

Asking for a Child Support Order

To set up a child support order for your children, you or the other parent must ask for a court order, either directly from the court or through the local child support agency.

How to do this depends on:

Do you already have a family court case (or one with the local child support agency) that involves you and your child's other parent?

OR

Are you starting a case for the first time?

The [family law facilitator](#) or [self-help center](#) in your county may be able to help you with your paperwork. Find out if you can get help before you try to do it completely on your own.

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If you do not have an open case and need to start one

The kind of case you can start depends on whether or not you are married to the other parent or have a registered domestic partnership.

Cases for parents who are married to each other or are registered domestic partners

If you are married to the other parent or you are registered domestic partners, you can ask for a child support order in these kinds of cases:

Divorce (also called "dissolution of marriage"), Legal Separation, or Annulment

You can ask for a child support order once you file for a divorce, legal separation, or annulment.

You can get a temporary order for child support while you are waiting for the final judgment in your case.

Once you have opened a divorce or legal separation case, AND you want a temporary order for child support while you wait for the final divorce, you can [ask for a court date for child support issues](#).

Click for help [getting a divorce, legal separation, or annulment](#).

Domestic Violence Restraining Order

If you have been a victim of domestic violence, you can ask for child support when you ask for a domestic violence restraining order against the other parent of your child.

When you fill out your restraining order papers, make sure you also fill out a [Request for Child Custody and Visitation Orders \(Form DV-105\)](#). This information is explained in the domestic violence section.

Click for [help getting a domestic violence restraining order](#).

Petition for Custody and Support of Minor Children

If you do not want to get a divorce, legal separation, or annulment, you can start a case called a *Petition for Custody and Support of Minor Children*.

This lets the court make a child support order and other orders.

Click for [help filing a Petition for Custody and Support of Minor Children](#).

Local Child Support Agency Case

Either parent can request that the local child support agency open a child support case.

You can contact your local child support agency directly to do this or to get more information.

The [family law facilitator](#) in your county can also give you information about how to do this.

Once you have started 1 of these cases, you can ask for a child support order.

Cases for parents who are not married and are not domestic partners

If you are NOT married to the other parent and are NOT registered domestic partners, you can ask for a child support order in these kinds of cases:

Parentage (Paternity) Case

A parentage case is for parents who are not married and have children together.
It says who the legal parents of a child are.
The judge can make a child support order in a parentage case.

Click for [help with parentage](#).

Domestic Violence Restraining Order

If you have been a victim of domestic violence, you can ask for child support when you ask for a domestic violence restraining order against the other parent of your children.
Then, when you fill out your restraining order papers, make sure you also fill out a *Request for Child Custody and Visitation Orders (Form DV-105)* . This information is explained in the domestic violence section.

Click for help [getting a domestic violence restraining order](#).

Petition for Custody and Support of Minor Children

If you have signed a voluntary Declaration of Paternity, you can file a *Petition for Custody and Support of Minor Children*.
This lets the court make a child support order and other orders.

Click for [help filing a Petition for Custody and Support of Minor Children](#).

Local Child Support Agency Case

Either parent can request that the local child support agency open a child support case.
You can contact your local child support agency directly to do this or to get more information.

The [family law facilitator](#) in your county can also give you information about how to do this.

Once you have started 1 of these cases, you [can ask for a child support order](#).

If you have an open case and want to request a hearing for child support

Remember, you have to have an open family law case or a case with the local child support agency (LCSA) to request a child support order. Click to [learn how to open a case](#).

The most common way to ask for a court date on child support is:

1. Fill out your court forms

Fill out:

Request for Order (Form FL-300) . You can use the *Information Sheet for Request for Order (Form FL-300-INFO)* to learn how. (Ask your [family law facilitator](#) if you need to check the box for "Court Order" and item 4 on Form FL-300.)

Income and Expense Declaration (Form FL-150) OR a *Financial Statement (Simplified) (Form FL-155)* .

Read *Which Financial Form - FL-155 or FL-150?* ([Form DV-570](#)) to find out if you can use the simpler Form FL-155.

Make sure you use the right case number for your child support case.

Note: A *Request for Order* (Form FL-300) does not necessarily mean the other side has to show up to the court hearing. In some cases, you may want or need the other side to come to court. To find out more about how to make sure they come to court or whether it would be helpful in your case, click to learn about [Notices to Attend a Hearing and Subpoenas](#).

2. Have your forms reviewed

Ask your court's [family law facilitator](#) to review your paperwork. They can make sure you filled it out properly before you move ahead with your case.

You can also hire your own lawyer to review your papers or to get legal advice, either with your entire case, or just the parts of it that you may need more help with (called "limited scope representation" or "unbundling"). Click for [help finding a lawyer](#). Click to learn more about "[limited scope representation](#)."

3. Make at least 2 copies of all your forms

One copy will be for you; another copy will be for your child's other parent. The original is for the court. If the local child support agency (LCSA) is involved in your case, make 3 copies.

4. File your forms with the court clerk

Turn in your forms to the court clerk. He or she will keep the original and return the copies to you, stamped "Filed." You will have to pay a filing fee. If you cannot afford the fee, you can [ask for a fee waiver](#).

5. Get your court date

The clerk will give you a court date and write it on your Form FL-300. If you are also asking for custody orders, you may also get a date for mediation.

6. Serve your papers on the other parent (and the LCSA if involved).

Have someone other than yourself (and at least 18 years old) serve the other parent (and the LCSA if involved) with a copy of your papers and a blank *Responsive Declaration to Request for Order* ([Form FL-320](#)) and blank *Income and Expense Declaration* ([Form FL-150](#)).

If you filed a *Request for Order* ([Form FL-300](#)) with the box for "Court Order" and Item 4 checked, your papers MUST be served **in person at least 16 days before** your court date.

If you filed a *Request for Order* ([Form FL-300](#)) with NO check marks on the box for "Court Order" nor on Item 4, you can probably serve the other parent (and the LCSA if involved) **by mail**. But if you serve by mail, you must do it **at least 16 court days** before the hearing **plus 5 calendar days** for mailing. Ask the [family law facilitator](#) if you are not sure if you can serve your papers by mail.

Get more [information about "service"](#). Look at the front of Form FL-300 to see if the court ordered you to serve any other documents.

7. File your proof of service

Have your server fill out a *Proof of Personal Service* ([Form FL-330](#)) for the other parent (and another for the LCSA if involved in the case) if your papers were served in person. You must then file the Proof of Service with the court. It is very important your server fills out the Proof (or Proofs) of Service correctly. If possible, have your family law facilitator review it to make sure it was filled out properly.

If the papers were served by mail, your server has to fill out a *Proof of Service by Mail* ([Form FL-335](#)).

8. Go to your court hearing

Go to your court hearing and take a copy of all your papers and your Proof of Service.

Read [Going to Court](#) to find out how to prepare for your court hearing.

Keep in mind [family law facilitator](#) can help you mediate your child support issues. So, even after you ask for a court date, you can try to work out child support with your child's other parent and the family law facilitator can help you. If you can work out an agreement, the facilitator can help you write it up and turn it into the judge for his or her signature, making it a court order. If you do not reach an agreement in mediation, you can still go in front of the judge so he or she can make a decision in your case.

After the court hearing

Once the judge makes a decision at the court hearing, the judge will sign a court order. Remember that the court may make child support orders as well as medical support orders. In some courtrooms, the clerk or court staff will prepare this order for the judge's signature. In other courtrooms, it is the responsibility of the person who asked for the hearing to prepare the court order for the judge to sign. If there is a lawyer (if either side has a lawyer or if the LCSA is involved), the lawyer will usually be asked to prepare the order.

If you have to prepare this order, you will need to fill out the *Findings and Order After Hearing* ([Form FL-340](#)), and the *Child Support Information and Order Attachment* ([Form FL-342](#)). If the judge ordered a child support amount different from the state guideline, you will instead need to fill out the *Non-Guideline Child Support Findings Attachment* ([Form FL-342\(A\)](#)) instead of FL-342. You may also want to attach a child support calculation that matches the amount of support being ordered. Also, if there were any other orders made, like child custody and visitation, those forms have to be filled out and attached too.

When the court makes a child support order (even if it is after a *Stipulation* ([Form FL-350](#)) between the parents), each parent has to fill out a *Child Support Case Registry Form* ([Form FL-191](#)). This form is confidential and will not be kept in the court's files. It is kept in a confidential file with the State of California. It registers the case in a national registry to help with child support enforcement. If any of the information you provide on this form changes, you have to complete a new form and deliver it to the court clerk within 10 days of the change. If the LCSA is involved in your case, they will electronically forward the information on the form and you will not need to complete Form FL-191.

Remember, the [family law facilitator](#) can probably help you with all these forms. So, ask the facilitator for help or have him or her review the forms to make sure you did not make any mistakes.

If you have a case and you and the other parent have an agreement

The procedure for writing up your child support agreement and getting a judge's signature so that it becomes a court order may be a little different from court to court, even if the forms are the same statewide. Make sure you ask your court clerk or [family law facilitator](#) about the procedures for your court.

In general, these are the steps you will have to follow:

1. Figure out what guideline child support is

You and the other parent need to find out what the guideline child support would be in your case. Once you and the other parent know what the guideline child support would be, you can agree to the child support that California's guideline sets for your individual case. Or you can agree to an amount of child support that is lower or higher than the guideline amount. But before the judge can sign an agreement between the parents that sets a child support amount different from the guideline, you must first know what the California guideline child support amount would be.

Either way, you need to calculate guideline child support. To figure out what it would be, you can:

Ask the [family law facilitator](#) in your county. He or she can run the calculation and tell you what the guideline would be.

You can calculate the amount yourself by using the [California Guideline Child Support Calculator](#) . To understand how to fill in the information in the Child Support Calculator, download the [User Guide](#) . Calculating child support can be complicated, especially if you have never done it before. If you do it yourself, you may want to have a lawyer or the family law facilitator check the calculation.

2. Agree on an amount and other issues

Part of being fully informed about your child support rights is knowing what the guideline amount of child support would be. This way, if you agree to pay more or receive less than the guideline, you are doing it voluntarily and with all the information.

You also have to agree on who will keep or pay for health insurance for the children and on how to split other expenses related to your child or children, like:

Child-care expenses;
 Health-care costs not covered by insurance (co-pays, etc.);
 Special education or other needs of the children (tutoring, after school activities, etc);
 Travel expenses related to visitation (if any); and
 Any other expense related to your children.XChild-related expenses are usually shared 50-50 or proportionate to each parent's income where there is a large difference between the parents' incomes, but you can agree to any division that you feel is appropriate in your situation.

And you need to decide how the child support payments will be made: directly between the parents, directly to the provider, or by [wage garnishment](#) ([wage assignment](#)).

3. Write up your agreement

Use the *Stipulation to Establish or Modify Child Support and Order* ([Form FL-350](#)). The form walks you through all the issues you need to address in your agreement so make sure you read it carefully. Make sure you use the right case number.

Notice that, in this agreement, you are agreeing to keep each other promptly informed of any changes in income, employment or address.

Ask the [family law facilitator](#) in your county if you need help writing up your agreement. Or if you wrote it up on your own, have the facilitator review it to make sure you filled it out correctly.

You should also attach a copy of the guideline child support calculation, whether you agree to guideline child support or another amount. The court will want to know what the amount of guideline support is and what each parent's financial circumstances were at the time of the agreement. By attaching the child support calculation, you have done this.

4. Sign your *Stipulation* (agreement)

Each parent must sign the *Stipulation*. When you sign, you are agreeing that you understand it and that you are signing it voluntarily and are not being pressured or forced to agree. Do not forget to attach the guideline child support calculation even if you agree to a different amount.

If the local child support agency (LCSA) is involved in your case, either because they were the ones to open the case or because 1 of the parents asked them to get involved, they have to sign this *Stipulation*. If one of you is on public assistance (like TANF), the LCSA has to agree to the amount of child support.

5. Turn in your *Stipulation* to the court for the judge to sign

Find out from the court clerk if you need to make copies ahead of time and turn them in with the original or just turn in the original and make copies after. And find out when you should return to pick up your paperwork.

Each parent will also have to fill out and turn in a *Child Support Case Registry Form* ([Form FL-191](#)). This form is confidential and will not be kept in the court's files. It is kept in a confidential file with the State of California. It registers the case in a national registry to help with child support enforcement. If any of the information you provide on this form changes, you have to complete a new form and deliver it to the court clerk within 10 days of the change. If the LCSA is involved in your case, they will electronically send this information so you will not need to fill out Form FL-191.

If you are agreeing to have the child support paid by wage garnishment, also turn in an *Income Withholding for Support* ([Form FL-195](#)). Use the *Income Withholding for Support - Instructions* ([Form FL-196](#)) for help filling out Form FL-195. When you fill out this form, keep in mind that "Obligor" refers to the parent that is paying the child support. "Obligee" is the parent who is receiving the child support. And when filling out this form, make sure to only write the last 4 digits of the obligor's social security number – the law requires it to protect their privacy.

6. File your *Stipulation* after the judge signs it

After the judge signs the *Stipulation*, file the original with the court clerk (after making copies if you did not already make them). The clerk will keep the original and stamp your copies "Filed" and return them to you. One copy will be for each parent and the third copy is for the LCSA if they are involved.

Also file the *Income Withholding for Support* ([Form FL-195](#)) if you turned in one. Make sure that you fill in the form to have the child support sent payable to the [State Disbursement Unit \(SDU\)](#). Otherwise, your support payments may be delayed because employers have been instructed not to honor a withholding order that is not payable to the SDU.

7. Send the *Order/Notice to Withhold Income for Child Support* to the employer of the parent ordered to pay support (the obligor)

If you agreed to have the obligor's (parent paying support) wages garnished, send the filed *Income Withholding for Support* ([Form FL-195](#)) to his or her employer. If the LCSA is involved in your case, they will take care of serving the employer.

If you need help, your local [family law facilitator](#) may be able to help both of you write up an agreement.

Filing a Petition for Custody and Support of Minor Children

In some cases, parents can file a *Petition for Custody and Support of Minor Children* to ask for a child support order.

Parents can do this if:


They are married to each other or are registered domestic partners and do not want to get a divorce, legal separation, or annulment but want a court order for child support (or custody and visitation);



They are not married but have already signed a voluntary Declaration of Paternity and now want a court order for child support. (Get information on [voluntary Declarations of Paternity](#)); They are not married but have legally adopted a child together and now want a court order for child support; or
The petitioner and respondent have been determined to be the parents of a child in a juvenile case and now want a court order for child support.

To start a case with a *Petition for Custody and Support of Minor Children*:

1. Fill out your court forms

Fill out these forms:

Petition for Custody and Support of Minor Children ([Form FL-260](#));
Summons (Uniform Parentage-Petition for Custody and Support) ([Form FL-210](#)); and
Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)
([Form FL-105/GC-120](#) | [video instructions](#) ).

Income and Expense Declaration ([Form FL-150](#) | [video instructions](#) ) OR a
Financial Statement (Simplified) ([Form FL-155](#) | [video instructions](#) ) (to ask for
child support).

2. Read *Which Financial Form - FL-155 or FL-150?* ([Form DV-570](#)) to find out if you can use the simpler Form FL-155.

3. Have your forms reviewed

Ask your court's [family law facilitator](#) to review your paperwork. They can make sure you filled it out properly before you move ahead with your case.

You can also hire your own lawyer to review your papers or to get legal advice, either with your entire case, or just the parts of it that you may need more help with (called "limited scope representation" or "unbundling"). Click for [help finding a lawyer](#). Click to learn more about "[limited scope representation](#)."



4. Make at least 2 copies of all your forms

One copy will be for you; another copy will be for your child's other parent. The original is for the court.

5. File your forms with the court clerk

Turn in your forms to the court clerk. They will keep the original and return the copies to you, stamped "Filed." You will have to pay a filing fee. If you cannot afford the fee, you can [ask for a fee waiver](#).

6. Serve your papers on the other parent

Have someone other than yourself (and at least 18 years old) serve the ote parent **in person** with a copy of your papers and a blank *Response to Petition for Custody and Support of Minor Children* ([Form FL-270](#)), a blank *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)* ([Form FL-105/GC-120](#) | [video instructions](#) ) and a blank *Income and Expense Declaration* ([Form FL-150](#) | [video instructions](#) ). Find [more information about "service."](#)

7. File your proof of service

Have your server fill out a *Proof of Service of Summons* ([Form FL-115](#)) and file it with the court. It is very important your server fills out the Proof of Service correctly. If possible, have your [family law facilitator](#) review it to make sure it was filled out properly.

Now that you have an open case, if you want to schedule a court hearing to ask the judge to make child support orders, you need to follow the steps for the court hearing request. If you want to save yourself a trip to the courthouse, you can combine both sets of steps and file all the papers (the ones to start the *Petition for Custody and Support of Minor Children* and the ones with the *Order to Show Cause* (or *Notice of Motion*) that set up the court hearing) at the same time, and then serve all of them to the other parent, also at the same time.

Find out what steps you have to follow to [ask for a court order on child support](#).

Starting a case with the local child support agency

There are 4 main ways that a case is started with the local child support agency (LCSA):

1. If 1 of the parents has been getting public assistance (like TANF--Temporary Assistance for Needy Families), the LCSA automatically files a child support case against the [noncustodial parent](#). The case also includes as a party the [custodial parent](#) that is receiving public assistance.
2. If a child is in foster care, the LCSA may start a child support case against 1 or both parents.
3. Either parent can open a private case with the LCSA, which will then start a child support case against the other parent.
4. Either parent can ask the LCSA to take over enforcement of a child support order in a family law case (like a divorce or parentage case).

You do not have a lot of choice about 1 and 2, since the LCSA opens a case automatically. But if you are not on any type of public assistance and your children are not in foster care, you can decide that, instead of handling a child support case on your own, you want the help of the LCSA. Either parent (or both

together) can ask for help from the LCSA. There are advantages to having the LCSA handle the case for you, since they take care of all the paperwork and a lot of the background investigation, as well as serving the other parent with the court papers. BUT it can take longer to get your child support order this way, so make sure you are clear on the time frame for getting your order.

To open a new child support case with the LCSA

Go to or contact your [local child support agency](#).

Provide the LCSA with information about you, the other parent, and the child. You will have to fill out an application for services. This form asks for information on each parent and the children, like:

- Full name, address, and telephone number;
- Date of birth;
- Social security number;
- Paycheck stubs for the parents; and
- Employment information for the parents.

The LCSA may also do some investigation on its own, trying to get a complete picture of both parents' employment, income, and other information relevant to child support.

In general, the LCSA will:

File a court case where the LCSA is the petitioner, the [noncustodial parent](#) is the respondent, and the [custodial parent](#) is the "other parent."

Contact your child's other parent to see if he or she agrees to establishing paternity (which must be done before child support can be ordered) and to establishing child support. If you both opened the case together and agree to these issues, the LCSA will serve the other parent with the *Summons and Complaint* ([Form FL-600](#)) (most likely in the LCSA office) and probably write up a *Stipulation* for both of you to sign and submit to the court for a judge to sign.

Depending on the other parent's response, the LCSA may have to send the *Summons and Complaint* to a process server to formally serve him or her, and may have to set up genetic (DNA) testing to determine parentage. If the LCSA is involved, they will make the arrangements for the genetic testing at no cost to either parent.

If the other parent does not file an answer to the *Summons and Complaint*, the LCSA will take a default judgment, which is done without a court hearing.

Genetic testing will either exclude the person as the biological parent of the child or will show a high probability that the person is the biological parent of the child. If the test excludes the person, the LCSA may ask the court to either dismiss the case or find that the person is NOT the parent of the child. There are some circumstances where the agency might pursue the case even with a genetic test that excludes that person, for example, if that person has had a long-term father-child type relationship prior to the testing. If you have questions about the process of establishing parentage, you can see the [local child support agency](#) or the [family law facilitator](#).

After genetic testing, the LCSA may try to resolve both parentage and support by agreement. The parent may agree to parentage but not agree to the amount of support. In any case, the LCSA will handle getting the case into court to determine any unresolved issues.

To ask the LCSA to take over enforcement of an existing child support order from a family law case

Either parent can ask the LCSA to help them with enforcement of a child support order made in a divorce, a parentage case, or a *Petition for Custody and Support of Minor Children* case.

The LCSA will then take over enforcement activities like wage garnishments, bank liens, tax refund intercept, and others. They will also keep accountings of payments made and any back child support owed.

As long as there is a child support order, the LCSA can also help enforce a spousal support or a health insurance/medical support order.

If the LCSA is involved, they will have to sign off on any agreement you and the other parent make about child support or medical support.

Learn more about the [advantages of having the LCSA help you collect](#) your child support order.