



PREVENTIVE LAW SERIES

REQUEST FOR ORDER/ ORDER TO SHOW CAUSE



Prepared by:
Legal Assistance Department
Region Legal Service Office Southwest
3395 Sturtevant Street Suite 9
San Diego CA 92136-5072

WHAT IS A REQUEST FOR ORDER?

A Request For Order/ Order to Show Cause is filed by a party requesting a court ruling on child custody, child visitation, child support, spousal support, attorney fees and costs, property restraint, or property control. They are mostly used to modify pre-existing orders issued by the court. In San Diego County, you need to have filed an underlying action prior to filing a Request for Order. 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 a Request for Order.

FILING FEES

As of June 2015, there is a filing fee for underlying actions of \$435.00 except for Domestic Violence actions (which are free). To file a Request for Order after an underlying action has been filed, there is a filing fee of \$60.00 as of June 2015. There is also an additional charge of \$25.00 for modification of any custody/visitation order. These fees are standard for most of the State of California, but a few counties, including Riverside County, have statutory authority to increase fees. Therefore, please check the court's web site to ensure that you know the correct fee for filing your action.

HOW LONG DOES IT TAKE TO GET A REQUEST FOR ORDER HEARING AFTER FILING?

It usually takes between four and six weeks to get a hearing after the paperwork is filed, the fee is paid and service of process is completed. A person may represent him/herself at a Request for Order hearing.

AT A REQUEST FOR ORDER HEARING, CAN I MODIFY AN ALREADY-EXISTING COURT ORDER?

It is very difficult to change a pre-existing court order. The court wants to see "a substantial change of circumstances" which would warrant the modification of a court order. However, 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. If there is an unavoidable change in employment of a payor under a support order, he or she should immediately file a Request for Order to request a downward temporary modification of support or he or she will remain responsible for the support as ordered. An agreement by the parties is not sufficient to protect you. A court order must be obtained to change support.

LEGAL ASSISTANCE SERVICES

A legal assistance attorney is available by appointment Monday through Thursday from 0800 - 1030 and 1300 - 1500, and Friday from 0900 - 1100. Powers of attorney and notaries are available Monday through Friday at the same times. For more information, please contact the Legal Assistance Office, located in Building 56, 32nd Street Naval Station, San Diego, CA, by telephone at (619) 556-2211, or our office at Naval Air Station North Island – Coronado, Building 318 – Second Deck, above the Fleet and Family Support Center, Saufley Road, by telephone at (619) 545-6437.

RESOURCES

San Diego County Superior Court Family Court Clerk's Office: (619) 236-0189; www.sdcourt.ca.gov
California Courts Self-Help: www.courtinfo.ca.gov

California Family Code § 213 (2013)