

SUPERIOR COURT OF CALIFORNIA
COUNTY OF IMPERIAL

Completing a Petition for Grandparent Visitation

Purpose of Packet

A Petition for Grandparent Visitation is used by grandparents who want to visit their grandchild(ren), but one or both parents are not permitting the visitation to occur. In order to use this process, the parents of the child must be living apart and refusing to allow visitation with the grandparents. Only visitation orders can be obtained under a Petition for Grandparent Visitation, not custody. If the grandparents want custody of the child(ren), then a Guardianship through the Probate Court may be more appropriate.

Getting Started

The following is a list of the forms you will need.

- Summons, form SUM-100 (A separate form for each parent will be needed)
- Petition for Grandparent Visitation, local form FL-15
- Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA), form FL-105

These instructions only apply to cases filed in Imperial County. You may only file your case in Imperial County if the child resides in Imperial County and has been residing in California for at least six months. If the child does not reside in Imperial County, or has not been in California a full six months, then Imperial County does not have jurisdiction over the child and the case will have to be filed in the County or State where the children reside.

If Imperial County does have jurisdiction over the child, the next step is to locate both of the child's parents. Once your case is filed, copies of your forms will have to be personally served on both parents. If you do not know where one of the parents is, contact a private attorney or review the Court's website for information on alternative methods of service.

Completing the Summons, form SUM-100

If both of the child's natural or adoptive parents are living, you will need to complete a separate Summons for each parent.

In the upper left hand corner of the form under the words "Notice to Defendant:" print the first parent's full name.

In the space under the words "You Are Being Sued By Plaintiff:" print your full name. If you and your spouse are both seeking visitation with your grandchild, you may file a single case. Print your spouse's name next to your name in the space provided.

In the blank space in the middle of the page the Court’s address may already appear. If not, print the following information:

Superior Court, County of Imperial
939 W. Main St.
El Centro, CA 92243

In the space below the Court’s address print your full name, address and telephone number. If your spouse is also joining you in this case, print his or her full name. If your spouse has a different address or telephone number from you, include that information as well.

Check the box next to the number 1 at the bottom of the page.

Leave the remainder of the form blank. The Clerk of Court will complete the form at the time you file it.

If both parents are living, complete the second copy of the Summons the same as you completed the first, except print the full name of the child’s other parent at the top of the page.

Completing the Petition for Grandparent Visitation, Form FL-15

In the top left box of the form print your full name (and your spouse’s name if applicable), mailing address and telephone number. In the space next to where it says "ATTORNEY FOR" print “Self.” This means that you are acting as your own attorney in this case.

In the second box down, the court’s name and address may already appear. If not, print the following information:

Superior Court, County of Imperial
939 W. Main St.
El Centro, CA 92243

In the third box down print the full name of the parties next to the words “Petitioner” and “Respondent.” You (and your spouse, if applicable) are the Petitioner(s) and the living parents of your grandchild are the Respondents.

Item 1. Check the boxes that describe your relationship to the child(ren). For example, if you are seeking visitation with your son’s children, check the boxes for “paternal” and “grandmother” or “grandfather” (or both if you and your spouse are petitioning together). List the child(ren) and complete all of the requested information for each child listed in the space provided.

Item 2. Check the appropriate box(es) to show the marital status of your grandchild’s parents with respect to one another. If you did not check box 2a, check all of the boxes following 2b that apply.

Item 3. Describe the visitation plan that you feel would be serve the needs of your grandchild(ren).

Item 4. Describe the relationship between you and your grandchild(ren) and why the visitation plan in item 3 is necessary to maintain the relationship.

Read items 5 and 6.

Below item 6, print the date and your name and sign your name to the right above the words “Signature of Petitioner.” The second line is for your spouse, if applicable.

If one of the parents supports your request for visitation, he or she must complete the consent section of the form, below your signature(s).

Completing the Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA). Form FL-105

At the top of the page, print your name, mailing address, and telephone number.

In the second box down, the Court’s name and address may already appear. If not, print the following information:

Superior Court, County of Imperial
939 W. Main St.
El Centro, CA 92243

In the third box down, print your name and the parents’ names next to the words “Case Name.”

The fourth box down applies to guardianship cases only.

Item 1 states that you are a party in this case.

Item 2 Check the box if your address is confidential and you are using a mailing address other than your physical address.

Item 3 Print the number of minor children in this case.

Box (a) If there is more than one child, start with the oldest child. Print the child’s full name, city and state of birth, date of birth and sex.

Under “period of residence,” provide the time period the child lived at each address during the last 5 years, or to the child’s date of birth if less than 5 years old. The first line is for the current information. Print the date that the child moved into the home where the child now resides.

In the next box to the right, print the address where the child resides – or as much of it as you know, such as the city, county and/or state. If you do not know the street address, you may print “unknown.” If the address is confidential, check the box provided. You must include at least a city and state for each period of residence or the Court will be unable to make custody or visitation orders.

Further to the right, print the name of the person the child is living with, followed by the relationship of that person to the child – for example, “mother,” “father” or “parents.” If the child is living with someone other than a parent, be sure to provide that person’s name, address and relationship to the child.

On the next line down, provide all the information requested relating to the child’s previous residence. Include the dates the child moved into and out of that address. Continue on separate lines for each address.

Complete box b if there is more than one child; complete the requested information for the second child. If the residence information is the same as the first child, check the box below the child’s name that says, “Residence information is the same as given above for child a.” If the information is not the same, provide the information on the lines below.

If there have been more addresses for the child(ren) than will fit in the boxes provided, check box c and attach an additional page labeled “Additional Residence Information.” Use this additional page to list all other addresses for the past five years in the same way you listed the most recent addresses.

If there are more than 2 children, check box d located at the bottom of the form and complete and attach form FL-105(A). Use this form to list the same information for the additional children as was included for the first two children.

In the bar at the top of the second page, print the case name below the words “Short Title.”

Item 4 asks whether you have information about, or have been a party or witness in a case in California or elsewhere, concerning custody of the child(ren) involved in this case. This includes family law, guardianships and juvenile dependency cases. If not, check the box for “No.”

If you do know of a case, check the box for “Yes,” and provide the information requested about that case under the appropriate case type.

Item 5 asks if one or more domestic violence restraining/protective orders are now in effect. If not, leave this item blank. If you do know that such orders are in effect, check the box next to 5, check the box next to the type of case in which the restraining order was issued and provide the information requested. If you have a copy of the order, attach it.

Item 6 asks if there is anyone who is not a party to the case who has physical custody or claims to have custody or visitation rights with any child in this case. If not, check the box for “No.” If you do know of a non-parent seeking custody or visitation rights, check the box for “Yes” and provide the information requested about that person in items a, b and c.

At the bottom left of the form, print today's date next to the word "Date." Print your name on the line below the date and sign your name on the line to the right.

Item 7. If you completed any additional pages or form FL-105(A), check the box next to 7 and print the number of pages you are attaching on the line. Attach the originals to this form and be sure to make copies of all pages before filing your forms.

Filing Your Papers

Once you have completed your forms, you must file them in order to open a case and schedule a hearing date. Follow these steps:

1. Make Copies

You must make three copies (four copies if your spouse is a party) of both the Summons, the Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA), and the Petition for Grandparent Visitation.

In addition to the forms listed above, you will need a blank copy of each of the following forms for each party other than yourself:

- Response to Petition for Grandparent Visitation
- Proof of Service by Mail

2. File Forms

Take all of the forms you have completed and the copies to the courthouse. You will be required to pay a filing fee when you file. If you are unable to pay your filing fees, you may request to have your filing fees waived by the court.

When you file your Petition, the clerk will assign a hearing date and print the date, time and department for your hearing on each copy. You must attend this hearing in order to get visitation orders.

3. Serve the Parents

Once the hearing date has been assigned, you must serve copies of the Summons, the Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA), and the Petition for Grandparent Visitation on both parents of your grandchild. Have another adult who is not a party to the case serve the papers for you.

This should be done by personal delivery.

Once the server has served both parents, he or she must complete a Proof of Personal Service for each parent. Have the server complete the forms and return them to you for copying and filing. Once complete and signed by the server, print your hearing date and time in the upper right box of the form, above the case number. Make a copy of each Proof of Personal Service and file the originals and copies. The Clerk will stamp the copies and return them to you. It is very important that you take the stamped copies of each Proof of Personal Service with you to your hearing in case either party does not attend.

4. Attend the Hearing

It is very important that you attend your hearing. Arrive early and be prepared to answer any questions the Judge may have about the statements you made in your Petition for Grandparent Visitation. Bring with you copies of all of the forms you have completed and your file stamped copies of the Proof of Personal Service for each parent.

For help, contact or visit the Superior Court Access Center
939 W. Main Street, El Centro, CA.
accesscenter@imperial.courts.ca.gov