PETITION FOR VISITATION FAMILY LAW CASE

Non-Parent

A petition for Visitation is a *Verified* Petition filed by a non-parent such as grandparents, stepparent, siblings, or other interested persons in the Family Law Division of the court to request visitation rights with child(ren). The petitioner must have a pre-existing relationship with the child(ren). The court needs to find that, it is in the best interest of the child(ren) to continue their relationship with the petitioner through court ordered visitation.

Non-Parents or other interested persons include: (Review the relevant code sections for further information)

Stepparent: The Court may grant reasonable visitation to a stepparent, if it is in the best interest of the minor child (Fam. Code §3101).

Deceased Parent's Family: If either parent of the minor child is deceased, the children, siblings, parents and grandparents of the deceased parent may be granted reasonable visitation (Fam. Code §3102)

Former Legal Guardian: The court may grant reasonable visitation to a person who previously served as legal guardian or the child (Fam. Code §3105).

Grandparent – existing family law case: In an existing family law case (divorce, nullity, legal separation, petition for custody, domestic violence case, paternity, child support case), the court may grant reasonable visitation to a grandparent of the minor child if it's in the best interest of the minor child (Fam. Code §3103). Note: A joinder is required. The parents, stepparents and any persons with custody of the child must be served).

Grandparent — petition by grandparent: On petition by a grandparent, the court may grant reasonable visitation to the grandparents if there is a pre-existing relationship and it is in the best interest of the child. A petition under this section shall not be filed if the parents are married unless one or more apply: (1) the parents are separated; (2) one parent has been absent for more than one month and whereabouts are unknown (3) one parent joins in the petition with the grandparent (4) the child is not residing with either parent; (5) the child has been adopted by the stepparent; (6) one parent is incarcerated or involuntarily institutionalized (Fam Code §3104).

(FORMS NEEDED)

- ✓ Petition for Visitation Family Law Case (Nonparent) see sample of petition provided
- ✓ Summons (SUM-100)
- ✓ UCCJEA (FL-105)
- ✓ Request for Order (FL-300)
 (If you want court ordered visitation now, ask for the Request for Order packet)
- ✓ Proof of Personal Service (FL-330)
- ✓ \$435.00 or Fee waiver (If you cannot afford the filing fee, ask for a Fee Waiver Packet)

(PROCEDURE)

- ✓ Complete and sign forms: Attach documents and exhibits as needed
- ✓ Make Copies: make 3 (three) copies of the original documents (Original +3)
- ✓ File the documents with the Family Law Division of the appropriate court

The clerk will:

- * Check your forms for completeness
- * Take your filing fee or fee waiver
- * Assign a case number
- * Set a hearing and mediation if you also filed a Request for Order Packet.
- ✓ Return to the Family Law Division to pick up your endorsed copies (Keep one copy of all of the forms for your records)
- ✓ Service: The parents of the child(ren) need to be personally served.

 Someone, 18 years of age or older, personally hands a copy of the following filed documents to the parents:
 - * Petition for Visitation Family Law Case (Nonparent)
 - * Summons (SUM-100)
 - * UCCJEA (FL-105) and blank UCCJEA
 - * Request for Order (FL-300) and a blank Responsive Declaration (FL-320)
- ✓ **Proof of Service**: The server completes the Proof of Personal Service (FL-330) for <u>each</u> parent
 - * File the original proof of service and 1 (one) copy of each proof of service with the Family Law Clerk

If you DID file and serve a Request for Order

- ✓ Go to Mediation
- ✓ Go to Hearing

After the hearing

You may be directed to prepare an Order After Hearing. The courtroom clerk will prepare a minute order. This make take up to 1 week. The Family Law facilitator can help you prepare and process the Findings and Order After Hearing

HELPFUL WEBSITES

www.courts.ca.gov - State Court - blank fillable forms, information, & more www.kern.courts.ca.gov - Kern Court Website www.kelawlib.org - Kern County Library http://leginfo.legislature.ca.gov - Legislation/Codes

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SUPERIOR COURT OF CALIFORNIA, COUNTY OF KERN, FAMILY LAW FACILITATOR, 1215 TRUXTUN AVE., BAKERSFIELD, CA 93301;

WMFACIL@KERN.COURTS.CA.GOV

SU ONS (CITACION JUDICIAL)

NOTICE TO DEFENDANT: (AVISO AL DEMANDADO):

YOU ARE BEING SUED BY PLAINTIFF: (LO ESTÁ DEMANDANDO EL DEMANDANTE):

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

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. NOTE: The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. ¡AVISO! Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. AVISO: Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name	and addres	s of the	court is:
(El nombre	y direcciór	n de la c	orte es):

CASE NUMBER (Número del Caso):			
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The name, address, and tele (El nombre, la dirección y el	phone number of plaintiff's attorney, or plaintiff without an attorney, número de teléfono del abogado del demandante, o del demandan	is: te que no tiene abogado, es):
DATE: (Fecha)	Clerk, by (Secretario) ————————————————————————————————————	, Deputy —————————————————————(<i>Adjunto</i>
(For proof of service of this s	esta citación use Proof of Service of Summons (form POS-010).) esta citación use el formulario Proof of Service of Summons, (POS- NOTICE TO THE PERSON SERVED: You are served 1. as an individual defendant. 2. as the person sued under the fictitious name of (special).	
	3. on behalf of (specify): under: CCP 416.10 (corporation) CCP 416.20 (defunct corporation) CCP 416.40 (association or partnership) other (specify):	CCP 416.60 (minor) CCP 416.70 (conservatee) CCP 416.90 (authorized person)
	4. by personal delivery on (date):	Page 1 of 1

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ı	Name:
2	Address: Address:
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9	SUPERIOR COURT OF CALIFORNIA, COUNTY OF KERN
10	(address of court)
11	. (address of county
12) Case No.:
13) PETITION FOR VISITATION
14) FAMILY LAW CASE Petitioner(s)) (non-parent)
15	v. ,
16	
17)
18	Respondent(s)
19	1. Petitioner, respectfully requests a
20	court order for visitation with the following child(ren):
21	Name:, DOB:
22	Name:, DOB:
23	Name:, DOB:
24	Name:, DOB:
25	i

l Petition for Visitation

1	2. Petitioner is the □ stepparent; □ grandparent; □ former legal guardian;
2	□ family member of the deceased parent (specify)
3	3. Petitioner alleges as follows:
4	☐ The parents are not married to each other; there is an existing family law case in
5	which child custody is already at issue; there is a preexisting bond between the
6	grandparent and the child(ren) and such visitation would be in the best interests of the
7 8	child(ren) (Fam. Code §3103).
9	□ The parents are married but are living separate and apart on a permanent or
10	indefinite basis; or one parent has been absent for over a month and his/her
11	whereabouts are unknown; or one parent has joined this petition; or the child(ren) is not
12	residing with either parent; or the child(ren) have been adopted by a stepparent; or one
13	parent is incarcerated on involuntarily institutionalized (Fam. Code §3104).
14	□ One of the parents of the above child(ren) is deceased and the children, siblings,
15	parents, or grandparents of the deceased parent are seeking visitation (Fam. Code
16	§3102).
17	4. The mother of the child(ren) is
18	5. The father of the child(ren) is
19	6. There □ is □ is not currently a court order in the following case:
20	, which grants legal custody to
22	
23	7. The child(ren) are currently in the actual physical custody of
24	and are currently residing in CA.
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O I have a pro	ovieting relationship with	the children as follows:
o. Thave a pre	-existing relationship with	the ornida on de renewe.
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9. It would be	in the child(ren)'s best inte	rest to grant Petitioner visitation for the
,		
10. Visitation l	petween me and the child(ren) must be ordered because
	· ·	
44	esting the court to award n	ne visitation as follows:
11. I am reque	esting the court to award h	ic visitation as follows.
		
I declare unde	r penalty of perjury under	the laws of the State of California that the
foregoing is tru	ue and correct.	
- -		
D. I		
Dated:		Petitioner:

VERIFICATION

STATE OF CALIFORNIA, COUNTY OF KERN	
I have read the foregoing PETITION FOR VISITAT	ION FAMILY LAW CASE (NON-PARENT)
and know its contents. CHECK APPLIC	ABLE PARAGRAPHS
I am a party to this action. The matters stated in the foregoing matters which are stated on information and belief, and as to those	
☐ I am ☐ an Officer ☐ a partner	
a party to this action, and am authorized to make this verification f I am informed and believe and on that ground allege that the stated in the foregoing document are true of my own knowledge ex belief, and as to those matters I believe them to be true.	matters stated in the foregoing document are true. 🔲 The matter
I am one of the attorneys for a party to this action. Such party is absent from the county of afore verification for and on behalf of that party for that reason. I am info stated in the foregoing document are true. Executed on , at	said where such attorneys have their offices, and I make this rmed and believe and on that ground allege that the matters California.
I declare under penalty of perjury under the laws of the State of Ca	1
TYPE OR PRINT NAME	SIGNATURE
PROOF OF SE	
1013a (3) CCP Rev	ised 2004
STATE OF CALIFORNIA, COUNTY OF KERN	State of California.
I am employed in the county of I am over the age of 18 and not a party to the within action; my but	` ·
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deposit for mailing in affidavit.	, California.
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Executed on , at	, California.
(State) I declare under penalty of perjury under the laws of	of the State of California that the above is true and correct.
	nber of the bar of this court at whose direction the service was
made.	
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"(FOR PERSONAL SERVICE SIGNATURE MUST BE THAT OF MESSENGER)

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TELEPHONE NO: FAX NO. (Optional): EMAL AUDITION (Price Price Plane): EMAL AUDITION (Price Price Plane): EMAL AUDITION (Price Plane): SUPERIOR COURT OF CALIFORNIA, COUNTY OF SINELT ADDRESS (Optional): (This section applies only to family law cases.) PETITIONER: ETHIONER: (This section applies only to family law cases.) PETITIONER: (This section applies only to family law cases.) PETITIONER: (This section applies only to family law cases.) PETITIONER: (This section applies only to family law cases.) (This section applies only				1		FOR COURT HEE CAN Y	
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Additional residence information for a child listed in item a or b is continued on attachment.3c.							
c. Additional residence information for a child listed in item a or b is continued on attachment.3c.				1			
	c. Additional resider	ice information for a child listed	in item a or b	is continued on	attachm	ent.3c.	,

Form Adopted for Mandatory Use Judicial Council of California FL-105/GC-120 [Rev. January 1, 2009]

	+					<u> </u>	* · · ·	rL.	-105/GC-1 <i>x</i>
SHORT TITLE:		_;-				1	CASE NUMBER:		
4 Do you have informe	tion chaut o	r hous	uau participated or			1		· · · · · · · · · · · · · · · · · · ·	
4. Do you have informa	n proceedin	a in Ca	you participated as	s a pan	ly or as a	a witness	or in some other capaci ibject to this proceeding	ity in, another co	oun case
Yes No							ide the following inform		
	7700, 01112	- 1		700111			To the following infolin		т
D !!			Court			order		Your	
Proceeding	Case numi	ber / ((name, state, locati	ion)	_	gment	Name of each child	connection to	Case statu
	ļ				(da	ite)		the case	
a. 🔲 Family	f	ļ				1			
'		İ				1			
		-				<u> </u>			
b. 🔲 Guardianship	Ì								
				-		1			
c. D Other						1			
		1							
	<u> </u>						<u></u>	<u> </u>	
Proceeding	ĺ		Case Number				Court (name, state	e, location)	
d. U Juvenile Deling	wency/						· · · · · · · · · · · · · · · · · · ·		
Juvenile Deper									
	laciloy			•					
e. 🔲 Adoption									
5. One or more do	mestic viole	nce res	training/protective	orders	are now	in effect.	(Attach a copy of the o	rders if vou hav	e one
and provide the							,	,	
Court	<u>_</u> _			Sta		'C	······································	0.45.5	ing (data)
Court			County	- Siè	e	Case n	umber (if known)	Orders exp	ore (date)
a. 🔲 Criminal								1.	
b. Tamily									
					•				
- 🗖	<u>-</u>			<u> </u>		1			
c. Juvenile Deling			•						
Juvenile Depen	naency		· · · · · · · · · · · · · · · · · · ·						
d. Dther									
				j				İ	
6. Do you know of any p		n not o	norty to this proces	dinau	ubo boo i	abusisal s	ustadu ar alaima ta hau		
visitation rights with a			•	_		-	following information):	e custody of of	
a. Name and addr	ess of perso	n	b. Name and	l addre	ss of per	son	c. Name and ac	ddress of persor	ו [
			<u> </u>						
			1						ļ
			1						
	ical custody		11		al custoo	-		ysical custody	
	stody rights				tody righ		11 == :	custody rights	
	sitation rights	 -			tation rig	nts		visitation rights	
Name of each child	d		Name of eac	n cniia			Name of each c	niid	
			lL]		
l declare under penalty o	of perjury un	der the	laws of the State of	of Califo	ornia tha	t the foreg	going is true and correct	t.	
Date:									
					•	1			
/T	YPE OR PRINT	NAME			_		(SIGNATURE OF DEC	CLARANT)	
7. Number of pages						i	\	/	
		have a	continuing duty	to info	rm this	court if yo	ou obtain any informat	tion about a cu	stody
			J ,			,	•		- 1

proceeding in a California court or any other court concerning a child subject to this proceeding.

DECLARATION UNDER UNIFORM CHILD CUSTODY

Page 2 of JURISDICTION AND ENFORCEMENT ACT (UCCJEA)

•	~u;r _				FL-105(A)/GC-120(A
CASE NAME:		•	-	CASE NUMBER:	
<u> </u>			•		
L					

ATTACHMENT TO DECLARATION UNDER UNIFORM CHILD CUSTODY JURISDICTION AND ENFORCEMENT ACT (UCCJEA)

DECLARATION UNDER	UNIFORM CHILD CUSTODY	JURISDICTION AND ENFOR	RCEMENT ACT (L	JCCJEA)
Child's name		Place of birth	Date of birth	Sex
Residence information is the same a FL-105/GC-120 for child a. (If NOT information below.)	as given on form the same, provide the	,	-	
Period of residence	Present address	Person child lived with (name and co	mplete current address)	Relationship
		•		
to propert	Confidential	Confidential		
to present	Child's residence (City, State)	Person child lived with (name and co	omplete current address)	
to ·				
	Child's residence (City, State)	Person child lived with (name and co	mplete current address)	
to	·			
	Child's residence (City, State)	Person child lived with (name and co	mplete current address)	
to	<u> </u>			
Child's name		Place of birth	Date of birth	Sex
Residence information is the same a FL-105/GC-120 for child a. (If NOT tinformation below.)	as given on form the same, provide the			
Period of residence	Address	Person child lived with (name and co	mplete current address)	Relationship
to present	Confidential	Confidential		
to process	Child's residence (City, State)	Person child lived with (name and co	mplete current address)	
to				
	Child's residence (City, State)	Person child lived with (name and co	implete current address)	. •
to				
	Child's residence (City, State)	Person child lived with (name and co	mplete current address)	
to	<u> </u>	Place of birth	Date of birth	Sex
Child's name		, 1000 or only		302
Residence information is the same a FL-105/GC-120 for child a. (If NOT tinformation below.)	as given on form the same, provide the			
Period of residence	Address	Person child lived with (name and co	emplete current address)	Relationship
to present	Confidential	Confidential		
,:-55:::	Child's residence (City, State)	Person child lived with (name and co	implete current address)	
to	Childle socidence (City Chata)	Person child lived with (name and co	ampleto current address	
	Child's residence (City, State)	reison child aved with (name and co	impiete current address)	
to				
	Child's residence (City, State)	Person child lived with (name and co	emplete current address)	
to				

Form Adopted for Mandatory Use Judiciat Council of California FL-105(A)/GC-120(A) [New January 1, 2009]

ATTORNEY OR PARTY WITHOUT ATTORNEY OR GOVERNMENTAL AGENCY (under Family Code, §§ 17400 (Name, State Bar number, and address).	, 17406)	FOR COURT USE ONLY		
(value, state bar fulliber, and address).				
TELEPHONE				
TELEPHONE NO.: FAX NO.:				
SUPERIOR COURT OF CALIFORNIA, COUNTY OF				
STREET ADDRESS:				
MAILING ADDRESS:				
	1			
CITY AND ZIP CODE:				
BRANCH NAME: PETITIONER/PLAINTIFF:		CACE MINUTED.		
TETHIOREIGE ANATHER.		CASE NUMBER: .		
RESPONDENT/DEFENDANT:				
THEOR ONDERTIBLE ENDANT.		(If applicable, provide):		
OTHER PARENT/PARTY:		HEARING DATE:		
OTHER FARENI/FARTT.		HEARING TIME:		
PROOF OF PERSONAL SERVICE		DEPT.;		
, , , , , , , , , , , , , , , , , , , ,	1			
1. I am at least 18 years old, not a party to this action, and not a protected po	l erson listed in a	env of the orders		
2. Person served (name):		my of the orders.		
3. I served copies of the following documents (specify):	1			
SUMMONS; VERIFIED PETITION FOR VISITATION FAMILY LA	NA CASE (NO	INI DADENITI, LICCIEA, DEGLIEST		
FOR ORDER FOR VISITATION; BLANK RESPONSIVE DECLAR		IN-PAREINT), OCCJEA, REQUEST		
FOR UNDER FUR VIOLATION, BLAINN RESPONSIVE DECLAR	KATION	•		
A. Distriction of the control of the		·		
4. By personally delivering copies to the person served, as follows:				
a. Date: b. Time:				
c. Address:				
5. lam				
a. ont a registered California process server. d. exempt from registration under Business & Profession				
b. a registered California process server. Code section 22350(b).				
	alifornia sheriff	or marshal.		
registered California process server.				
6. My name, address, and telephone number, and, if applicable, county of registration and number (specify):				
		•		
	1			
	1	•		
7. I declare under penalty of perjury under the laws of the State of California				
8.	rue and correct	•		
	1 1 1 1			
Date:				
	1			
k	1			
	1			
(TYPE OR PRINT NAME OF PERSON WHO SERVED THE PAPERS)	(SIGNAT	TURE OF PERSON WHO SERVED THE PAPERS)		

Page 1 of 1

ATTORNEY OR PARTY WITHOUT ATTORNEY OR GOVERNMENTAL AGENCY (under Famili (Name, State Bar number, and address):	y Code, §§ 17400, 17406)		
-			
TELEPHONE NO.: FAX NO.:			
ATTORNEY FOR (Name): SUPERIOR COURT OF CALIFORNIA, COUNTY OF			
STREET ADDRESS:			
MAILING ADDRESS:			
CITY AND ZIP CODE:			
BRANCH NAME:			
PETITIONER/PLAINTIFF:	CASE NUMBER:		
RESPONDENT/DEFENDANT:	(If applicable, provide):		
	HEARING DATE:		
OTHER PARENT/PARTY:	HEARING TIME:		
PROOF OF PERSONAL SERVICE	DEPT.:		
	, 		
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):	protected person listed in any of the orders.		
3. I served copies of the following documents (specify):			
SUMMONS: VERIFIED PETITION FOR VISITATION F	FAMILY LAW CASE (NON-PARENT); UCCJEA; REQUEST		
FOR ORDER FOR VISITATION; BLANK RESPONSIV			
, , , , , , , , , , , , , , , , , , , ,			
4. By personally delivering copies to the person served, as follow	vs:		
a. Date:	o. Time:		
c. Address:			
5. lam	·		
- · · - · · · · · · · · · · · · · · · ·	evernt from registration under Rusiness & Profession		
 a. not a registered California process server. b. a registered California process server. d. exempt from registration under Business & Profession Code section 22350(b). 			
c. an employee or independent contractor of a e. a California sheriff or marshal.			
registered California process server.			
• • • • • • • • • • • • • • • • • • •			
6. My name, address, and telephone number, and, if applicable,	county of registration and number (specify):		
7	tate of California that the foregoing is true and correct		
7. I declare under penalty of perjury under the laws of the St			
B. I am a California sheriff or marshal and I certify that the fo	regoing is true and correct.		
Date:			
500.			
(TYPE OR PRINT NAME OF PERSON WHO SERVED THE PAPERS)	(SIGNATURE OF PERSON WHO SERVED THE PAPERS)		
	<u> </u>		

Page 1 of 1 Code of Civil Procedure, § 1011 www.courts.ca.gov