Bar number, and address):</i> Joseph Weiner 233197 Public Counsel 610 S Ardmore Ave Los Angeles CA 90005 TELEPHONE NO.: (213) 385-2977 FAX NO.: (213) 385-9089 ATTORNEY FOR <i>(Name):</i> Kristen Maria Hamilton Doe	<p style="text-align: center;"><i>FOR COURT USE ONLY</i></p>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: Same CITY AND ZIP CODE: Los Angeles 90012 BRANCH NAME: Stanley Mosk Courthouse	
PETITIONER/PLAINTIFF: Kristen Maria Hamilton Doe RESPONDENT/DEFENDANT: Jane Doe OTHER PARENT/PARTY:	CASE NUMBER: 19STPT12345 <i>(If applicable, provide):</i> HEARING DATE: 05/22/2019 HEARING TIME: 8:30 am DEPT.: 1
PROOF OF PERSONAL SERVICE	

1. I am at least 18 years old, not a party to this action, and not a protected person listed in any of the orders.
2. Person served *(name)*: **John Hamilton**
3. I served copies of the following documents *(specify)*:
FL-200, FL-210, FL-220, FL-105, Blank FL-105, FL-300, FL-356, Declaration of Kristen Maria Hamilton Doe, FL-340, FL-341 , FL-357, Blank FL-320, Blank FL-358
4. By personally delivering copies to the person served, as follows:
 - a. Date: **04/10/2024** b. Time: **3:00 pm**
 - c. Address:
49 Avenida Sur 100, Casa 20
San Salvador, El Salvador
5. I am

a. <input checked="" type="checkbox"/> not a registered California process server.	d. <input type="checkbox"/> exempt from registration under Business & Profession Code section 22350(b).
b. <input type="checkbox"/> a registered California process server.	e. <input type="checkbox"/> a California sheriff or marshal.
c. <input type="checkbox"/> an employee or independent contractor of a registered California process server.	
6. My name, address, and telephone number, and, if applicable, county of registration and number *(specify)*:
Jose Vicente Doe
Bulevar Venezuela 2034
San Salvador, El Salvador
(503) 1234-9876
7. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
8. I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date: **04/12/2024**

Jose Vincent Doe
(TYPE OR PRINT NAME OF PERSON WHO SERVED THE PAPERS)


(SIGNATURE OF PERSON WHO SERVED THE PAPERS)

PARTY WITHOUT ATTORNEY <i>or</i> ATTORNEY STATE BAR NO.: 233197 NAME: Joseph Weiner FIRM NAME: Public Counsel STREET ADDRESS: 610 S Ardmore Ave CITY: Los Angeles STATE: CA ZIP CODE: 90005 TELEPHONE NO.: (213) 385-2977 FAX NO.: (213) 385-9089 E-MAIL ADDRESS: jweiner@publiccounsel.org ATTORNEY FOR (name): Jane Doe	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: Same CITY AND ZIP CODE: Los Angeles 90012 BRANCH NAME: Stanley Mosk Courthouse	
PETITIONER: Jane Doe RESPONDENT: John Hamilton	
PROOF OF SERVICE OF SUMMONS	CASE NUMBER: 19STPT12345

1. At the time of service I was at least 18 years of age and not a party to this action. I served the respondent with copies of:
- a. Family Law: *Petition—Marriage/Domestic Partnership* (form [FL-100](#)), *Summons* (form [FL-110](#)), and blank *Response—Marriage/Domestic Partnership* (form [FL-120](#))
 - or–
 - b. Uniform Parentage: *Petition to Determine Parental Relationship* (form [FL-200](#)), *Summons* (form [FL-210](#)), and blank *Response to Petition to Determine Parental Relationship* (form [FL-220](#))
 - or–
 - c. Custody and Support: *Petition for Custody and Support of Minor Children* (form [FL-260](#)), *Summons* (form [FL-210](#)), and blank *Response to Petition for Custody and Support of Minor Children* (form [FL-270](#))
 - and
 - d. (1) Completed and blank *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)* (form [FL-105](#)) (5) Completed and blank *Financial Statement (Simplified)* (form [FL-155](#))
 - (2) Completed and blank *Declaration of Disclosure* (form [FL-140](#)) (6) Completed and blank *Property Declaration* (form [FL-160](#))
 - (3) Completed and blank *Schedule of Assets and Debts* (form [FL-142](#)) (7) *Request for Order* (form [FL-300](#)), and blank *Responsive Declaration to Request for Order* (form [FL-320](#))
 - (4) Completed and blank *Income and Expense Declaration* (form [FL-150](#)) (8) Other (specify):
FL-356, Declaration of Kristen Maria Hamilton Doe, Blank FL-358

2. Address where respondent was served:

3. I served the respondent by the following means (check proper boxes):

- a. **Personal service.** I personally delivered the copies to the respondent (Code Civ. Proc., § 415.10) on (date): **04/05/2024** at (time): **2:00 pm**
- b. **Substituted service.** I left the copies with or in the presence of (name):
 who is (specify title or relationship to respondent):
 - (1) **(Business)** a person at least 18 years of age who was apparently in charge at the office or usual place of business of the respondent. I informed the person of the general nature of the papers.
 - (2) **(Home)** a competent member of the household (at least 18 years of age) at the home of the respondent. I informed the person of the general nature of the papers.

on (date): _____ at (time): _____

I thereafter mailed additional copies (by first class, postage prepaid) to the respondent at the place where the copies were left (Code Civ. Proc., § 415.20b) on (date): _____

A declaration of diligence is attached, stating the actions taken to first attempt personal service.

PETITIONER: Jane Doe RESPONDENT: John Hamilton	CASE NUMBER: 19STFL 12345
---	-------------------------------------

3. c. **Mail and acknowledgment service.** I mailed the copies to the respondent, addressed as shown in item 2, by first-class mail, postage prepaid, on *(date)*: _____ from *(city)*: _____
- (1) with two copies of the *Notice and Acknowledgment of Receipt* (form [FL-117](#)) and a postage-paid return envelope addressed to me. (**Attach completed *Notice and Acknowledgment of Receipt* (form [FL-117](#)).**) (Code Civ. Proc., § 415.30.)
- (2) to an address outside California (by registered or certified mail with return receipt requested). (**Attach signed return receipt or other evidence of actual delivery to the respondent.**) (Code Civ. Proc., §§ 415.40, 417.20.)
- d. **Other** (*specify code section*): _____
- Continued on Attachment 3d.

4. **Person who served papers**
 Name: **Jose Vincent Doe**
 Address: **Bulevar Venezuela 2034**
San Salvador, El Salvador

Telephone number: **(503) 1234-9876**

This person is

- a. exempt from registration under Business and Professions Code section 22350(b).
- b. not a registered California process server.
- c. a registered California process server: an employee or an independent contractor
- (1) Registration no.: _____
- (2) County: _____
- d. **The fee** for service was (*specify*): \$ _____
5. **I declare** under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
- or—
6. **I am a California sheriff, marshal, or constable**, and I certify that the foregoing is true and correct.

Date: **04/05/2024**

Jose Vincent Doe

(NAME OF PERSON WHO SERVED PAPERS)



(SIGNATURE OF PERSON WHO SERVED PAPERS)

APPENDIX L
SAMPLE CUSTODY ORDERS
(PARENT AGE AND CUSTODY ACTIONS)



ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):
Joseph Weiner 233197
Public Counsel
610 S Ardmore Ave
Los Angeles CA 90005

TELEPHONE NO.: **(213) 385-2977** FAX NO. (Optional): **(213) 385-9089**
 E-MAIL ADDRESS (Optional): **jweiner@publiccounsel.org**
 ATTORNEY FOR (Name): **Kristen Maria Hamilton Doe**

FOR COURT USE ONLY

SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles
 STREET ADDRESS: **111 North Hill Street**
 MAILING ADDRESS: **Same**
 CITY AND ZIP CODE: **Los Angeles 90012**
 BRANCH NAME: **Stanley Mosk Courthouse**

PETITIONER/PLAINTIFF: **Kristen Maria Hamilton Doe**
 RESPONDENT/DEFENDANT: **Jane Doe**
 OTHER PARTY:

FINDINGS AND ORDER AFTER HEARING

CASE NUMBER:
19STPT12345

1. This proceeding was heard
 on (date): **05/22/2024** at (time): **8:30** in Dept.: **1** Room: **1**
 by Judge (name): **Hon. Ruth Kagan Sotomayor** Temporary Judge
 On the order to show cause, notice of motion or request for order filed (date): **03/22/19** by (name): **Petitioner**

a. Petitioner/plaintiff present Attorney present (name): **Joseph Weiner**
 b. Respondent/defendant present Attorney present (name):
 c. Other party present Attorney present (name):

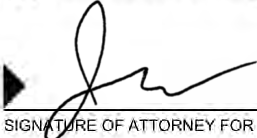
THE COURT ORDERS

2. Custody and visitation/parenting time: As attached on form FL-341 Other Not applicable
 3. Child support: As attached on form FL-342 Other Not applicable
 4. Spousal or family support: As attached on form FL-343 Other Not applicable
 5. Property orders: As attached on form FL-344 Other Not applicable
 6. Attorney's fees: As attached on form FL-346 Other Not applicable
 7. Other orders: As attached Not applicable
 8. All other issues are reserved until further order of court.
 9. This matter is continued for further hearing on (date): _____ at (time): _____ in Dept.: _____
 on the following issues:

Date: **05/22/2024**

 JUDICIAL OFFICER

Approved as conforming to court order.



SIGNATURE OF ATTORNEY FOR PETITIONER / PLAINTIFF RESPONDENT/DEFENDANT OTHER PARTY

PETITIONER: Kristen Maria Hamilton Doe RESPONDENT: Jane Doe OTHER PARENT/PARTY:	CASE NUMBER: 19STPT12345
---	------------------------------------

CHILD CUSTODY AND VISITATION (PARENTING TIME) ORDER ATTACHMENT

- TO **Findings and Order After Hearing (form FL-340)** **Judgment (form FL-180)** **Judgment (form FL-250)**
 Stipulation and Order for Custody and/or Visitation of Children (form FL-355)
 Other (specify):

1. **Jurisdiction.** This court has jurisdiction to make child custody orders in this case under the Uniform Child Custody Jurisdiction and Enforcement Act (Family Code sections 3400–3465).
2. **Notice and opportunity to be heard.** The responding party was given notice and an opportunity to be heard, as provided by the laws of the State of California.
3. **Country of habitual residence.** The country of habitual residence of the child or children in this case is
 the United States Other (specify):
4. **Penalties for violating this order.** If you violate this order, you may be subject to civil or criminal penalties, or both.
5. **Child abduction prevention.** There is a risk that one of the parties will take the children out of California without the other party's permission. (*Child Abduction Prevention Order Attachment (form FL-341(B))* is attached and must be obeyed.)
6. **Child custody.** Custody of the minor children of the parties is awarded as follows:

<u>Child's Name</u>	<u>Birth Date</u>	Legal custody to: <i>(person who decides about the child's health, education, and welfare)</i>	Physical custody to: <i>(person the child regularly lives with)</i>
Kristen Maria Hamilton Doe	01/01/2009	Jane Doe, Respondent (Mother)	Jane Doe, Respondent (Mother)

7. **Child custody orders with allegations of a history of abuse or substance abuse**
(Do not complete this section if the parties have entered, or will enter into, an agreement on child custody and/or visitation (parenting time), in writing or stated in court.)
 - a. Allegations have been raised in form FL-311, other documents filed in the court, or in a court hearing that
 petitioner respondent other parent/party has (or have) either:
 - (1) a history of abuse against any of the following persons: a child, the other parent, their current spouse, or the person they live with or are dating or engaged to; or
 - (2) the habitual or continual illegal use of controlled substances, or the habitual or continual abuse of alcohol, or the habitual or continual abuse of prescribed controlled substances.
 - b. The court does NOT grant sole or joint custody of the minor children to petitioner respondent
 other parent/party
 - c. Even though there are allegations of a history of abuse or substance abuse, the court GRANTS sole or joint custody of the minor child as set out in item 6 for the following reasons: [Attachment 7c.](#)

THIS IS A COURT ORDER.

PETITIONER: Kristen Maria Hamilton Doe RESPONDENT: Jane Doe OTHER PARENT/PARTY:	CASE NUMBER: <p style="text-align: center; font-weight: bold; font-size: 1.2em;">19STPT12345</p>
---	---

8. **Visitation (Parenting Time)**

- a. Reasonable right of visitation to the party without physical custody (**not appropriate in cases involving domestic violence**)
- b. See the attached _____-page document
- c. The parties will go to child custody mediation or child custody recommending counseling at (*specify date, time, and location*):
- d. No Visitation (parenting time)
- e. Visitation (parenting time) for the petitioner respondent other (*name*): will be as follows:

(1) **Weekends starting (date):**

(Note: The first weekend of the month is the first weekend with a Saturday.)

1st 2nd 3rd 4th 5th weekend of the month

from _____ at _____ a.m. p.m./ if applicable, specify: start of school
 (day of week) (time) after school

to _____ at _____ a.m. p.m./ if applicable, specify: start of school
 (day of week) (time) after school

(a) The parties will alternate the fifth weekends, with the petitioner respondent other parent/party having the initial fifth weekend, which starts (*date*):

(b) The petitioner respondent other parent/party will have the fifth weekend in odd even numbered months.

(2) **Alternate weekends starting (date):**

from _____ at _____ a.m. p.m./ if applicable, specify: start of school
 (day of week) (time) after school

to _____ at _____ a.m. p.m./ if applicable, specify: start of school
 (day of week) (time) after school

(3) **Weekdays starting (date):**

from _____ at _____ a.m. p.m./ if applicable, specify: start of school
 (day of week) (time) after school

to _____ at _____ a.m. p.m./ if applicable, specify: start of school
 (day of week) (time) after school

(4) **Other visitation (parenting time) days and restrictions are:** listed in Attachment 7e(4) ([form MC-025](#) may be used for this purpose) as follows:

PETITIONER: Kristen Maria Hamilton Doe RESPONDENT: Jane Doe OTHER PARENT/PARTY:	CASE NUMBER: 19STPT12345
---	------------------------------------

9. **Visitation (parenting time) with allegations of a history of abuse, substance abuse, or other parenting concerns**
- a. **Supervised visitation (parenting time).**
- (1) Until further order of the court other (*specify*): _____, the
 petitioner respondent other parent/party (*name*): _____
 will have supervised visitation (parenting time) with the minor children according to the schedule on page 2.
- (2) In addition, **Supervised Visitation Order (form FL-341(A) is attached.**
- b. **Unsupervised visitation (parenting time)**
- (Do not complete this section if the parties have entered or will enter into an agreement on child custody and/or visitation (parenting time), in writing or stated in court.)*
- (1) Even though there are allegations of a history of abuse or substance abuse under Family Code section 3011, the
 petitioner respondent other parent/party (*name*): _____
 has (or have) unsupervised visitation (parenting time) with the minor children as set forth in 8.
- (2) The reasons for granting unsupervised visitation to the person(s) alleged to have a history of abuse or substance abuse are: as follows: [Attachment 9b.](#)
- (3) The orders for visitation (parenting time) are specific as to time, day, place, and manner of transfer of the child, as Family Code section 6323(c) requires.
10. **Transportation for visitation (parenting time) and place of exchange**
- a. The children must be driven only by a licensed and insured driver. The vehicle must be legally registered with the Department of Motor Vehicles, and must have child restraint devices properly installed, as required by law.
- b. Transportation **to** begin the visits will be provided by the petitioner respondent
 other (*specify*): _____
- c. Transportation **from** the visits will be provided by the petitioner respondent
 other (*specify*): _____
- d. The exchange point at the beginning of the visit will be at (*address*): _____
- e. The exchange point at the end of the visit will be at (*address*): _____
- f. During the exchanges, the party driving the children will wait in the car and the other party will wait in the home (or exchange location) while the children go between the car and the home (or exchange location).
- g. Other (*specify*): _____
11. **Travel with children.** The petitioner respondent other parent/party (*name*): _____
must have written permission from the other parent or a court order to take the children out of
- a. the state of California.
- b. the following counties (*specify*): _____
- c. other places (*specify*): _____

THIS IS A COURT ORDER.

PETITIONER: Kristen Maria Hamilton Doe RESPONDENT: Jane Doe OTHER PARENT/PARTY:	CASE NUMBER: 19STPT12345
---	------------------------------------

12. **Holiday schedule.** The children will spend holiday time as listed below in the attached schedule. (*Children's Holiday Schedule Attachment (form FL-341(C))* may be used for this purpose.)

13. **Additional custody provisions.** The parties will follow the additional custody provisions listed below in the attached schedule. (*Additional Provisions—Physical Custody Attachment (form FL-341(D))* may be used for this purpose.)

14. **Joint legal custody.** The parties will share joint legal custody as listed below in the attached schedule. (*Joint Legal Custody Attachment (form FL-341(E))* may be used for this purpose.)

15. **Access to children's records.** Both the custodial and noncustodial parent have the right to access records and information about their minor children (including medical, dental, and school records) and consult with professionals who are providing services to the children.

16. **Other (specify):**

THIS IS A COURT ORDER.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Joseph Weiner 233197 Public Counsel 610 S Ardmore Ave Los Angeles CA 90005 TELEPHONE NO.: (213) 385-2977 FAX NO. (Optional): (213) 385-9089 E-MAIL ADDRESS (Optional): jweiner@publiccounsel.org ATTORNEY FOR (Name): Jane Doe	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: Same CITY AND ZIP CODE: Los Angeles 90012 BRANCH NAME: Stanley Mosk Courthouse	
PETITIONER/PLAINTIFF: Jane Doe RESPONDENT/DEFENDANT: John Hamilton OTHER PARTY:	
FINDINGS AND ORDER AFTER HEARING	CASE NUMBER: 19STPT12345

1. This proceeding was heard on (date): **05/22/2024** at (time): **8:30** in Dept.: **1** Room: **1**
 by Judge (name): **Hon. Ruth Kagan Sotomayor** Temporary Judge
 On the order to show cause, notice of motion or request for order filed (date): **03/22/19** by (name): **Petitioner**

a. Petitioner/plaintiff present Attorney present (name): **Joseph Weiner**
 b. Respondent/defendant present Attorney present (name):
 c. Other party present Attorney present (name):

THE COURT ORDERS

- 2. Custody and visitation/parenting time: As attached on form FL-341 Other Not applicable
 - 3. Child support: As attached on form FL-342 Other Not applicable
 - 4. Spousal or family support: As attached on form FL-343 Other Not applicable
 - 5. Property orders: As attached on form FL-344 Other Not applicable
 - 6. Attorney's fees: As attached on form FL-346 Other Not applicable
 - 7. Other orders: As attached Not applicable
 - 8. All other issues are reserved until further order of court.
 - 9. This matter is continued for further hearing on (date): at (time): in Dept.:
- on the following issues:

Date: **05/22/2024**

 JUDICIAL OFFICER

Approved as conforming to court order.

 SIGNATURE OF ATTORNEY FOR PETITIONER / PLAINTIFF RESPONDENT/DEFENDANT OTHER PARTY

PETITIONER: Jane Doe RESPONDENT: John Hamilton OTHER PARENT/PARTY:	CASE NUMBER: 19STPT12345
--	------------------------------------

CHILD CUSTODY AND VISITATION (PARENTING TIME) ORDER ATTACHMENT

- TO **Findings and Order After Hearing (form FL-340)** **Judgment (form FL-180)** **Judgment (form FL-250)**
 Stipulation and Order for Custody and/or Visitation of Children (form FL-355)
 Other (specify):

1. **Jurisdiction.** This court has jurisdiction to make child custody orders in this case under the Uniform Child Custody Jurisdiction and Enforcement Act (Family Code sections 3400–3465).
2. **Notice and opportunity to be heard.** The responding party was given notice and an opportunity to be heard, as provided by the laws of the State of California.
3. **Country of habitual residence.** The country of habitual residence of the child or children in this case is
 the United States Other (specify):
4. **Penalties for violating this order.** If you violate this order, you may be subject to civil or criminal penalties, or both.
5. **Child abduction prevention.** There is a risk that one of the parties will take the children out of California without the other party's permission. (*Child Abduction Prevention Order Attachment (form FL-341(B))* is attached and must be obeyed.)
6. **Child custody.** Custody of the minor children of the parties is awarded as follows:

<u>Child's Name</u>	<u>Birth Date</u>	<u>Legal custody to:</u> <i>(person who decides about the child's health, education, and welfare)</i>	<u>Physical custody to:</u> <i>(person the child regularly lives with)</i>
Kristen Maria Hamilton Doe	01/01/2009	Jane Doe	Jane Doe

7. **Child custody orders with allegations of a history of abuse or substance abuse**
(Do not complete this section if the parties have entered, or will enter into, an agreement on child custody and/or visitation (parenting time), in writing or stated in court.)
 - a. Allegations have been raised in form FL-311, other documents filed in the court, or in a court hearing that
 petitioner respondent other parent/party has (or have) either:
 - (1) a history of abuse against any of the following persons: a child, the other parent, their current spouse, or the person they live with or are dating or engaged to; or
 - (2) the habitual or continual illegal use of controlled substances, or the habitual or continual abuse of alcohol, or the habitual or continual abuse of prescribed controlled substances.
 - b. The court does NOT grant sole or joint custody of the minor children to petitioner respondent
 other parent/party
 - c. Even though there are allegations of a history of abuse or substance abuse, the court GRANTS sole or joint custody of the minor child as set out in item 6 for the following reasons: [Attachment 7c.](#)

THIS IS A COURT ORDER.

PETITIONER: Jane Doe RESPONDENT: John Hamilton OTHER PARENT/PARTY:	CASE NUMBER: 19STPT12345
--	------------------------------------

8. **Visitation (Parenting Time)**

- a. Reasonable right of visitation to the party without physical custody (**not appropriate in cases involving domestic violence**)
- b. See the attached _____-page document
- c. The parties will go to child custody mediation or child custody recommending counseling at (specify date, time, and location):
- d. No Visitation (parenting time)
- e. Visitation (parenting time) for the petitioner respondent other (name): will be as follows:

(1) **Weekends starting (date):**

(Note: The first weekend of the month is the first weekend with a Saturday.)

1st 2nd 3rd 4th 5th weekend of the month

from _____ at _____ a.m. p.m./ if applicable, specify: start of school
 (day of week) (time) after school

to _____ at _____ a.m. p.m./ if applicable, specify: start of school
 (day of week) (time) after school

(a) The parties will alternate the fifth weekends, with the petitioner respondent other parent/party having the initial fifth weekend, which starts (date):

(b) The petitioner respondent other parent/party will have the fifth weekend in odd even numbered months.

(2) **Alternate weekends starting (date):**

from _____ at _____ a.m. p.m./ if applicable, specify: start of school
 (day of week) (time) after school

to _____ at _____ a.m. p.m./ if applicable, specify: start of school
 (day of week) (time) after school

(3) **Weekdays starting (date):**

from _____ at _____ a.m. p.m./ if applicable, specify: start of school
 (day of week) (time) after school

to _____ at _____ a.m. p.m./ if applicable, specify: start of school
 (day of week) (time) after school

(4) **Other visitation (parenting time) days and restrictions are:** listed in Attachment 7e(4) ([form MC-025](#) may be used for this purpose) as follows:

PETITIONER: Jane Doe RESPONDENT: John Hamilton OTHER PARENT/PARTY:	CASE NUMBER: 19STPT12345
--	------------------------------------

9. **Visitation (parenting time) with allegations of a history of abuse, substance abuse, or other parenting concerns**
- a. **Supervised visitation (parenting time).**
- (1) Until further order of the court other (*specify*): _____, the
 petitioner respondent other parent/party (*name*):
 will have supervised visitation (parenting time) with the minor children according to the schedule on page 2.
- (2) In addition, **Supervised Visitation Order (form FL-341(A) is attached.**
- b. **Unsupervised visitation (parenting time)**
- (Do not complete this section if the parties have entered or will enter into an agreement on child custody and/or visitation (parenting time), in writing or stated in court.)*
- (1) Even though there are allegations of a history of abuse or substance abuse under Family Code section 3011, the
 petitioner respondent other parent/party (*name*):
 has (or have) unsupervised visitation (parenting time) with the minor children as set forth in 8.
- (2) The reasons for granting unsupervised visitation to the person(s) alleged to have a history of abuse or substance abuse are: as follows: [Attachment 9b.](#)
- (3) The orders for visitation (parenting time) are specific as to time, day, place, and manner of transfer of the child, as Family Code section 6323(c) requires.
10. **Transportation for visitation (parenting time) and place of exchange**
- a. The children must be driven only by a licensed and insured driver. The vehicle must be legally registered with the Department of Motor Vehicles, and must have child restraint devices properly installed, as required by law.
- b. Transportation **to** begin the visits will be provided by the petitioner respondent
 other (*specify*): _____
- c. Transportation **from** the visits will be provided by the petitioner respondent
 other (*specify*): _____
- d. The exchange point at the beginning of the visit will be at (*address*): _____
- e. The exchange point at the end of the visit will be at (*address*): _____
- f. During the exchanges, the party driving the children will wait in the car and the other party will wait in the home (or exchange location) while the children go between the car and the home (or exchange location).
- g. Other (*specify*): _____
11. **Travel with children.** The petitioner respondent other parent/party (*name*):
must have written permission from the other parent or a court order to take the children out of
- a. the state of California.
- b. the following counties (*specify*): _____
- c. other places (*specify*): _____

THIS IS A COURT ORDER.

PETITIONER: Jane Doe RESPONDENT: John Hamilton OTHER PARENT/PARTY:	CASE NUMBER: 19STPT12345
--	------------------------------------

12. **Holiday schedule.** The children will spend holiday time as listed below in the attached schedule. (*Children's Holiday Schedule Attachment (form FL-341(C))* may be used for this purpose.)

13. **Additional custody provisions.** The parties will follow the additional custody provisions listed below in the attached schedule. (*Additional Provisions—Physical Custody Attachment (form FL-341(D))* may be used for this purpose.)

14. **Joint legal custody.** The parties will share joint legal custody as listed below in the attached schedule. (*Joint Legal Custody Attachment (form FL-341(E))* may be used for this purpose.)

15. **Access to children's records.** Both the custodial and noncustodial parent have the right to access records and information about their minor children (including medical, dental, and school records) and consult with professionals who are providing services to the children.

16. **Other (specify):**

THIS IS A COURT ORDER.

APPENDIX M
MOCK PARENTAGE ACTION SCRIPT
RFO AND SIJ FINDINGS HEARING



Parentage Action – Mock RFO and SIJ Findings Direct Examination and Argument

Attorney: Lucero Chavez

Petitioner/minor child: Jane Doe Smith

Respondent/mother: Maria Smith

GAL: Vanessa Smith

Bailiff/Sherriff: All rise. Department 25 now in session. Honorable Judge Johnson presiding.

Judge Johnson: Good morning. Interpreter, can you state your appearance for the record please?

Interpreter: Gloria Garcia, certified Spanish court interpreter, oath on file, badge number 123456.

Judge Johnson: [To judicial clerk] Can I have the parties sworn?

Judicial Clerk: [To the parties] Please raise your right hand. Do you swear to tell the truth, the whole truth and nothing but the truth so help you?

Parties through Interpreter: Yes.

Judge Johnson: [To attorney] Appearances please.

Attorney: Good morning your honor, Lucero Chavez appearing pro bono on behalf of the petitioner.

Parties through Interpreter: Jane Doe Smith, Maria Smith, Vanessa Smith.

Judge Johnson: Thank you Ms. Chavez. I reviewed the declaration of due diligence filed. I understand you were not able to effectuate service on Jane's father. I'm inclined to continue this hearing in order for you to exhaust all efforts in trying to locate him. I imagine he has an interest in the action and it would serve due process to make sure he receives notice of these proceedings. And shouldn't he be made a party to these proceedings? Doesn't Jane's request to award sole custody to Maria affect Mr. Doe's potential custody rights?

Attorney: Your honor I'll address your questions in turn. First, we have exercised due diligence in attempting to locate Jane's father. We have been in touch with family in El Salvador, asked the Respondent, searched public directories and inquired with the Salvadoran consulate. Section 7666(b)(3) of the Family Code requires the court to dispense with notice to a parent where his whereabouts are unknown or cannot be ascertained. Additionally, to the extent the court is concerned with the rights of Jane's absent father, it should consider the implications on Jane should this court delay her proceedings in the interest of a man who has abandoned her. For

example, the inability of Jane's mother to consent to some life-saving surgery for Jane, should such an emergency arise.

Second, the Uniform Parentage Act does not mandate that all parents be made parties to an action to establish a parental relationship, thus joinder of Jane's father is not required in order for this court to make the requested orders. Just as was the case in *Bianka M.*, Jane is asking for three things:

- (1) The establishment of a legal mother-child relationship with the respondent;
- (2) An award of sole legal and physical custody to the respondent; and
- (3) Findings relevant to the SIJ request, including findings concerning the prospect of reunification with her father.

The Supreme Court found that *Bianka's M.*'s father's participation was not essential for the court to determine the existence of a mother-child relationship and to the extent that he was entitled to be heard on the remaining two matters, he was not indispensable to their resolution.

Judge Johnson: If Jane's father has abandoned her, then what is the likelihood that he would interfere with her current custodial arrangement? What need does she have for a custody order from this court? Or is this merely a ploy to get into court in order to gain immigration status.

Attorney: Your honor, without an order from this court, Jane's mother will not have an English language document that proves that she has the full decision making authority for Jane. Should a medical emergency arise or some other situation where an agency requires consent on Jane's behalf, Jane will not be able to give consent for Jane without an order giving her full legal custody of Jane. Additionally, nothing this court does will give Jane immigration status and the Court of Appeals in both *Leslie H.* and *Bianka M.* has indicated that the role of this court is limited to identifying abused, abandoned or neglected children under its jurisdiction who cannot reunify with a parent or be safely returned in their best interests to their home country.

Judge Johnson: I understand your legal arguments counsel. Please establish the basis for the requested findings.

Attorney: Yes, your honor. Jane, who is your mother?

Petitioner/minor: Maria Smith

Attorney: And how do you know that?

Petitioner/minor: I grew up with her and she cares for me like a mother. I have never known anyone else to be my mother.

Attorney: Who do you live with?

Petitioner/minor: My mother and little brother.

Attorney: How long have you lived with you mother?

Petitioner/minor: From the time I was born until I was fourteen years old. And then again since I came to the United States seven months ago.

Attorney: How old are you now?

Petitioner/minor: 17.

Attorney: Has your mother always provided for you?

Petitioner/minor: Yes.

Attorney: Do you feel safe living with your mother?

Petitioner/minor: Yes.

Attorney: Do you wish for your mother to have full legal and physical custody of you?

Petitioner/minor: Yes.

Attorney: Who is your father?

Petitioner/minor: Jonathan Doe.

Attorney: And how do you know that?

Petitioner/minor: I lived with him when I was young and he introduced me to his family as his daughter.

Attorney: When was the last time you spoke to your father?

Petitioner/minor: I don't remember, it's been years.

Attorney: Do you remember how old you were the last time you talked to him?

Petitioner/minor: I think I was thirteen.

Attorney: Since you were thirteen, has your father ever provided for you financially?

Petitioner/minor: No.

Attorney: Did you feel safe in El Salvador?

Petitioner/minor: No.

Attorney: Why not?

Petitioner/minor: Gangs members began to threaten me when I turned sixteen. One of them wanted me to be his girlfriend and I refused. He said I was going to be his girlfriend whether I liked it or not.

Attorney: Was there anyone who could keep you safe in El Salvador?

Petitioner/minor: No. My grandparents were also afraid of the gangs and I did not want them to get hurt trying to protect me.

Judge Johnson: Thank you Ms. Chavez. To the petitioner, how do you know your GAL, Vanessa Smith?

Petitioner/minor: She's my aunt.

Judge Johnson: And you have a good relationship with her?

Petitioner/minor: Yes.

Judge Johnson: To the GAL, Vanessa, Smith. Do you think it's in Jane's best interest to be placed in the custody of her mother?

GAL: Yes.

Judge Johnson: Do you think she would be safe if she had to return to El Salvador?

GAL: No I don't, there's no one there who could protect her. Our community back there is very dangerous.

Judge Johnson: And to the respondent, Ms. Maria Smith. Are you willing and able to care for Jane?

Respondent/mother: Yes your honor.

Judge Johnson: When was the last time you had contact with Jane's father?

Respondent/mother: When I left El Salvador about three years ago. I sought him out through his mother to ask for help in caring for Jane. He refused and told me not to contact him again. He stopped talking to his mother after that too.

Judge Johnson: He has not provided for Jane for over a year?

Respondent/mother: That is correct your honor.

Judge Johnson: Thank you. I have received enough evidence to make the requested orders and findings. This court has jurisdiction to make custody determinations under the UCCJEA and pursuant to Code of Civil Procedure section 155 make the requested orders and findings.

APPENDIX N
MOCK CUSTODY ACTION SCRIPT
RFO AND SIJ FINDINGS HEARING



Custody Action – Mock RFO and SIJ Findings Hearing

Attorney: Lucero Chavez

Petitioner/father: Juan Garcia

Respondent/mother: Sonia Garcia

Minor children: Monica and Jesus Garcia

Bailiff/Sherriff: All rise. Department 25 now in session. Honorable Judge Johnson presiding.

Judge Johnson: Good morning. Interpreter, can you state your appearance for the record please?

Interpreter: Gloria Garcia, certified Spanish court interpreter, oath on file, badge number 123456.

Judge Johnson: [To judicial clerk] Can I have the parties sworn?

Judicial Clerk: [To the parties] Please raise your right hand. Do you swear to tell the truth, the whole truth and nothing but the truth so help you?

Parties through Interpreter: Yes.

Judge Johnson: [To attorney] Appearances please.

Attorney: Good morning your honor, Lucero Chavez appearing pro bono on behalf of the petitioner.

Parties through Interpreter: Juan Garcia, Monica Garcia, Jesus Garcia

Judge Johnson: Good morning Ms. Chavez, I understand Mr. Garcia would like full legal and physical custody of the two minors, Monica and Jesus Garcia.

Attorney: Yes, your honor.

Judge Johnson: How is it that this court has jurisdiction to make those orders when Mrs. Garcia has never been in the United States?

Attorney: Your honor, Family Code section 3421, subsection (c) specifically provides that physical presence of the respondent is not required to make a child custody determination, and that the court is not required to have personal jurisdiction over the respondent. Mrs. Garcia has received notice of these proceedings and has expressed no opposition to Mr. Garcia being given the sole physical and legal custody of their children.

Judge Johnson: Ms. Chavez, the children have only been in the United States for five months, how does this court have jurisdiction to make custody orders over them if having a home state requires that they live here for at least six months?

Attorney: Your honor under Family Code section 3421(a) if a state is not the home state of a child for purposes of jurisdiction, jurisdiction is still proper where there is no home state, the child and one parent have presence and significant connections to the state or where substantial evidence is available in the state regarding the child's care, protection, and relationships. Any of those subsections would be enough to allow this court to exercise jurisdiction to make the requested orders.

Judge Johnson: The parties remain legally married?

Attorney: Yes, your honor.

Judge Johnson: Mr. Garcia, you are married to the respondent?

Petitioner/father: Yes.

Judge Johnson: How long have you been married?

Petitioner/father: 11 years.

Judge Johnson: How many children do you have with your wife?

Petitioner/father: Two.

Judge Johnson: And those two are Monica and Jesus, who are present today?

Petitioner/father: Yes.

Judge Johnson: Monica, how old are you?

Child/Monica: Nine.

Judge Johnson: Do you go to school?

Child/Monica: Yes.

Judge Johnson: What grade are you in?

Child/Monica: Fourth.

Judge Johnson: Do you like school?

Child/Monica: Yes.

Judge Johnson: That's good. And Jesus, how old are you?

Child/Jesus: Seven.

Judge Johnson: And do you go to school?

Child/ Jesus: Yes

Judge Johnson: What grade are you in?

Child/ Jesus: Third.

Judge Johnson: Do you like school?

Child/ Jesus: Sometimes.

Judge Johnson: Mr. Garcia you are asking the court for full legal and physical custody of the children, is that right?

Petitioner/father: Yes.

Judge Johnson: How long have the children lived with you?

Petitioner/father: Since they arrived in the United States five months ago.

Judge Johnson: And before that, where did they live?

Petitioner/father: With my parents in Guatemala.

Judge Johnson: When was the last time they lived with their mother?

Petitioner/father: When they were very small, Jesus was still in diapers and Monica had not yet started school.

Judge Johnson: Where did their mother live after that?

Petitioner/father: I'm not sure, she would come and go between our home, her parents' home and her sister's home in another department about two hours away. I would ask her to stay for the children's sake, even if she did not want to be with me anymore. I told her we could sleep in separate rooms. She was not interested in that arrangement and stopped coming to our home when the children were about four and six years old.

Judge Johnson: When was the last time she gave money to help provide for the children? When was the last time she communicated with them?

Petitioner/father: She never really provided for them. Even when we all lived together, she did not work. The last time she spoke to them was three months ago. She video called me on WhatsApp and spoke to them for a few minutes. I noticed her speech was slurred and she started cursing so I cut the call short. She hasn't called since then and before that time hadn't spoken to them since they were toddlers.

Judge Johnson: Why did you leave the children?

Petitioner/father: Their mother found a new boyfriend and he was involved in bad stuff. He was a known gang member and he started to come around to try and threaten me. He told me to stay away from his woman. I told him I had no interest in his woman, even though she was my wife, I just wanted her to be a mother to her children. He told me to leave town or he would harm my children. I didn't want any trouble for me or my family so I came to the United States.

Judge Johnson: [To counsel] Why would it not be in the children's best interest to return to Guatemala?

Attorney: Your honor, the children have been abandoned by their mother, who is now dating a dangerous gang member. This gang member has threatened to harm them. Additionally, as outlined in the declaration of Mr. Garcia, his mother has passed away and his father is very ill. There is no one in Guatemala who could care for the children.

Judge Johnson: I understand. I will grant the custody order and sign the SIJ findings. Please give them to the clerk.

Attorney: Thank you your honor.

APPENDIX O
SAMPLE DEFAULT AND JUDGEMENT PACKET
(PARENTAGE ACTION)



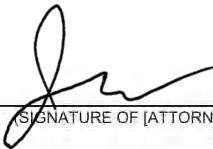
PARTY WITHOUT ATTORNEY OR ATTORNEY STATE BAR NUMBER: 233197 NAME: Joseph Weiner FIRM NAME: Public Counsel STREET ADDRESS: 610 S Ardmore Ave CITY: Los Angeles STATE: CA ZIP CODE: 90005 TELEPHONE NO.: (213) 385-2977 FAX NO.: (213) 385-9089 EMAIL ADDRESS: jweiner@publiccounsel.org ATTORNEY FOR (name): Kristen Maria Hamilton Doe	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: Same CITY AND ZIP CODE: Los Angeles 90012 BRANCH NAME: Stanley Mosk Courthouse	
PETITIONER: Kristen Maria Hamilton Doe RESPONDENT: Jane Doe	
REQUEST TO ENTER DEFAULT	CASE NUMBER: I9STPT12345

1. **To the clerk:** Please enter the default of the respondent who has failed to respond to the petition.
2. A completed *Income and Expense Declaration* (form FL-150) or *Financial Statement (Simplified)* (form FL-155) is attached is not attached.
 A completed *Property Declaration* (form FL-160) is attached is not attached because (check at least one of the following):
 - (a) there have been no changes since the previous filing.
 - (b) the issues subject to disposition by the court in this proceeding are the subject of a written agreement.
 - (c) there are no issues of child, spousal, or partner support or attorney fees and costs subject to determination by the court.
 - (d) the petition does not request money, property, costs, or attorney fees. (Family Code section 2330.5.)
 - (e) there are no issues of division of community property.
 - (f) this is an action to establish parental relationship.

Date: **07/25/2024**

Joseph Weiner

(TYPE OR PRINT NAME)



(SIGNATURE OF [ATTORNEY FOR] PETITIONER)

3. Declaration


- (a) No mailing is required because service was by publication or posting and the address of the respondent remains unknown.
- (b) A copy of this *Request to Enter Default*, including any attachments and an envelope with sufficient postage, was provided to the court clerk, with the envelope addressed as follows (address of the respondent's attorney or, if none, the respondent's last known address):
Jane Doe, 1234 South Main Street, Los Angeles, CA 90015

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

Date: **07/25/2024**

Joseph Weiner

(TYPE OR PRINT NAME)



(SIGNATURE OF DECLARANT)

FOR COURT USE ONLY
<input type="checkbox"/> <i>Request to Enter Default</i> mailed to the respondent or the respondent's attorney on (date): _____ . <input type="checkbox"/> Default entered as requested on (date): _____ . <input type="checkbox"/> Default not entered. Reason: _____ .
Clerk, by _____, Deputy

4. Memorandum of costs

- a. Costs and disbursements are waived.
- b. Costs and disbursements are listed as follows:

(1) <input type="checkbox"/> Clerk's fees	\$
(2) <input type="checkbox"/> Process server's fees	\$
(3) <input type="checkbox"/> Other (<i>specify</i>):	\$
.....	\$
.....	\$
.....	\$
TOTAL	\$

c. I am the attorney, agent, or party who claims these costs. To the best of my knowledge and belief, the foregoing items of cost are correct and have been necessarily incurred in this cause or proceeding.

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

Date: **07/25/2024**

Joseph Winer _____
 (TYPE OR PRINT NAME)



 (SIGNATURE OF DECLARANT)

5. Declaration of nonmilitary status (*required for a judgment*).

The respondent is not in the military service of the United States as defined by either the Servicemembers Civil Relief Act (see 50 U.S.C. § 3911(2)) or California Military and Veterans Code sections 400 and 402(f).

I know that the respondent is not in the U.S. military service because (*check all that apply*):

- (a) the search results that I received from <https://scra.dmdc.osd.mil/> say the respondent is not in the U.S. military service.
- (b) I am in regular communication with the respondent and know that they are not in the U.S. military service.
- (c) I recently contacted the respondent, and they told me that they are not in the U.S. military service.
- (d) I know that the respondent was discharged from U.S. military service on or about (*date*):
- (e) the respondent is not eligible to serve in the U.S. military because they are incarcerated (in jail or prison).
- (f) other (*specify*):

Note

- U.S. military status can be checked online at <https://scra.dmdc.osd.mil/>.
- If the respondent is in the military service, or their military status is unknown, the respondent is entitled to certain rights and protections under federal and state law before a default judgment can be entered.
- For more information, see <https://selfhelp.courts.ca.gov/military-defaults>.

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

Date: **07/25/2024**

Joseph Winer _____
 (TYPE OR PRINT NAME)



 (SIGNATURE OF DECLARANT)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Joseph Weiner 233197 Public Counsel 610 S Ardmore Ave Los Angeles CA 90005 TELEPHONE NO.: (213) 385-2977 FAX NO. (Optional): (213) 385-9089 E-MAIL ADDRESS (Optional): jweiner@publiccounsel.org ATTORNEY FOR (Name): Kristen Maria Hamilton Doe	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: Same CITY AND ZIP CODE: Los Angeles 90012 BRANCH NAME: Stanley Mosk Courthouse	
PETITIONER: Kristen Maria Hamilton Doe RESPONDENT: Jane Doe	
NOTICE OF ENTRY OF JUDGMENT	CASE NUMBER: 19STPT12345

You are notified that the following judgment was entered on (date):

1. Dissolution
2. Dissolution—status only
3. Dissolution—reserving jurisdiction over termination of marital status or domestic partnership
4. Legal separation
5. Nullity
6. Parent-child relationship
7. Judgment on reserved issues
8. Other (specify):

Date: _____ Clerk, by _____, Deputy

—NOTICE TO ATTORNEY OF RECORD OR PARTY WITHOUT ATTORNEY—

Under the provisions of Code of Civil Procedure section 1952, if no appeal is filed the court may order the exhibits destroyed or otherwise disposed of after 60 days from the expiration of the appeal time.

STATEMENT IN THIS BOX APPLIES ONLY TO JUDGMENT OF DISSOLUTION

Effective date of termination of marital or domestic partnership status (specify):
WARNING: Neither party may remarry or enter into a new domestic partnership until the effective date of the termination of marital or domestic partnership status, as shown in this box.

CLERK'S CERTIFICATE OF MAILING

I certify that I am not a party to this cause and that a true copy of the *Notice of Entry of Judgment* was mailed first class, postage fully prepaid, in a sealed envelope addressed as shown below, and that the notice was mailed at (place): _____, California, on (date): _____

Date: _____ Clerk, by _____, Deputy

Name and address of petitioner or petitioner's attorney

Joseph Weiner, Public Counsel
610 South Ardmore Ave
Los Angeles, CA 90005

Name and address of respondent or respondent's attorney

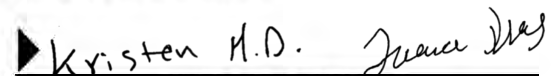
Jane Doe
1234 South Main Street
Los Angeles, CA 90015

PARTY WITHOUT ATTORNEY OR ATTORNEY STATE BAR NUMBER: 233197 NAME: Joseph Weiner FIRM NAME: Public Counsel STREET ADDRESS: 610 S Ardmore Ave CITY: Los Angeles STATE: CA ZIP CODE: 90005 TELEPHONE NO.: (213) 385-2977 FAX NO.: (213) 385-9089 E-MAIL ADDRESS: jweiner@publiccounsel.org ATTORNEY FOR (name): Kristen Maria Hamilton Doe	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: Same CITY AND ZIP CODE: Los Angeles 90012 BRANCH NAME: Stanley Mosk Courthouse	
PETITIONER: Kristen Maria Hamilton Doe RESPONDENT: Jane Doe	
DECLARATION FOR DEFAULT OR UNCONTESTED JUDGMENT	CASE NUMBER: 19STPT12345

1. I declare that if I appeared in court and were sworn, I would testify to the truth of the facts in this declaration.
2. I request that proof will be by this declaration and that I will not appear before the court unless I am ordered by the court to appear.
3. All the information in the *Petition to Determine Parental Relationship* *Response*
 Petition for Custody and Support of Minor Children *Response* is true and correct.
4. Respondent and/or Petitioner is/are the parent(s) of the minor children.
5. A voluntary declaration of parentage or paternity form has has not been signed regarding these children (*attach a copy if available*).
6. DEFAULT OR UNCONTESTED (*Check a or b*)
 - a. The default of the respondent was entered or is being requested, and I am not seeking any relief not requested in the petition. **OR**
 - b. The parties have stipulated (agreed in writing) that the matter may proceed as an uncontested matter without notice, and the stipulation is attached.
7. CHILD SUPPORT should be ordered as set forth in the proposed *Judgment* (form FL-250).
 - a. Petitioner Respondent is presently receiving public assistance (TANF); thus all support should be made payable to the local child support agency at (*specify address*):
 - b. **NOTE: If a support order is requested, submit a completed *Income and Expense Declaration* (form FL-150), or *Financial Statement (Simplified)* (form FL-155), unless a current form is on file. Include your best estimate of the other party's gross monthly income.**
8. ATTORNEY FEES should be ordered as set forth in the proposed *Judgment* (form FL-250).
9. CHILD CUSTODY should be ordered as set forth in the proposed *Judgment* (form FL-250).
10. CHILD VISITATION (PARENTING TIME) should be ordered as set forth in the proposed *Judgment* (form FL-250).
11. REASONABLE EXPENSES OF PREGNANCY AND BIRTH should be ordered as set forth in the proposed *Judgment* (form FL-250).
12. NAMES OF THE CHILDREN should be changed as set forth in the proposed *Judgment* (form FL-250).
13. This declaration may be reviewed by a commissioner sitting as a temporary judge who may determine whether to grant this request or require my appearance.
14. I have read and understand the *Advisement and Waiver of Rights Re: Determination of Parental Relationship* (form FL-235), which is signed and attached to this declaration.
15. Other (*specify*):
Special Immigrant Juvenile Status (SIJS) Findings are set forth in the orders entered at the Request for Order hearing on 05/22/2019.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
 Date: **07/25/2024**

Kristen Maria Hamilton Doe & Juana Diaz (GAL)
(TYPE OR PRINT NAME)


(SIGNATURE OF DECLARANT)

PARTY WITHOUT ATTORNEY OR ATTORNEY STATE BAR NUMBER: 233197 NAME: Joseph Weiner FIRM NAME: Public Counsel STREET ADDRESS: 610 S Ardmore Ave CITY: Los Angeles STATE: CA ZIP CODE: 90005 TELEPHONE NO.: (213) 385-2977 FAX NO.: (213) 385-9089 E-MAIL ADDRESS: jweiner@publiccounsel.org ATTORNEY FOR (name): Kristen Maria Hamilton Doe	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: 111 North Hill Street CITY AND ZIP CODE: Los Angeles 90012 BRANCH NAME: Stanley Mosk Courthouse	
PETITIONER: Kristen Maria Hamilton Doe RESPONDENT: Jane Doe	
JUDGMENT	CASE NUMBER: I9STPTI 2345

1. This judgment contains personal conduct restraining orders modifies existing restraining orders.
 The restraining orders are contained in item(s) _____ of the attachment.
 They expire on (date): _____ A CLETS form must be attached.
2. a. This matter proceeded as follows: Default or uncontested By declaration Contested
 b. Date: _____ Dept.: _____ Room: _____
 c. Judicial officer (name): _____ Temporary judge
 d. Petitioner present Attorney present (name): _____
 e. Respondent present Attorney present (name): _____
 f. **Petitioner** (1) The petitioner appeared without counsel and was advised of relevant rights.
 (2) The petitioner signed *Advisement and Waiver of Rights Re: Determination of Parental Relationship* (form FL-235).
 (3) The petitioner is married to the respondent, and no other action is pending.
 (4) The petitioner signed a voluntary declaration of parentage or paternity.
 (5) There is a prior judgment of parentage in a family support, juvenile, or adoption court case.
 g. **Respondent** (1) The respondent appeared without counsel and was advised of relevant rights.
 (2) The respondent signed *Advisement and Waiver of Rights Re: Determination of Parental Relationship* (form FL-235).
 (3) The respondent is married to the petitioner, and no other action is pending.
 (4) The respondent signed a voluntary declaration of parentage or paternity.
 (5) There is a prior judgment of parentage in a family support, juvenile or adoption court case.
 h. Other parties or attorneys present (specify): _____

3. THE COURT FINDS

Name: **Jane Doe**
 Name: **John Hamilton**
 Name: _____

are the parents of the following children:

Kristen Maria Hamilton Doe	01/01/2009

4. THE COURT ORDERS

- a. Child custody and visitation are as specified in one or more of the attached forms:
 - (1) *Child Custody and Visitation Order Attachment* (form FL-341)
 - (2) *Stipulation and Order for Custody and/or Visitation of Children* (form FL-355)
 - (3) Other (specify): **As set forth in the attachment.**

PETITIONER: Kristen Maria Hamilton Doe RESPONDENT: Jane Doe	CASE NUMBER: I9STPTI 2345
--	-------------------------------------

5. THE COURT FURTHER ORDERS

- a. Child support is as stated in one or more of the attached:
 - (1) *Child Support Information and Order Attachment* (form FL-342)
 - (2) *Stipulation to Establish or Modify Child Support and Order* (form FL-350)
 - (3) Other (specify):
- b. Both parties must complete and file with the court a *Child Support Case Registry Form* (form FL-191) within 10 days of the date of this judgment. Thereafter, the parents must notify the court of any change in the information submitted, within 10 days of the change.
- c. The form *Notice of Rights and Responsibilities—Health Care Costs and Reimbursement Procedures and Information Sheet on Changing a Child Support Order* (form FL-192) is attached.
- d. The last names of the children are changed to (specify):
- e. The birth certificates must be amended to conform to this court order by
 - (1) adding the following parent's name:
 - (2) changing the last name of the children.
- f. Attorney fees and costs are as stated in the attached *Attorney's Fees and Costs Order Attachment* (form FL-346).
- g. Reasonable expenses of pregnancy and birth are as stated in the attachment.
- h. Other (specify):

Continued on Attachment 5h.

6. Number of pages attached: 2

Date:

(TYPE OR PRINT NAME)

▶

JUDICIAL OFFICER

SIGNATURE FOLLOWS LAST ATTACHMENT

NOTICE: Any party required to pay child support must pay interest on overdue amounts at the "legal" rate, which is currently 10 percent.

CASE NUMBER: 19STPT12345

Petitioner: Kristen Maria Hamilton Doe

Respondent: Jane Doe

Appointed Guardian ad Litem for Petitioner: Juana Diaz

Attachment to Judgement (Judicial Counsel Form FL-250)

THE COURT FURTHER FINDS that in accordance with California Family Code § 3048:

1. The Court has jurisdiction with regard to custody of the minor child, Kristen Maria Hamilton Doe, pursuant to California Family Code § 3421(a).
2. Both parties were given notice and an opportunity to be heard in this action and there has been adequate service of the Summons Petition to Establish Parental Relationship, Declaration under Uniform Child Custody Jurisdiction and Enforcement Act, and other initial pleadings on the Respondent.
3. The country of current habitual residence of the minor child, Kristen Maria Hamilton Doe, is the United States.
4. This order creates legal and physical custody rights and the parties are advised that a violation of this order may subject the party in violation to civil or criminal penalties, or both.

CHILD CUSTODY AND SPECIAL IMMIGRANT JUVENILE FINDINGS:

The orders entered by this Court on 05/22/2019 remain in full force and effect, which include the following findings:

THIS COURT FINDS that this Court is located in the United States and has jurisdiction under California law to make judicial determinations about the custody and care of juveniles.

THE COURT FURTHER FINDS that the following findings flow from the declarations and other evidence submitted in this matter:

1. The minor child, Kristen Maria Hamilton Doe, was born in El Salvador on January 1, 2004.
2. The minor child, Kristen Maria Hamilton Doe, was abused by her father, John Hamilton, who regularly hit her, leaving her bruised and bloody.
3. It is not in Kristen Maria Hamilton Doe's best interest to return to El Salvador, her country of nationality or country of last habitual residence. *See* Family Code § 3011.

For the foregoing reasons, THE COURT FINDS that reunification with the minor child's father is not viable. The minor child was abused by her father under Family Code Section 6203(a).

THE COURT FURTHER FINDS that it is in the minor child's best interest that she be placed in the sole custody of her mother Jane Doe, the Respondent, an individual appointed by this Court.

THE COURT THEREFORE AWARDS sole legal and physical custody of the minor child to the Respondent, Jane Doe.

Respondent shall bear the burden of coming into Court and showing good cause to modify these orders

DATE: _____

Judge of the Superior Court, Family Law Division

APPENDIX P
SAMPLE DEFAULT AND JUDGEMENT PACKET
(CUSTODY ACTION)



PARTY WITHOUT ATTORNEY OR ATTORNEY STATE BAR NUMBER: 233197 NAME: Joseph Weiner FIRM NAME: Public Counsel STREET ADDRESS: 610 S Ardmore Ave CITY: Los Angeles STATE: CA ZIP CODE: 90005 TELEPHONE NO.: (213) 385-2977 FAX NO.: (213) 385-9089 EMAIL ADDRESS: jweiner@publiccounsel.org ATTORNEY FOR (name): Jane Doe	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: Same CITY AND ZIP CODE: Los Angeles 90012 BRANCH NAME: Stanley Mosk Courthouse	
PETITIONER: Jane Doe RESPONDENT: John Hamilton	
REQUEST TO ENTER DEFAULT	CASE NUMBER: I9STPT12345

1. **To the clerk:** Please enter the default of the respondent who has failed to respond to the petition.
2. A completed *Income and Expense Declaration* (form FL-150) or *Financial Statement (Simplified)* (form FL-155) is attached is not attached.
 A completed *Property Declaration* (form FL-160) is attached is not attached because (check at least one of the following):
 - (a) there have been no changes since the previous filing.
 - (b) the issues subject to disposition by the court in this proceeding are the subject of a written agreement.
 - (c) there are no issues of child, spousal, or partner support or attorney fees and costs subject to determination by the court.
 - (d) the petition does not request money, property, costs, or attorney fees. (Family Code section 2330.5.)
 - (e) there are no issues of division of community property.
 - (f) this is an action to establish parental relationship.

Date: **07/25/2024**

Joseph Weiner
(TYPE OR PRINT NAME)


 (SIGNATURE OF [ATTORNEY FOR] PETITIONER)

3. **Declaration**
 - (a) No mailing is required because service was by publication or posting and the address of the respondent remains unknown.
 - (b) A copy of this *Request to Enter Default*, including any attachments and an envelope with sufficient postage, was provided to the court clerk, with the envelope addressed as follows (address of the respondent's attorney or, if none, the respondent's last known address):
John Hamilton, Calle Loma Linda 55, Casa 12, Colonia Roma, San Salvador, E I Salvador

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

Date: **07/25/2024**

Joseph Weiner
(TYPE OR PRINT NAME)


 (SIGNATURE OF DECLARANT)

FOR COURT USE ONLY
<input type="checkbox"/> <i>Request to Enter Default</i> mailed to the respondent or the respondent's attorney on (date):
<input type="checkbox"/> Default entered as requested on (date):
<input type="checkbox"/> Default not entered. Reason:
Clerk, by _____, Deputy

4. Memorandum of costs

- a. Costs and disbursements are waived.
- b. Costs and disbursements are listed as follows:

(1) <input type="checkbox"/> Clerk's fees	\$
(2) <input type="checkbox"/> Process server's fees	\$
(3) <input type="checkbox"/> Other (<i>specify</i>):	\$
.....	\$
.....	\$
.....	\$
TOTAL	\$

c. I am the attorney, agent, or party who claims these costs. To the best of my knowledge and belief, the foregoing items of cost are correct and have been necessarily incurred in this cause or proceeding.

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

Date: **07/25/2024**

Joseph Winer _____
(TYPE OR PRINT NAME)



(SIGNATURE OF DECLARANT)

5. Declaration of nonmilitary status (*required for a judgment*).

The respondent is not in the military service of the United States as defined by either the Servicemembers Civil Relief Act (see 50 U.S.C. § 3911(2)) or California Military and Veterans Code sections 400 and 402(f).

I know that the respondent is not in the U.S. military service because (*check all that apply*):

- (a) the search results that I received from <https://scra.dmdc.osd.mil/> say the respondent is not in the U.S. military service.
- (b) I am in regular communication with the respondent and know that they are not in the U.S. military service.
- (c) I recently contacted the respondent, and they told me that they are not in the U.S. military service.
- (d) I know that the respondent was discharged from U.S. military service on or about (*date*):
- (e) the respondent is not eligible to serve in the U.S. military because they are incarcerated (in jail or prison).
- (f) other (*specify*):

Note

- U.S. military status can be checked online at <https://scra.dmdc.osd.mil/>.
- If the respondent is in the military service, or their military status is unknown, the respondent is entitled to certain rights and protections under federal and state law before a default judgment can be entered.
- For more information, see <https://selfhelp.courts.ca.gov/military-defaults>.

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

Date: **07/25/2024**

Joseph Weiner _____
(TYPE OR PRINT NAME)



(SIGNATURE OF DECLARANT)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Joseph Weiner 233197 Public Counsel 610 S Ardmore Ave Los Angeles CA 90005 TELEPHONE NO.: (213) 385-2977 FAX NO. (Optional): (213) 385-9089 E-MAIL ADDRESS (Optional): jweiner@publiccounsel.org ATTORNEY FOR (Name): Jane Doe	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: Same CITY AND ZIP CODE: Los Angeles 90012 BRANCH NAME: Stanley Mosk Courthouse	
PETITIONER: Jane Doe RESPONDENT: John Hamilton	
NOTICE OF ENTRY OF JUDGMENT	CASE NUMBER: 19STPT12345

You are notified that the following judgment was entered on (date):

1. Dissolution
2. Dissolution—status only
3. Dissolution—reserving jurisdiction over termination of marital status or domestic partnership
4. Legal separation
5. Nullity
6. Parent-child relationship
7. Judgment on reserved issues
8. Other (specify): **Petition for Custody and Support**

Date: _____ Clerk, by _____, Deputy

—NOTICE TO ATTORNEY OF RECORD OR PARTY WITHOUT ATTORNEY—

Under the provisions of Code of Civil Procedure section 1952, if no appeal is filed the court may order the exhibits destroyed or otherwise disposed of after 60 days from the expiration of the appeal time.

STATEMENT IN THIS BOX APPLIES ONLY TO JUDGMENT OF DISSOLUTION

Effective date of termination of marital or domestic partnership status (specify):
WARNING: Neither party may remarry or enter into a new domestic partnership until the effective date of the termination of marital or domestic partnership status, as shown in this box.

CLERK'S CERTIFICATE OF MAILING

I certify that I am not a party to this cause and that a true copy of the *Notice of Entry of Judgment* was mailed first class, postage fully prepaid, in a sealed envelope addressed as shown below, and that the notice was mailed at (place): _____, California, on (date): _____

Date: _____ Clerk, by _____, Deputy

Name and address of petitioner or petitioner's attorney

Joseph Weiner, Public Counsel
610 South Ardmore Ave
Los Angeles, CA 90005

Name and address of respondent or respondent's attorney


John Hamilton
Calle Loma Linda 55, Casa 12, Colonia Roma
San Salvador, El Salvador

PARTY WITHOUT ATTORNEY OR ATTORNEY STATE BAR NUMBER: 233197 NAME: Joseph Weiner FIRM NAME: Public Counsel STREET ADDRESS: 610 S Ardmore Ave CITY: Los Angeles STATE: CA ZIP CODE: 90005 TELEPHONE NO.: (213) 385-2977 FAX NO.: (213) 385-9089 E-MAIL ADDRESS: jweiner@publiccounsel.org ATTORNEY FOR (name): Jane Doe	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: Same CITY AND ZIP CODE: Los Angeles 90012 BRANCH NAME: Stanley Mosk Courthouse	
PETITIONER: Jane Doe RESPONDENT: John Hamilton	
DECLARATION FOR DEFAULT OR UNCONTESTED JUDGMENT	CASE NUMBER: 19STPT12345

1. I declare that if I appeared in court and were sworn, I would testify to the truth of the facts in this declaration.
2. I request that proof will be by this declaration and that I will not appear before the court unless I am ordered by the court to appear.
3. All the information in the *Petition to Determine Parental Relationship* *Response*
 Petition for Custody and Support of Minor Children *Response* is true and correct.
4. Respondent and/or Petitioner is/are the parent(s) of the minor children.
5. A voluntary declaration of parentage or paternity form has has not been signed regarding these children (*attach a copy if available*).
6. DEFAULT OR UNCONTESTED (*Check a or b*)
 - a. The default of the respondent was entered or is being requested, and I am not seeking any relief not requested in the petition. **OR**
 - b. The parties have stipulated (agreed in writing) that the matter may proceed as an uncontested matter without notice, and the stipulation is attached.
7. CHILD SUPPORT should be ordered as set forth in the proposed *Judgment* (form FL-250).
 - a. Petitioner Respondent is presently receiving public assistance (TANF); thus all support should be made payable to the local child support agency at (*specify address*):
 - b. **NOTE: If a support order is requested, submit a completed *Income and Expense Declaration* (form FL-150), or *Financial Statement (Simplified)* (form FL-155), unless a current form is on file. Include your best estimate of the other party's gross monthly income.**
8. ATTORNEY FEES should be ordered as set forth in the proposed *Judgment* (form FL-250).
9. CHILD CUSTODY should be ordered as set forth in the proposed *Judgment* (form FL-250).
10. CHILD VISITATION (PARENTING TIME) should be ordered as set forth in the proposed *Judgment* (form FL-250).
11. REASONABLE EXPENSES OF PREGNANCY AND BIRTH should be ordered as set forth in the proposed *Judgment* (form FL-250).
12. NAMES OF THE CHILDREN should be changed as set forth in the proposed *Judgment* (form FL-250).
13. This declaration may be reviewed by a commissioner sitting as a temporary judge who may determine whether to grant this request or require my appearance.
14. I have read and understand the *Advisement and Waiver of Rights Re: Determination of Parental Relationship* (form FL-235), which is signed and attached to this declaration.
15. Other (*specify*):
Special Immigrant Juvenile Status (SIJS) Findings are set forth in the orders entered at the Request for Order hearing on 05/22/2024.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
 Date: **07/25/2024**

Jane Doe
 (TYPE OR PRINT NAME)


 (SIGNATURE OF DECLARANT)

PETITIONER: Jane Doe RESPONDENT: John Hamilton	CASE NUMBER: I9STFL12345
---	-----------------------------

ADVISEMENT AND WAIVER OF RIGHTS RE: DETERMINATION OF PARENTAL RELATIONSHIP

- RIGHT TO BE REPRESENTED BY A LAWYER.** I understand that I have the right to be represented by a lawyer of my own choice at my own expense. If I cannot afford a lawyer, I can contact the Lawyer Referral Association of the local bar association or the Family Law Facilitator for assistance.
- RIGHT TO A TRIAL.** I understand that I have a right to have a judge determine whether I am the parent of the children named in this action.
- RIGHT TO CONFRONT AND CROSS-EXAMINE WITNESSES.** I understand that in a trial I have the right to confront and cross-examine the witnesses against me and to present evidence and witnesses in my own defense.
- RIGHT TO HAVE GENETIC TESTING.** I understand that, where the law permits, I have the right to have the court order genetic testing. The court will decide who pays for the tests. The court could order that I pay none, some, or all of the costs of the tests.
- OBLIGATIONS.** I understand that if I admit that I am the parent of the children in this action that those children will be my children for legal purposes.
- WAIVER.** I understand that I am admitting that I am the parent of the children named in the stipulation and am giving up the rights stated above (except the right to an attorney if I have an attorney).
- CHILD SUPPORT.** I understand that I will have the duty to contribute to the support of the children named in this action and that this duty of support will continue for each child until the obligation is terminated by law.
- CRIMINAL NON-SUPPORT.** I understand that if I willfully fail to support the children, criminal proceedings may be initiated against me.
- UNDERSTANDING.**

IF I AM REPRESENTED BY AN ATTORNEY, I ACKNOWLEDGE THAT MY ATTORNEY HAS READ AND EXPLAINED TO ME THE CONTENTS OF THE STIPULATION, RECITALS, AND WAIVERS, AND I ACKNOWLEDGE THAT I UNDERSTAND THEM.

- I have read and understand the *Judgment (Uniform Parentage—Custody and Support)* (form FL-250) and this *Advisement and Waiver of Rights*.
- I understand the translation.

Date: 07/24/2024

Jane Doe

(TYPE OR PRINT NAME)



(SIGNATURE OF DECLARANT)

INTERPRETER'S DECLARATION

- The Petitioner Respondent is unable to read or understand the *Judgment (Uniform Parentage—Custody and Support)* (form FL-250) and this *Advisement and Waiver of Rights* because:
 - the primary language of the party is (*specify*): **Spanish**
 - Other (*specify*):
- I certify under penalty of perjury under the laws of the State of California that I have, to the best of my ability, read or translated for the Petitioner Respondent the *Judgment (Uniform Parentage—Custody and Support)* (form FL-250) and this *Advisement and Waiver of Rights*. Petitioner Respondent understood the *Judgment (Uniform Parentage—Custody and Support)* (form FL-250) and this *Advisement and Waiver of Rights* before signing them, as stated in Item 9 above.

Date: 07/25/2024

Yonny Aguilar

(TYPE OR PRINT NAME)



(SIGNATURE OF INTERPRETER)

PARTY WITHOUT ATTORNEY OR ATTORNEY STATE BAR NUMBER: 233197 NAME: Joseph Weiner FIRM NAME: Public Counsel STREET ADDRESS: 610 S Ardmore Ave CITY: Los Angeles STATE: CA ZIP CODE: 90005 TELEPHONE NO.: (213) 385-2977 FAX NO.: (213) 385-9089 E-MAIL ADDRESS: jweiner@publiccounsel.org ATTORNEY FOR (name): Jane Doe	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: 111 North Hill Street CITY AND ZIP CODE: Los Angeles 90012 BRANCH NAME: Stanley Mosk Courthouse	
PETITIONER: Jane Doe RESPONDENT: John Hamilton	
JUDGMENT	
CASE NUMBER: I9STPTI 2345	

1. This judgment contains personal conduct restraining orders modifies existing restraining orders.
 The restraining orders are contained in item(s) _____ of the attachment.
 They expire on (date): _____ A CLETS form must be attached.
2. a. This matter proceeded as follows: Default or uncontested By declaration Contested
 b. Date: _____ Dept.: _____ Room: _____
 c. Judicial officer (name): _____ Temporary judge
 d. Petitioner present Attorney present (name): _____
 e. Respondent present Attorney present (name): _____
 f. **Petitioner** (1) The petitioner appeared without counsel and was advised of relevant rights.
 (2) The petitioner signed *Advisement and Waiver of Rights Re: Determination of Parental Relationship* (form FL-235).
 (3) The petitioner is married to the respondent, and no other action is pending.
 (4) The petitioner signed a voluntary declaration of parentage or paternity.
 (5) There is a prior judgment of parentage in a family support, juvenile, or adoption court case.
 g. **Respondent** (1) The respondent appeared without counsel and was advised of relevant rights.
 (2) The respondent signed *Advisement and Waiver of Rights Re: Determination of Parental Relationship* (form FL-235).
 (3) The respondent is married to the petitioner, and no other action is pending.
 (4) The respondent signed a voluntary declaration of parentage or paternity.
 (5) There is a prior judgment of parentage in a family support, juvenile or adoption court case.
 h. Other parties or attorneys present (specify): _____

3. THE COURT FINDS

Name: **Jane Doe**
 Name: **John Hamilton**
 Name: _____

are the parents of the following children:

Kristen Maria Hamilton Doe	01/01/2009

4. THE COURT ORDERS

- a. Child custody and visitation are as specified in one or more of the attached forms:
 - (1) *Child Custody and Visitation Order Attachment* (form FL-341)
 - (2) *Stipulation and Order for Custody and/or Visitation of Children* (form FL-355)
 - (3) Other (specify): **As set forth in the attachment.**

PETITIONER: Jane Doe RESPONDENT: John Hamilton	CASE NUMBER: I9STPTI 2345
---	-------------------------------------

5. THE COURT FURTHER ORDERS


- a. Child support is as stated in one or more of the attached:
 - (1) *Child Support Information and Order Attachment* (form FL-342)
 - (2) *Stipulation to Establish or Modify Child Support and Order* (form FL-350)
 - (3) Other (specify):
- b. Both parties must complete and file with the court a *Child Support Case Registry Form* (form FL-191) within 10 days of the date of this judgment. Thereafter, the parents must notify the court of any change in the information submitted, within 10 days of the change.
- c. The form *Notice of Rights and Responsibilities—Health Care Costs and Reimbursement Procedures and Information Sheet on Changing a Child Support Order* (form FL-192) is attached.
- d. The last names of the children are changed to (specify):
- e. The birth certificates must be amended to conform to this court order by
 - (1) adding the following parent's name:
 - (2) changing the last name of the children.
- f. Attorney fees and costs are as stated in the attached *Attorney's Fees and Costs Order Attachment* (form FL-346).
- g. Reasonable expenses of pregnancy and birth are as stated in the attachment.
- h. Other (specify):

Continued on Attachment 5h.

6. Number of pages attached: 2

Date: _____

(TYPE OR PRINT NAME)



 JUDICIAL OFFICER
 SIGNATURE FOLLOWS LAST ATTACHMENT

NOTICE: Any party required to pay child support must pay interest on overdue amounts at the "legal" rate, which is currently 10 percent.

CASE NUMBER: 19STFL12345

Petitioner: Jane Doe

Respondent: John Hamilton

Attachment to Judgement (Judicial Counsel Form FL-250)

THE COURT FURTHER FINDS that in accordance with California Family Code § 3048:

1. The Court has jurisdiction with regard to custody of the minor child, Kristen Maria Hamilton Doe, pursuant to California Family Code § 3421(a).
2. Both parties were given notice and an opportunity to be heard in this action and there has been adequate service of the Summons Petition for Custody and Support, Declaration under Uniform Child Custody Jurisdiction and Enforcement Act, and other initial pleadings on the Respondent.
3. The country of current habitual residence of the minor child, Kristen Maria Hamilton Doe, is the United States.
4. This order creates legal and physical custody rights and the parties are advised that a violation of this order may subject the party in violation to civil or criminal penalties, or both.

CHILD CUSTODY AND SPECIAL IMMIGRANT JUVENILE FINDINGS:

The orders entered by this Court on 05/22/2019 remain in full force and effect, which include the following findings:

THIS COURT FINDS that this Court is located in the United States and has jurisdiction under California law to make judicial determinations about the custody and care of juveniles.

THE COURT FURTHER FINDS that the following findings flow from the declarations and other evidence submitted in this matter:

1. The minor child, Kristen Maria Hamilton Doe, was born in El Salvador on January 1, 2004.
2. The minor child, Kristen Maria Hamilton Doe, was abandoned by her father, John Hamilton, who has not provided for her emotionally or financially since she was about eight years old.
3. It is not in Kristen Maria Hamilton Doe's best interest to return to El Salvador, her country of nationality or country of last habitual residence. *See* Family Code § 3011.

For the foregoing reasons, THE COURT FINDS that reunification with the minor child's father is not viable. The minor child was abandoned by her father under Family Code Section 3402(a).

THE COURT FURTHER FINDS that it is in the minor child's best interest that she be placed in the sole custody of her mother Jane Doe, the Petitioner, an individual appointed by this Court.

THE COURT THEREFORE AWARDS sole legal and physical custody of the minor child to the Petitioner, Jane Doe.

Respondent shall bear the burden of coming into Court and showing good cause to modify these orders

DATE: _____

Judge of the Superior Court, Family Law Division

APPENDIX Q
CHECKLISTS OF FORMS AND FILING STEPS
(PARENTAGE AND CUSTODY ACTIONS)





Filing a Parentage Case

Key California Rules of Court on Formatting:

General Formatting: Rule 2.100 et seq.

- Pages must be single sided and numbered
- Courier, Times New Roman, or Arial font, size 12 or larger
- The left margin of each page must be at least one inch from the left edge of the paper and the right margin at least 1/2 inch from the right edge of the paper. Line numbers must be placed in left margin
- One-half spaced or double-spaced (footnotes and quotes can be single spaced)
- Must include Footer with title of the paper
- Specific formatting required for first page – see Rule 2.111
- Paper filing must be 2 hole punched, bound

Memorandum Formatting: Rule 3.1113

- Each exhibit must be separated by a hard 8 1/2 x 11 sheet with hard paper or plastic tabs extending below the bottom of the page, bearing the exhibit designation
- Memorandum should be no longer than 15 pages, excluding exhibits
- A memorandum that exceeds 10 pages must include a table of contents and a table of authorities
- For specific Rules on pagination, see subsection (h)
- If a proposed order is submitted, it must be lodged and served with the moving papers but must not be attached to them

Citations: Rule 1.200

- “Citations to cases and other authorities in all documents filed in the courts must be in the style established by either the *California Style Manual* or *The Bluebook: A Uniform System of Citation*, at the option of the party filing the document. The same style must be used consistently throughout the document.”

Filing Steps when the minor is the Petitioner and you are requesting SIJ Findings and a custody order through an RFO

1. File the parentage action at the filing window or online
 - FW-001 + 1 copy to conform
 - FW-003 + 1 copy to conform
 - NOTE: Some clerks send the fee waiver to a judge when the minor is a Petitioner. If this happens, offer the clerk a self-addressed stamped envelope so they can mail the order to you
 - FL-210 + 1 copy [For issuance once the GAL is appointed]
 - NOTE: Technically, the Summons should NOT be filed and issued until after the Guardian Ad Litem (GAL) is appointed. (See C.C.P § 373(a).) However, some courts require you to file the case prior to appointment of the GAL. It is wise to alert the Clerk that this is a case where a GAL needs to be appointed so that they do not issue the summons. If the summons is issued in error, you will want to file an amended summons and petition once the GAL is appointed to avoid problems
 - FL-200 + 1 copy to conform
 - FL-105 + 1 copy to conform
 - FAM 020 +1 copy to conform (or other local form related to the petitioner’s address)
 - FL-935 + 1 copy + 1 copy to stamp received
 - Give the clerk in Dept. 2 the original FL-935 plus 1 copy with a self-addressed stamped envelope
 - Have the clerk stamp “RECEIVED” on the remaining copy of the FL-935. This is your copy for your file
 - NOTE: It is not uncommon for the court to sit on your application for weeks. You may want to call the clerk in directly for an update if your application is not approved or set for hearing within a few weeks

2. Peremptory Challenge (only needed when the assigned judge is biased against your client and case)
 - You may want to file a Peremptory Challenge (Form LACIV 015) if assigned to a judge who is known to be hostile to SIJ findings request. You file this form directly with the clerk in your assigned court room. That Judge will make a decision on your challenge. If approved, your case will be reassigned and the court will mail you notice of your new judge
 - There are specific rules and deadlines associated with Peremptory Challenges. Make sure to consult C.C.P. § 170.6 and local and state rules
3. GAL Appointment/Hearing
 - You should receive a minute order with either the GAL approval or GAL hearing date.
 - If there is a hearing
 - You are not required to provide notice of the GAL hearing to the noncustodial parent. *Alex R. v. Superior Ct* (2016) 248 Cal.App.4th 1
 - Make sure to prep the minor for court! The GAL and Respondent should also understand the court will likely ask them questions
 - If the GAL is appointed, ask the clerk whether he/she is able to give you the order appointing the GAL that day. In the event the order will not be ready, provide the clerk with a self-addressed stamped envelope so the clerk can mail you the order
 - NOTE: You should request a copy of the order from records prior to your RFO Hearing if you do not receive the GAL order within a few weeks
4. Once the GAL is appointed, request issuance of the summons and efile
 - FW-210 + 1 copy to conform [only necessary if the Judge did not issue the Summons at the GAL hearing after appointing the GAL]
 - NOTE: If you must file an AMENDED Summons, make sure to write AMENDED directly on the form
 - FL-300 + 1 copy to conform:
 - FL-356 (*mandatory* form to request SIJ findings)
 - Supporting declaration of Petitioner
 - Make sure to get a RFO date far enough out that you have time to comply with service requirements. (*See* C.C.P. § 1005(a)(13).)

- If the clerk tries to order mediation, explain that the Petitioner is a minor child and a GAL has been appointed and therefore mediation is not required. If the clerk seems confused, ask them to speak with a supervisor
 - Proposed Order + 1 copy:
 - FL-357
 - FL-340 and FL-341
 - Optional*: Memorandum in support of custody and SIJ findings + 1 copy
 - We recommend filing a supporting memorandum if you are in a new courthouse that is less familiar with SIJ findings requests or if your case involves unique issues
 - Any supporting declarations you may have (teacher/therapist) + 1 copy
 - NOTE: Once appointed, the GAL should sign all filings that also require signature of the minor
5. Effectuate Service in conformity with CCP § 413.10, et seq. and Family Code §§ 7635(b), 7666.
- Personally serve Respondent with the Parentage Petition Documents (FL-200, FL-210, Blank FL-220, FL-105, and Blank FL-105) and RFO Documents (FL-300, FL-356, client declaration, Blank FL-320, Blank FL-358, Memorandum, proposed order, and Supporting Declarations) at least 16 days prior to the RFO hearing. If Respondent is a monolingual Spanish speaker, we also recommend serving them with blank copies of the following Spanish language forms: FL-105s, FL-200s, FL-220s, FL-300s, FL-320s, FL-356s, FL-357s, FL-358s
 - File Proof of Service of Summons (FL 115) with the court 5 days before the hearing
 - Serve non-party parent with notice of the proceeding per Family Code §§ 7635(b), 7666
 - If non-party parent resides outside the United States, make sure to serve in compliance with international service requirements. For non-Hague countries, generally service in compliance with CCP § 413.10, 415.10 is sufficient.¹ Per CCP § 415.40, you can also serve non-party parent via mail (restricted delivery, return receipt requested). However, mail in Central America is unreliable and it is unlikely you will receive the return receipt back in a timely fashion (if at all)

¹ Here in LA we have success arguing that while Guatemala/El Salvador is a signatory to the Inter-American Convention on Letters Rogatory and Additional Protocol (IACAP), the IACAP does not provide an exclusive method of service or preclude service by means authorized under local law. Thus, services that conforms with Code Civ. Proc. § 413.10(c) (which allows for personal service under section 415.10) is sufficient. Relevant Cases and Code sections we cite in our briefs: *Severn v. Adidas Sportschuhfabriken* (1973) 33 Cal. App. 3d 754; Code Civ. Proc. §§ 413.10(c), 415.10; *Kreimerman v. Casanova Veerkamp S.A. de C.V.* (5th Cir. 1994) 22 F.3d 634, 640; *Morgenthau v. Avion Res. Ltd.* (N.Y. 2008) 898 N.E.2d 929, 934.

- File Proof of Personal Service (FL 330) or Proof of Service by Mail (FL-335) with the court 5 days before the hearing
- If you cannot serve the non-party parent, execute and file a due diligence declaration with the court that clearly demonstrates you have *exhausted* all avenues for locating the parent
- NOTE: When possible, also provide telephonic notice of the hearing to the non-party parent and submit a declaration detailing your conversation if you want to cover all bases and ensure the court has absolutely no reason to take issue with due process requirements
- IMPORTANT: The caption on Proofs of Service must match the caption of the FL-200 exactly or else it may be rejected by the clerk)

6. Attend RFO Hearing

- If the Judge grants your RFO, give the clerk 3 copies of FL-340 and FL-341. The Judge will sign one and keep it for the court file and the clerk will give you back two conformed copies
- If the Judge grants your SIJ findings request, give the clerk 3 copies of FL-357. The Judge will sign one and keep it for the court file and the clerk will give you back two conformed copies
- If the requested orders and findings are granted, ask the clerk whether they are able to give you the order that day. Some judges prefer you eFile your orders following the hearings
- Tips:
 - Have extra copies of all filings, especially the proofs of service, in case the court file is missing something
 - Appearances matter. Encourage your client to dress respectfully for court
 - Be prepared! Know the facts of your case and the law inside and out and be prepared to create a strong record if things go poorly

7. Finish Case by Default

- The proper way to finish your case and get it out of the court system is by getting a Judgment. In most cases, you will be proceeding via a default judgment. If 30 days after serving Respondent with the Petition, no Response has been filed, you can proceed with default. The Respondent's appearance at the RFO hearing does not preclude a default; she/he must also file a Response to avoid a default judgment
- NOTE: The court loses jurisdiction to issue custody orders once the minor turns 18, but continues to retain jurisdiction over the underlying parentage action

- NOTE: You can only get the relief you asked for in your Petition. If you want to raise new issues, you will need to amend your Petition and start the process over again. This is why it is important to request the SIJ findings in your Petition
- Forms Needed for Default²:
 - FL-165 + 3 copies + stamped envelope addressed to Respondent
 - FL-230 + attachment (judgment) + 3 copies
 - FL-250 + 3 copies
 - FL-190 + 3 copies
 - Self-addressed stamped envelope (make sure there is enough first-class postage for the court to mail the filings back to you)
 - Stamped envelope with Respondent's address (make sure there is enough first-class postage for the court to mail the filings back to you)
- TIP: Make sure you include the GAL in case caption when filing the default paperwork if their name was added in an amended summons and petition
- NOTE: You should receive a notice within a few weeks, confirming that your case will proceed in default. However, you should expect to wait up to six months to receive the judgment, and it is possible that the judge will call a hearing on the judgment

² Instructions on proceedings in default can be found on the California Court website: <https://selfhelp.courts.ca.gov/parentage/finalize/default>



Filing a Custody Case

Key California Rules of Court on Formatting:

General Formatting: Rule 2.100 et seq.

- Pages must be single sided and numbered
- Courier, Times New Roman, or Arial font, size 12 or larger
- The left margin of each page must be at least one inch from the left edge of the paper and the right margin at least 1/2 inch from the right edge of the paper. Line numbers must be placed in left margin
- One-half spaced or double-spaced (footnotes and quotes can be single spaced)
- Must include Footer with title of the paper
- Specific formatting required for first page – see Rule 2.111
- Filing must be 2 hole punched, bound

Memorandum Formatting: Rule 3.1113

- Each exhibit must be separated by a hard 8 1/2 x 11 sheet with hard paper or plastic tabs extending below the bottom of the page, bearing the exhibit designation
- Memorandum should be no longer than 15 pages, excluding exhibits
- A memorandum that exceeds 10 pages must include a table of contents and a table of authorities.
- For specific Rules on pagination, see subsection (h)
- If a proposed order is submitted, it must be lodged and served with the moving papers but must not be attached to them.

Citations: Rule 1.200

- “Citations to cases and other authorities in all documents filed in the courts must be in the style established by either the *California Style Manual* or *The Bluebook: A Uniform System of Citation*, at the option of the party filing the document. The same style must be used consistently throughout the document.”

Filing Steps when the custodial parent is the Petitioner and you are requesting SIJ Findings and a custody order through an RFO

1. File the custody action online

- FW-001
- FW-003
- FL-210 + 1 copy [For issuance once the GAL is appointed]
 - NOTE: Technically, the Summons should NOT be filed and issued until after the Guardian Ad Litem (GAL) is appointed. (See C.C.P § 373(a).) However, some courts require you to file the case prior to appointment of the GAL. It is wise to alert the Clerk that this is a case where a GAL needs to be appointed so that they do not issue the summons. If the summons is issued in error, you will want to file an amended summons and petition once the GAL is appointed to avoid problems.
- FL-260 + 1 copy to conform
- FL-105 + 1 copy to conform
- FAM 020 + 1 copy to conform (or other local form related to the petitioner’s address)
- FL-300 + 1 copy to conform
- FL-356 (*mandatory* form to request SIJ findings) + 1 copy to conform
- Supporting declaration of Petitioner + 1 copy to conform
- Proposed Order: FL-357 + 1 copy to conform
- FL-340 and FL-341 + 1 copy to conform
- Optional*: Memorandum in support of custody and SIJ findings + 1 copy
 - We recommend filing a supporting memorandum if you are in a new courthouse that is less familiar with SIJ findings requests or if your case involves unique issues

- Any supporting declarations you may have (teacher/therapist) + 1 copy
 - Make sure to get a RFO date far enough out that you have time to comply with service requirements. (*See* C.C.P. § 1005(a)(13).)
 - The clerk may order mediation. The petitioner will have to attend the mediation appointment even though it is very likely that the respondent will not attend.
2. Peremptory Challenge (only needed when the assigned judge is biased against your client and case)
- You may want to file a Peremptory Challenge (Form LACIV 015 is Los Angeles) if assigned to a judge who is known to be hostile to SIJ findings request. You file this form directly with the clerk in your assigned court room. That Judge will make a decision on your challenge. If approved, your case will be reassigned and the court will mail you notice of your new judge.
 - There are specific rules and deadlines associated with Peremptory Challenges. Make sure to consult C.C.P. § 170.6 and local and state rules.
3. Effectuate Service in conformity with Civ. Proc. Code § 415.10.
- Personally serve Respondent with the Custody Petition Documents (FL-260, Blank FL-270, FL-210, FL-105, and Blank FL-105) and RFO Documents (FL-300, FL-356, client declaration, Blank FL-320, Blank FL-358, Memorandum, proposed order, and Supporting Declarations) at least 16 days prior to the RFO hearing. If Respondent is a monolingual Spanish speaker, we also recommend serving them with blank copies of the following Spanish language forms: FL-105s, FL-260s, FL-270s, FL-300s, FL-320s, FL-356s, FL-357s, FL-358s.
 - File Proof of Service of Summons (FL 115) with the court 5 days before the hearing
 - If you cannot locate the Respondent, you will need to complete service by publication or posting. Publication requires the summons to be published at least once a week for four consecutive weeks in a newspaper most likely to deliver actual notice to the respondent. Posting requires the summons and relevant court documents to be “posted” for 28 days in a public location in the courthouse.
 - Procedures for posting and publication vary widely from court to court so you should consult with an experienced attorney before requesting posting or publication.
 - In general, you will need to submit an Application for Order for Publication or Posting (Form FL-980) to the court and attach a due diligence declaration explaining your efforts to give notice to the respondent.
 - At minimum, you should send the documents to the respondent’s last known address, contact several family members or friends to ask about the respondent’s whereabouts, and conduct an online search for the respondent.

4. Attend RFO Hearing

- If the Judge grants your RFO, give the clerk 3 copies of FL-340 and FL-341. The Judge will sign one and keep it for the court file and the clerk will give you back two conformed copies.
- If the Judge grants your SIJ findings request, give the clerk 3 copies of FL-357. The Judge will sign one and keep it for the court file and the clerk will give you back two conformed copies.
- If the requested orders and findings are granted, ask the clerk whether they are able to give you the order that day. Some judges prefer you eFile your orders following the hearings.
- Tips:
 - Have extra copies of all filings, especially the proofs of service, in case the court file is missing something.
 - Appearances matter. Encourage your client to dress respectfully for court.
 - Be prepared! Know the facts of your case and the law inside and out and be prepared to create a strong record if things go poorly.

5. Finish Case by Default

- The proper way to finish your case and get it out of the court system is by getting a Judgment. In most cases, you will be proceeding via a default judgment. If 30 days after serving Respondent with the Petition, no Response has been filed, you can proceed with default.
 - NOTE: The court loses jurisdiction to issue custody orders once the minor turns 18, but continues to retain jurisdiction over the underlying parentage action.
 - NOTE: You can only get the relief you asked for in your Petition. If you want to raise new issues, you will need to amend your Petition and start the process over again. This is why it is important to request the SIJ findings in your Petition.
- Forms Needed for Default¹:
 - FL-165 + 3 copies + stamped envelope addressed to Respondent
 - FL-230 + attachment (judgment) + 3 copies
 - FL-250 + 3 copies
 - FL-190 + 3 copies
 - FL-235 + 3 copies

¹ Instructions on proceedings in default can be found on the California Court website: <https://selfhelp.courts.ca.gov/petition-custody-support/finalize/default>

- Self-addressed stamped envelope (make sure there is enough first-class postage for the court to mail the filings back to you)
 - Stamped envelope with Respondent's address (or last known address, make sure there is enough first-class postage for the court to mail the filings back to you)
- NOTE: You should receive a notice within a few weeks, confirming that your case will proceed in default. However, you should expect to wait up to six months to receive the judgment, and it is possible that the judge will call a hearing on the judgment.