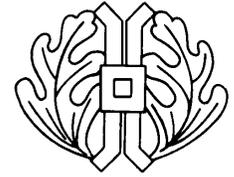


PREVENTIVE LAW SERIES

ORDER TO SHOW CAUSE



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WHAT IS AN ORDER TO SHOW CAUSE?

Orders to Show Cause are filed by a party requesting a court ruling on: child custody, child visitation, child support, spousal support, attorney fees and costs, property restraint, and property control.

They are mostly used to modify already-existing orders issued by the court. In San Diego County, you need to have filed an underlying action prior to filing an Order to Show Cause. An underlying action could be a Petition for Dissolution/Legal Separation/Nullity, Domestic Violence action, Petition for Parental Relationship, Petition for Child Custody or a Registration of a Foreign Order. If no such underlying action exists, you may need to prepare a Petition for one of these actions in conjunction with preparing an Order to Show Cause.

There is a filing fee for underlying actions of \$191.00 except for Domestic Violence actions which are free. To file an Order to Show Cause after an underlying action has been filed, there is a filing fee of \$23.00, unless you are filing an Order to Show Cause for the modification of child custody or child visitation. In that case, there is a filing fee of \$43.00.

HOW LONG DOES IT TAKE TO GET AN ORDER TO SHOW CAUSE HEARING AFTER THE PAPERWORK HAS BEEN FILED?

It usually takes between four and six weeks to get a hearing after the paperwork has been filed and the fee paid. A person can represent him/herself at an Order to Show Cause hearing.

AT AN ORDER TO SHOW CAUSE HEARING, HOW EASY IS IT TO MODIFY AN ALREADY-EXISTING COURT ORDER?

It is very difficult to change an already-existing court order. The court wants to see "a substantial change of circumstances" which would warrant the modification of a court order. But what qualifies as a "substantial change in circumstances" depends on the circumstances of each case. A change in a person's financial situation alone is usually NOT enough to warrant modification of an existing court order.

Legal Assistance Appointments:

For an appointment to see a legal assistance attorney, please contact the Legal Assistance Office, located in Building 610, Naval Air Station North Island, by telephone at (619) 545-6278.

RESOURCES:

San Diego County Family Court Clerk's Office – 619-2360189
California Court Forms – www.courtinfo.ca.gov/cgi-bin/forms.cgi?Forms=All
California Family Code Section 213

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