

Restraining Order After Hearing (Order of Protection)

1 Protected person's name:

Rachael Bella Kneeland (first) (middle) (last)

Protected person's address (skip this if you have a lawyer) (If you want your home address to be private, give a mailing address instead):

City: State: Zip:

Telephone number (optional):

Lawyer (if any) (Name, address, telephone number, and State Bar number): Marlo Van Oorschot (SBN 174613)/Nicholas A. Salick (SBN 236583)

Law Offices of Marlo Van Oorschot, APLC 10513 Santa Monica Blvd., Los Angeles, CA 90025 (310) 820-3414

2 List the full names of all family or household members protected by this order: Ethan Furlong

Ron Zwargisky JAS

3 Restrained person's name:

Edward Walter Furlong (first) (middle) (last)

Description of that person: Sex: [X] M [] F Height: 5'6" Weight: 175-lbs Race: Caucasian/Hispanic Hair Color: Brown Eye Color: Hazel Age: 32 Date of Birth: 8/2/1977 Relationship to protected person: Spouse (currently involved in dissolution action)

4 The court orders are on pages 2 and 3 and attachment pages (if any).

The hearing was on (date): 11-18-10 with (name of judicial officer): Judge Teresa Beaudet

The orders end on (date): 11-17-13 at (time): Midnight

- If no end date is written, the restraining order ends three years after the date of the hearing. If no time is written, the restraining order ends at midnight on the end date. Note: Custody, visitation, child support, and spousal support orders have different end dates. Custody, visitation, and child support orders usually end when the child is 18.

5 [] The people in 1 and 3 must return to court/department on (date): at (time): [] a.m. [] p.m. to review (specify issues):

Clerk stamps date here when form is filed. SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES 11/18/10 By Sally Fletcher

Fill in court name and street address: Superior Court of California, County of Los Angeles 111 North Hill Street 111 North Hill Street Los Angeles, CA 90012 Central District

Clerk fill in case number when form is filed. Case Number: BD 508 631

Certificate of Compliance With VAWA

This protective order meets all Full Faith and Credit requirements of the Violence Against Women Act, 18 U.S.C. § 2265 (1994) (VAWA). This court has jurisdiction over the parties and the subject matter; the restrained person has been afforded reasonable notice and an opportunity to be heard as provided by the laws of this jurisdiction. This order is valid and entitled to enforcement in each jurisdiction throughout the 50 United States, the District of Columbia, all tribal lands, and all U.S. territories, commonwealths, and possessions and shall be enforced as if it were an order of that jurisdiction.

This is a Court Order.



Your name: Rachael Kneeland

6 **Personal Conduct Orders**

The person in 3 must not do the following things to the protected people listed in 1 and 2:

- a. Harass, attack, strike, threaten, assault (sexually or otherwise), hit, follow, stalk, molest, destroy personal property, disturb the peace, keep under surveillance, or block movements
- b. Contact (either directly or indirectly), telephone, or send messages or mail or e-mail
 Except for brief and peaceful contact as required for court-ordered visitation of children unless a criminal protective order says otherwise
- c. Take any action, directly or through others, to get the addresses or locations of any protected persons or of their family members, caretakers, or guardians. (If item c is not checked, the court has found good cause not to make this order.)

Peaceful written contact through a lawyer or through a process server or another person in order to serve legal papers is allowed and does not violate this order.

A criminal protective order on Form CR-160 is in effect. Case Number: _____
County (if known): _____ Expiration Date: _____ (If more orders, list them in item 17.)

7 **Stay-Away Order**

a. The person in 3 must stay at least (specify): 100 yards away from the person in 1 and:

- (1) Home Vehicle School of person in 1 (4) The children's school or child care
- (2) The job or workplace of person in 1 (5) Other (specify): _____
- (3) The persons in 2

b. Brief and peaceful contact as required for court-ordered visitation of children is allowed unless a criminal protective court order says otherwise.

8 **Move-Out Order**

The person in 3 must move out immediately from (address): _____

9 **Child Custody and Visitation**

Child custody and visitation are ordered on the attached Form DV-140 or (specify other form): _____

10 **Child Support** → previously ordered JMS

Child support is ordered on the attached Form DV-160 or (specify other form): _____

11 **Spousal Support**

Spousal support is ordered on the attached Form FL-343 or (specify other form): _____

12 **Animals: Possession and Stay-Away Order**

The person in 1 is given the sole possession, care, and control of the animals listed below. The person in 3 must stay at least _____ yards away from and not take, sell, transfer, encumber, conceal, molest, attack, strike, threaten, harm, or otherwise dispose of the following animals: _____

This is a Court Order.

Your name: Rachael Kneeland

13 No Guns or Other Firearms or Ammunition

- a. The person in (3) cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get guns, other firearms, or ammunition.
- b. The person in (3) must:
 - Sell to a licensed gun dealer or turn in to a law enforcement agency any guns or other firearms within his or her immediate possession or control. This must be done within 24 hours of being served with this order.
 - File a receipt with the court within 48 hours of receiving this order that proves guns have been turned in or sold. (Form DV-800, Proof of Firearms Turned In or Sold may be used for the receipt.)
- c. The court has received information that the person in (3) owns or possesses a firearm.

14 Record Unlawful Communications

The person in (1) has the right to record communications made by the person in (3) that violate the judge's orders.

15 Batterer Intervention Program

defined until custody evaluation completed JAA

The person in (3) must go to and pay for a 52-week batterer intervention program and show written proof of completion to the court. This program must be approved by the probation department.

16 No Fee to Notify (Serve) Restrained Person

If the sheriff or marshal serves this order, he or she will do it for free.

17 Other Orders

Other orders relating to property control, debt payment, attorney fees, restitution, and/or other issues are in attached Form DV-170 or (specify other form): See Attachment 17 to DV-130 - Other Orders

18 Service

- a. The people in (1) and (3) were at the hearing or agreed in writing to this order. No other proof of service is needed.
- b. The person in (1) was at the hearing. The person in (3) was not.
 - (1) Proof of service of Form DV-109 and Form DV-110 (if issued) was presented to the court. The judge's orders in this form are the same as in Form DV-110 except for the end date. The person in (3) must be served. This order can be served by mail.
 - (2) Proof of service of Form DV-109 and Form DV-110 (if issued) was presented to the court. The judge's orders in this form are different from the orders in Form DV-110, or Form DV-110 was not issued. Someone - not the people in (1) or (2) - must personally "serve" a copy of this order to the person in (3).

19 Attached pages are orders.

- Number of pages attached to this five-page form: 10 pages (including one-page Dissomaster printout)
- All of the attached pages are part of this order.
- Attachments include (check all that apply):

DV-140 DV-145 DV-150 DV-160 DV-170 FL 343

Other (specify): ATTACHMENT 17 TO DV-130 - OTHER ORDERS (2 PAGES)

Date: 11/18/10

10 pages JB

See attached order filed 9/24/10 re custody & visitation - DV 160 page 4-8 attachment 17-1 page

Sheela Bennett
Judge (or Judicial Officer)

This is a Court Order.

JAA

Your name: Rachael Kneeland

Case Number:
BD 508 631

Instructions for Law Enforcement

Start Date and End Date of Orders

The orders *start* on the earlier of the following dates:

- The hearing date on page 1 *or*
- The date next to the judge's signature on page 3.

The orders *end* on the end date in item 4 on page 1. If no end date is listed, they end three years from the hearing date.

Arrest Required If Order Is Violated

If an officer has probable cause to believe that the restrained person had notice of the order and has disobeyed the order, the officer must arrest the restrained person. (Penal Code, §§ 836(c)(1), 13701(b).) A violation of the order may be a violation of Penal Code section 166 or 273.6.

Notice/Proof of Service

Law enforcement must first determine if the restrained person had notice of the orders. If notice cannot be verified, the restrained person must be advised of the terms of the orders. If the restrained person then fails to obey the orders, the officer must enforce them. (Family Code, § 6383.)

Consider the restrained person "served" (noticed) if:

- The officer sees a copy of the *Proof of Service* or confirms that the *Proof of Service* is on file; *or*
- The restrained person was at the restraining order hearing or was informed of the order by an officer. (Fam. Code, § 6383; Pen. Code, § 836(c)(2).) An officer can obtain information about the contents of the order in the Domestic Violence Restraining Orders System (DVROS). (Fam. Code, § 6381(b)(c).)

If the Protected Person Contacts the Restrained Person

Even if the protected person invites or consents to contact with the restrained person, the orders remain in effect and must be enforced. The protected person cannot be arrested for inviting or consenting to contact with the restrained person. The orders can be changed only by another court order. (Pen. Code, § 13710(b).)

Child Custody and Visitation

- The custody and visitation orders are on Form DV-140, items ③ and ④. They are sometimes also written on additional pages or referenced in DV-140 or other orders that are not part of the restraining order.
- **Forms DV-100 and DV-105 are not orders. Do not enforce them.**

Enforcing the Restraining Order in California

Any law enforcement officer in California who receives, sees, or verifies the orders on a paper copy, the California Law Enforcement Telecommunications System (CLETS), or in an NCIC Protection Order File must enforce the orders.

Conflicting Orders

A protective order issued in a criminal case on Form CR-160 takes precedence in enforcement over any conflicting civil court order. (Pen. Code, § 136.2(e)(2).) Any nonconflicting terms of the civil restraining order remain in full force. An emergency protective order (Form EPO-001) that is in effect between the same parties and is more restrictive than other restraining orders takes precedence over all other restraining orders. (Pen. Code, § 136.2.)

This is a Court Order.

Your name: Rachael Kneeland _____

Case Number:
BD 508 631

Warnings and Notices to the Restrained Person in ③

If you do not obey this order, you can be arrested and charged with a crime.

- It is a felony to take or hide a child against this order. You can go to prison and/or pay a fine.
- If you travel to another state or to tribal lands or make the protected person do so, with the intention of disobeying this order, you can be charged with a federal crime.
- If you do not obey this order, you can go to prison and/or pay a fine.

You cannot have guns, firearms, and/or ammunition.



You cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get guns, firearms, and/or ammunition while the order is in effect. If you do, you can go to jail and pay a \$1,000 fine. You must sell to a licensed gun dealer or turn in to police any guns or firearms that you have or control. The judge will ask you for proof that you did so. If you do not obey this order, you can be charged with a crime. Federal law says you cannot have guns or ammunition while the order is in effect.

(Clerk will fill out this part)

-Clerk's Certificate-

[seal]

I certify that this *Restraining Order After Hearing (Order of Protection)* is a true and correct copy of the original on file in the court.

Date: _____ Clerk, by _____, Deputy

This is a Court Order.

ncd 10-5-10

RECEIVED
SEP 03 2010

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

SEP 24 2010

John A. Clark, Executive Officer/Clerk
By: Sally Fletcher, Deputy

DEPT. 2B

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Attorneys for Petitioner,
RACHAEL KNEELAND

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES**

In re the Marriage of:
Petitioner: RACHAEL KNEELAND

And

Respondent: EDWARD FURLONG

Case No.: BD 508 631

**TEMPORARY ORDERS PENDING
RETURN DATE FOR HEARING ON
PETITIONER'S REQUEST FOR
DOMESTIC VIOLENCE
RESTRAINING ORDERS AND
OTHER ORDERS**

Date: August 31, 2010
Time: 1:30 p.m.
Dept.: 2B
Judge: Teresa A. Beaudet

Petitioner's Request for Domestic Violence Restraining Orders and Other Orders came on for hearing on August 31, 2010 at 1:30 p.m. in Department 2B of the Superior Court of California, County of Los Angeles, Central District, before the Honorable Teresa A. Beaudet, Judge Presiding. Petitioner, Rachael Kneeland was present at the hearing and was represented by Marlo Van Oorschot of The Law Offices of Marlo Van Oorschot, APLC, who was present in Court. Respondent, Edward Furlong was present at the hearing and was represented by David J. Glass of Glass Family Law, who was present in Court.

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1 After considering the pleadings and testimony of the parties, THE COURT MAKES
2 THE FOLLOWING TEMPORARY ORDERS:

3 1. Commencing forthwith and effective until the September 27, 2010 continued
4 hearing on Petitioner's Request for Domestic Violence Restraining Orders and Other Orders,
5 Respondent shall have monitored visitation with the parties' minor child, ETHAN FURLONG,
6 age 3 (born 9/21/2006; hereinafter referred to as "Ethan"), on the following days and times:

7 a. Every Saturday OR Sunday, from 10:00 a.m. until 1:00 p.m. on
8 whichever day is chosen;

9 b. Every Tuesday from 3:00 p.m. until 7:30 p.m.; and,

10 c. Every Thursday from 3:00 p.m. until 7:30 p.m.

11 2. Every visitation pursuant to paragraph 1 above shall be monitored by either of
12 the following means:

13 a. Monitored visitation shall take place at Family Care Monitoring Services,
14 located at [REDACTED] Petitioner
15 shall provide transportation to and from Family Care Monitoring Services for the weekend
16 day visitation. Transportation during the weekday visitation shall be arranged by the parties'
17 counsel in advance and in writing; or,

18 b. Visitation shall be monitored by a professional monitor approved in
19 advance and in writing by the parties' counsel. The agreed upon monitor shall provide all
20 transportation for Ethan for all visitation.

21 3. All fees associated with the monitored visitation shall be paid by Respondent.

22 4. Neither party shall make disparaging remarks about the other party in front of
23 Ethan or within hearing distance of Ethan, nor shall either party allow any third party to make
24 disparaging remarks about the other party in front of Ethan or within hearing distance of
25 Ethan.

26 5. Neither party shall discuss the parties' dissolution case or domestic violence
27 case in front of Ethan or within hearing distance of Ethan.

28 ///


1 6. The continued hearing date for Petitioner's Request for Domestic Violence
 2 Restraining Orders and Other Orders is September 27, 2010 at 1:30 p.m. in Department 2B
 3 of the Superior Court of California, County of Los Angeles, Central District, 111 North Hill
 4 Street, Los Angeles, CA 90012.

5 7 A facsimile signature shall suffice as an original signature.

6 **APPROVED AS TO FORM AND CONTENT:**


7 *CONFORMING TO THE COURT'S ORAL RULING:*

8 DATED: September 1, 2010 GLASS FAMILY LAW

9
 10 
 11 _____
 12 DAVID J. GLASS,
 Attorney for Respondent,
 EDWARD FURLONG

13 **IT IS SO ORDERED.**

14 DATED: 9/24/10

15 
 16 _____
 17 JUDGE TERESA A. BEAUDET
 LOS ANGELES SUPERIOR COURT



Your name: Rachael Kneeland

Case Number:
BD 508 631

- 19 These **required attachments** are attached and are a part of this order:
Notice of Rights and Responsibilities: Health-Care Costs and Reimbursement Procedures (pages 5 and 6)
Information Sheet on Changing a Child Support Order (pages 7 and 8)

20 **Notice Regarding Child Support Case Registry**

If there is a case open in the local child support agency, the parents must notify the local child support agency in writing within 10 days of any change in residence or employment.

If there is no open case in the local child support agency, both parties must complete and file with the court form FL-191, *Child Support Case Registry Form*, within 10 days of the date of this order. Thereafter, the parties must notify the court of any change in the information submitted within 10 days of the change by filing an updated form.

 Radar
online.com

This is a Court Order.

**Child Support Order -
Order of Protection
(Domestic Violence Prevention)**

KNEELAND, R

DV-160, Page 4 of 8



If you have a child support order that includes a provision for the reimbursement of a portion of the child's or children's health-care costs and those costs are not paid by insurance, the law says:

1. Notice. You must give the other parent an itemized statement of the charges that have been billed for any health-care costs not paid by insurance. You must give this statement to the other parent within a reasonable time, but no more than 30 days after those costs were given to you.

2. Proof of full payment. If you have already paid all of the uninsured costs, you must (1) give the other parent proof that you paid them and (2) ask for reimbursement for the other parent's court-ordered share of those costs.

3. Proof of partial payment. If you have paid only your share of the uninsured costs, you must (1) give the other parent proof that you have paid your share, (2) ask that the other parent pay his or her share of the costs directly to the health-care provider, and (3) give the other parent the information necessary for that parent to be able to pay the bill.

4. Payment by notified parent. If you receive notice from a parent that an uninsured health-care cost has been incurred, you must pay your share of that cost within the time the court orders; or if the court has not specified a period of time, you must make payment either (1) within 30 days from the time you were given notice of the amount due, (2) according to any payment schedule set by the health-care provider, (3) according to a schedule agreed to in writing by you and the other parent, or (4) according to a schedule adopted by the court.

5. Disputed charges. If you dispute a charge, you may file a motion in court to resolve the dispute, but only if you pay that charge before filing your motion. If you claim that the other party has failed to

reimburse you for a payment, or the other party has failed to make a payment to the provider after proper notice has been given, you may file a motion in court to resolve the dispute. The court will presume that if uninsured costs have been paid, those costs were reasonable. The court may award attorney fees and costs against a party who has been unreasonable.

6. Court-ordered insurance coverage. If a parent provides health-care insurance as ordered by the court, that insurance must be used at all times to the extent that it is available for health-care costs.

a. Burden to prove. The party claiming that the coverage is inadequate to meet the child's needs has the burden of proving that to the court.

b. Cost of additional coverage. If a parent purchases health-care insurance in addition to that ordered by the court, that parent must pay all the costs of the additional coverage. In addition, if a parent uses alternative coverage that costs more than the coverage provided by court order, that parent must pay the difference.

7. Preferred health-care providers. If the court-ordered coverage designates a preferred health-care provider, that provider must be used at all times, consistent with the terms of the health insurance policy. When any party uses a health-care provider other than the preferred provider, any health-care costs that would have been paid by the preferred health-care provider if that provider had been used will be the sole responsibility of the party incurring those costs.

Si usted tiene una orden de manutención de menores que disponga la devolución de costos incurridos por servicios de salud para menores y costos no cubiertos por el seguro médico, la ley dice lo siguiente:

1. Aviso. Se debe dar al otro padre una factura detallada relacionando los costos cobrados por servicios de salud que no estén cubiertos por seguro médico. Esta factura se le debe dar al otro padre con antelación razonable y no más tarde de 30 días después de haber recibido dichos cobros de pago.

2. Comprobante de pago total. Si usted ya pagó todos los costos de salud correspondientes a individuos no asegurados, deberá: (1) proporcionar al otro padre el comprobante de haber pagado y (2) pedirle al otro padre que le pague la porción de los costos que al otro padre le corresponda, según la orden del tribunal.

3. Comprobante de pago parcial. Si sólo pagó su porción de los costos no cubiertos por el seguro, debe: (1) darle al otro padre un comprobante indicando que ya pagó dicha porción, (2) pedir al otro padre que pague directamente al proveedor de servicios médicos la parte de los costos que al otro padre le corresponda y (3) darle al otro padre la información necesaria para que pague la factura.

4. Pago que le corresponde al padre notificado. Si usted recibe notificación del otro padre indicando costos incurridos por servicios de salud para individuos sin seguro, deberá pagar la porción que le corresponde a usted dentro del plazo ordenado por el tribunal, o si el tribunal no especifica un plazo, usted deberá pagar dichos costos, ya sea, (1) a más tardar en 30 días, desde la fecha en que recibió la notificación sobre los costos por pagar, (2) según un horario de pagos fijado por el proveedor de servicios de salud, (3) según un horario acordado por escrito entre usted y el otro padre o (4) según el horario adoptado por el tribunal.

5. Cuando se disputan los costos. Si usted disputa un costo, puede presentar al tribunal una moción (o pedimento) para resolver la disputa. Sólo podrá hacer esto, si paga el costo antes de presentar la moción.

Si su reclamo consiste en que la otra parte no le ha pagado a usted por un costo, o que no le ha pagado al proveedor de servicios de salud después de la notificación apropiada, usted puede presentar una moción ante el tribunal para resolver la disputa. El tribunal asumirá que si los costos ya se han pagado, dichos costos han sido razonables. Si una persona se comporta de una manera que no sea razonable, el tribunal puede imponerle que pague honorarios de abogado.

6. Cobertura de seguro por orden de tribunal. Si un padre tiene seguro de salud por orden del tribunal, ese seguro se usará todo el tiempo, siempre que esté disponible para cubrir los costos de servicios de salud.

a. Responsabilidad de comprobar. La responsabilidad de comprobar ante el tribunal que la cobertura de servicios de salud es inadecuada para los menores recae sobre la parte que reclama que es inadecuada.

b. Costos de cobertura adicional. Si uno de los padres compra un seguro de salud adicional al que haya sido ordenado por el tribunal, tal padre deberá pagar todo el costo de la cobertura adicional. Y si uno de los padres usa una manera alterna para cubrir gastos médicos que cuestan más que la cobertura dispuesta por el tribunal, dicho padre tendrá que pagar la diferencia.

7. Proveedor preferido para servicios de salud. Si la orden del tribunal especifica un proveedor preferido para servicios de salud, dicho proveedor deberá usarse siempre, según los términos de la póliza del seguro de salud. Si una de las partes decide usar un proveedor que no sea el preferido e incurre costos que podrían haber sido cubiertos por el proveedor preferido si se hubieran utilizado sus servicios, dicha parte asumirá la responsabilidad de cubrir los costos incurridos.

General information. The court has just made a child support order in your case. This order will remain the same unless a party to the action requests that the support be changed (modified). An order for child support can be modified only by filing a motion to change child support and serving each party involved in your case. If both parents and the local child support agency (if it is involved) agree on a new child support amount, you can complete, have all parties sign, and file with the court a *Stipulation to Establish or Modify Child Support and Order* (form FL-350) or *Stipulation and Order (Governmental)* (form FL-625).

When a child support order may be modified. The court takes several things into account when ordering the payment of child support. First, the number of children is considered. Next, the net incomes of both parents are determined, along with the percentage of time each parent has physical custody of the children. The court considers both parties' tax filing status and may consider hardships, such as a child of another relationship. An existing order for child support may be modified when the net income of one of the parents changes significantly, the parenting schedule changes significantly, or a new child is born.

Examples

- You have been ordered to pay \$500 per month in child support. You lose your job. You will continue to owe \$500 per month, plus 10 percent interest on any unpaid support, unless you file a motion to modify your child support to a lower amount and the court orders a reduction.
- You are currently receiving \$300 per month in child support from the other parent, whose net income has just increased substantially. You will continue to receive \$300 per month unless you file a motion to modify your child support to a higher amount and the court orders an increase.
- You are paying child support based upon having physical custody of your children 30 percent of the time. After several months it turns out that you actually have physical custody of the children 50 percent of the time. You may file a motion to modify child support to a lower amount.

How to Change a Child Support Order

To change a child support order, you must file papers with the court.
Remember: You must follow the order you have now.

What forms do I need?

- If you are asking the court to change a child support order open with the local child support agency, you must fill out one of these forms:
- FL-680, *Notice of Motion (Governmental)* or FL-683 *Order to Show Cause (Governmental)* and
 - FL-684, *Request for Order and Supporting Declaration (Governmental)*

If you are asking the court to change a child support order that is **not** open with the local child support agency, you must fill out one of these forms:

- FL-301, *Notice of Motion* or FL-300, *Order to Show Cause* and
- FL-310, *Application for Order and Supporting Declaration* or
- FL-390, *Notice of Motion and Motion for Simplified Modification of Order for Child, Spousal, or Family Support*

You must also fill out one of these forms:

- FL-150, *Income and Expense Declaration* or FL-155, *Financial Statement (Simplified)*

What if I am not sure which forms to fill out?

Talk to the family law facilitator at your court.

After you fill out the forms, file them with the court clerk and ask for a hearing date. Write the hearing date on the form. The clerk will ask you to pay a filing fee. If you cannot afford the fee, fill out these forms too:

- Form FW-001, *Application for Waiver of Court Fees and Costs*
- Form FW-003, *Order on Application for Waiver of Court Fees and Costs*

You must serve the other parent. If the local child support agency is involved, serve it too.

This means someone 18 or over -**not you**- must serve the other parent copies of your filed court forms at least **16 court days** before the hearing. Add **5 calendar days** if you serve by mail within California (see Code of Civil Procedure section 1005 for other situations). **Court days** are weekdays when the court is open for business (Monday through Friday except court holidays). **Calendar days** include all days of the month, including weekends and holidays. To determine court and calendar days, go to www.courtinfo.ca.gov/selfhelp/courtcalendars/.

The server must also serve blank copies of these forms:

- FL-320, *Responsive Declaration to Order to Show Cause or Notice of Motion* and FL-150, *Income and Expense Declaration*, or
- FL-155, *Financial Statement (Simplified)*

Then the server fills out and signs a *Proof of Service* (form FL-330 or FL-335). Take this form to the clerk and file it.

Go to your hearing and ask the judge to change the support. Bring your tax returns from the last two years and your last two months' pay stubs. The judge will look at your information, listen to both parents, and make an order. After the hearing, fill out:

- FL-340, *Findings and Order After Hearing* and
- FL-342, *Child Support Information and Order Attachment*

Need help?

Contact the family law facilitator in your county or call your county's bar association and ask for an experienced family lawyer.

Información general

El tribunal acaba de dar una orden judicial sobre manutención de menores en esta causa. Esta orden permanecerá en efecto, a menos que alguna de las partes de la causa pida que se modifique. Sólo se puede modificar una orden de manutención de menores si se presenta ante el tribunal una moción (o pedimento) de modificación de manutención y si se da una copia de dicha moción a las partes interesadas en la causa. Si ambos padres llegan a un común acuerdo sobre una suma y si la agencia local que vigila la manutención de menores también acepta el acuerdo (si dicha agencia participa), se puede llenar y hacer que cada una de las partes firme una *Estipulación para Establecer o Modificar una Orden de Manutención de Menores* (formulario FL-350) o llenar y hacer que cada una de las partes firme una *Estipulación y Orden (Documento gubernamental)* (formulario FL-625).

¿Cuándo se puede modificar una orden de manutención de menores?

El juez toma varios factores en consideración cuando emite una orden judicial sobre el pago de manutención de menores. Primero, considera, el número de hijos. Luego, determina los ingresos de ambos padres y el porcentaje del tiempo que cada padre asume la custodia física de los hijos. El tribunal estudia el estado tributario (pago de impuestos) de ambas partes y puede tener en cuenta factores de dificultad económica, tales como la existencia de hijos de otra relación. Se puede modificar la orden de manutención de menores si ocurre un cambio considerable en los ingresos netos de uno de los padres, un cambio considerable en el tiempo que los menores pasan con cada uno de los padres, o cuando nace un nuevo hijo.

Ejemplos:

Si a usted se le ha ordenado pagar \$500 mensuales de manutención de menores y luego pierde su empleo, continuará debiendo \$500 mensuales. Además usted deberá el 10% de intereses de la suma de manutención adeudada, a menos que presente una moción pidiendo que se modifique y se reduzca la suma de manutención y que el tribunal ordene dicha reducción.

Si usted está recibiendo \$300 mensuales por manutención de menores provenientes del otro padre y los ingresos de ese padre aumentan considerablemente, usted continuará recibiendo \$300 mensuales, a menos que usted presente una moción para modificar la orden y que el tribunal ordene el aumento de la suma de manutención de menores.

Si paga manutención de menores basándose en que pasa un 30% de tiempo asumiendo la custodia parcial de sus hijos y después de varios meses, resulta que en efecto pasa el 50% del tiempo a cargo de la custodia física de sus hijos, en dado caso, podrá presentar una moción pidiendo que se reduzca la suma de manutención.

Cómo modificar una orden existente de manutención de hijos menores

Para modificar una orden de manutención de hijos menores usted debe presentar documentos ante el tribunal. Recuerde: Usted tiene la obligación de cumplir la orden judicial existente.

¿Qué formularios necesita?

Si está pidiendo que el tribunal modifique una orden de manutención cuyo caso está abierto en la agencia local que vigila la manutención de menores, deberá llenar los siguientes formularios:

- FL-680 Aviso de petición (Gubernamental) o FL-683 Orden de motivos justificativos (Gubernamental) y
- FL-684 Solicitud de orden y declaración de respaldo

Si está pidiendo que el tribunal modifique una orden de manutención cuyo caso no está abierto en la agencia local que vigila la manutención de menores, deberá llenar los siguientes formularios:

- FL-301 Aviso de petición o FL-300 Orden de motivos justificativos y
- FL-310 Solicitud para una orden y declaración de respaldo (Derecho de familia-Paternidad uniforme) o
- FL-390 Aviso de petición y petición simplificada de modificación de orden de manutención de hijos menores, de cónyuge o de familia

También deberá llenar uno de los siguientes formularios:

- FL-150 Declaración de ingresos y gastos o FL-155 Declaración sobre finanzas (Simplificada)

¿Qué puedo hacer si no sé qué formulario llenar?

Hable con el asesor legal del tribunal de familia.

Después de llenar los formularios, radíquelos en el tribunal y pida una audiencia ante el tribunal. Escriba la fecha de su audiencia en su formulario. En la secretaria le pedirán que pague la cuota de radicación. Si no tiene los medios para pagar la cuota, llene también los siguientes formularios:

- Formulario 982(a)(17) Solicitud de exención de cuotas y costos judiciales
- Formulario 982(a)(18) Orden de exoneración de cuotas y costos judiciales

Usted tiene que hacer la "entrega legal" de los formularios de modificación al otro padre. Si la agencia local que vigila la manutención de hijos menores participa en la causa, entregue también los documentos a esa agencia.

Esto significa que una persona de no menos de 18 años (y que no sea usted mismo) debe entregar copias de los formularios por lo menos 16 días hábiles del tribunal antes de la audiencia. Se deben añadir 5 días calendarios más si la entrega se hace por correo postal dentro de California (véase Código Civil de Procedimientos, sección 1005 para ver otras situaciones). Los días hábiles del tribunal son los días cuando el tribunal está funcionando, de lunes a viernes, exceptuando los días feriados. Los días calendarios son todos los días de la semana, incluyendo los fines de semana y los días feriados. Para obtener mayor información, visite:

www.courtinfo.ca.gov/selfhelp/courtcalendars

La persona que haga entrega de la copia de los documentos deberá entregar copias de los siguientes formularios:

- FL-320 Declaración de respuesta y FL-150 Declaración de ingresos y gastos, o
- FL-155 Declaración de finanzas (Simplificada)

La persona que hace la entrega entonces llena y firma el comprobante de entrega (formularios FL-330 o FL-335). Luego, usted lleva este documento a la secretaria del tribunal para radicarlo.

Vaya a su audiencia ante el tribunal y pida al juez que modifique la manutención. Lleve consigo sus formularios más recientes de declaración de impuestos federales de los últimos dos años y sus talones de pago de los últimos dos meses. El juez estudiará la información presentada, escuchará a ambos padres y emitirá una orden. Después de la audiencia usted debe llenar los formularios:

- FL-340 Conclusiones y orden después de la audiencia y
- FL-342 Documento adjunto con información sobre manutención de menores y orden judicial.

¿Necesita ayuda?

Consulte con el Asesor Legal del Tribunal de Familia de su condado o llame al colegio de abogados de su condado y pida un abogado con experiencia en el tribunal de familia.

SHORT TITLE:

In re Marriage of Kneeland / Furlong

FILE NUMBER:

BD 508 631

ATTACHMENT 17 TO DV-130 - OTHER ORDERS

1 THE COURT ORDERS that Respondent shall not consume any alcohol, illegal drug(s), and/or
 2 prescription drug(s) taken in excess of the dosage and frequency as prescribed by an U.S.-licensed
 3 physician, within the ^{12 (12)} ~~twenty-four (24)~~ hour period prior to Respondent's court-ordered visitation with the
 4 minor child. In the event the supervisor/monitor of Respondent's visitation has a reasonable belief that
 5 Respondent has violated this section, Respondent's visitation shall be terminated for that day, and the
 6 supervisor/monitor shall document his/her basis of said termination and shall immediately advise
 7 Petitioner and her counsel of his/her basis for said termination.

8
 9 (2) The Court orders a full custody evaluation.
 10 If the parties cannot agree upon an
 11 evaluator, each party is to submit one
 12 name + resume by December 1, 2011 and the
 13 Court will select an evaluator. The ⁽¹⁰⁰⁾
 14 hearing on the evaluation ~~will be held~~
 15 The parties are to share the cost 50/50.
 16 The evaluator's report will be due
 17 ⁽¹⁰⁰⁾ 10 days before the hearing ~~at~~ on July 6,
 18 2011. Alternatively, the parties may use
 19 the Court of full custody evaluator. If
 20 that is the preference of a party, that party
 21 should submit that preference by Dec 1, 2011.

THIS IS A COURT ORDER

(Required for verified pleading) The items on this page stated on information and belief are (specify item numbers, not line numbers):

This page may be used with any Judicial Council form or any other paper filed with the court.