

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF SONOMA
Family Law Clerk's Office**

3055 Cleveland Ave.
Santa Rosa, CA 95403-2122, 707-521-6500
www.sonoma.courts.ca.gov

GRAND PARENT VISITATION
AFTER JUDGMENT OR NO FAMILY LAW CASE

FILING FEE: You must pay filing fees. This will include a \$435 First Paper fee and a \$30 Court Reporter Fee. If you cannot afford the filing fee, ask the clerk for a Fee Waiver Packet. Included this packet, there is one of each of the following forms: Request to Waive Court Fees (FW-001), Order on Court Fee Waiver (FW-003) and Information Sheet on Waiver of Superior Court Fees (FW-001-INFO). The Court's Fee Schedule and all forms are available on the Court's Website at www.sonoma.courts.ca.gov.

BEFORE YOU FILE, PLEASE REVIEW THE FOLLOWING INFORMATION:

A grandparent may file a Petition for Grandparent Visitation only if the facts under 1, 2 or 3 are true.

1. When parents are married and one of the following is true:
 - The parent spouses are living apart
 - One parent spouse has been absent for more than one month without the other parent spouse knowing the whereabouts of the absent parent spouse
 - One of the parents is joining in the Petition with the grandparent
 - The child(ren) is not residing with either parent
 - The child(ren) has been adopted by a step-parent
 - One of the parent spouses is incarcerated or involuntarily institutionalized
2. When parents are not married
3. When one of the parents is deceased

THE FORMS REQUIRED ARE:

1. Petition for Grandparent Visitation (FL-038 – a local Sonoma County form)
2. Declaration Under Uniform Child Custody Jurisdiction Act (FL-105)
3. Summons (SUM-100) (one for each parent)
4. Proof of Service of Summons (POS-010) (one proof of service for each parent)
5. Blank Response to Petition for Grandparent Visitation (one for each parent)
6. Blank Declaration Under Uniform Child Custody Jurisdiction Act (FL-105) (one for each parent)
7. Blank Proof of Service by Mail (FL-335) (one for each parent)
8. Request for Order – these forms and instructions are in a separate packet REQUEST FOR ORDER

SEE NEXT PAGE FOR HOW TO FILE, WHO TO SERVE, AND ABOUT COURT PROCEDURES

STEP ONE: FILE THE FORMS

Hand printed forms using either blue or black ink will be accepted for filing as long as they are legible by the clerk. You may access and complete the forms via the internet. Go to www.courts.ca.gov/forms. After you have completed the forms, make three photocopies of the *Petition for Grandparent Visitation (FL-038)*, *Declaration Under Uniform Child Custody Jurisdiction Act (FL-105)*, and *Summons (SUM-100)* for a total of four sets. Take the original and the three copies for filing to the Family Law Clerk's Office.

The clerk will keep the forms bearing original signatures, and return three "filed-endorsed" sets back to you. One is for you, the other two are to be served on the parents. See instructions below.

STEP-TWO: SERVE THE FILED DOCUMENTS

After you have filed your forms with the court and have been assigned a case number, the law requires that formal notice must be given to the parents. Serve each of the forms you filed with the court, AND a blank *Response to Petition for Grandparent Visitation FL-038*, *Declaration Under Uniform Child Custody Jurisdiction Act (FL-105)*, *Proof of Service by Mail (FL-335)*. **You cannot be the one to serve these forms.** You may have friends, relatives, the county sheriff, or a process server over 18 years of age serve your documents. Service is complete when the server completes, dates, and signs a *Proof of Service of Summons* form (POS-010), and this form is submitted to the Family Law Clerk's Office for filing. *STEP TWO* is then considered completed. A *Proof of Service of Summons (POS-010)* is required for each parent.

WARNING: IF YOU DO NOT FILE A PROOF OF SERVICE OF SUMMONS WITHIN 3 YEARS, YOUR CASE MAY BE DISMISSED.

STEP-THREE: REQUEST A COURT DATE

You must request a court date by filing a Request for Order FL-300. See the separate packet Request for Order. At the hearing, the Court must find that one of the statements in paragraph 1 are true. If so, the Court will schedule a session with Family Court Services and a future date for a return to court. At a hearing, when the Court makes orders, a Findings and Order After Hearing is filed.

Go to the Court website at www.sonoma.courts.ca.gov for further information, seek legal advice, or ask for procedural assistance from the Family Law Facilitator by calling 707-521-6545 to leave a message for a return call.

WARNING: IF NO FINDINGS AND ORDER AFTER HEARING IS ENTERED WITHIN 5 YEARS, YOUR CASE MAY BE DISMISSED.