

**SANTA BARBARA COUNTY SUPERIOR COURT  
OFFICE OF THE FAMILY LAW FACILITATOR**

**HOW TO WRITE A “DECLARATION “  
(Custody and Visitation Issues)**

**I. BASIC INSTRUCTIONS:** *Your “declaration” is your story to the judge. You probably will **not** have a lot of time to talk to the judge when you go to court. You must therefore write everything you want to say to the judge in your declaration. The goal of your declaration is to explain to the court what you are asking for and to prove your case so that the judge will want to make orders that you like.*

*First, identify the issues you want decided by the court; for example, new custody orders or a change in the parenting schedule or the lowering of child support. You will need to write something in your declaration on each issue area.*

*Check your issues:*

1.  I want to get our first custody orders.
2.  I want to change the custody orders that we have.
3.  I want to get an order for visitation.
4.  I want to change the visitation order that we have.

*Second, summarize all the orders that you want from the court. Your job is to help the judge to focus quickly on what you want.*

*Third, make a separate heading for each issue so that the judge will be able to more clearly follow what you are writing. For example, “Our First Custody Order.”*

*Fourth, write as many paragraphs as you need to explain to the judge what order you want and why in that issue area. You can briefly discuss what has happened in the past, what is happening now, what the problems are now, what you want changed and why. Remember to number sequentially each paragraph (ex., 1,2,3,4, etc.).*

*A sample declaration appears below. Your declaration should probably be longer. You want to try to explain a full and complete story so that the judge understands the problems happening right now, what you want to have as first orders or changed orders, and why.*

*Always try to keep your story thorough but concise, organized and to the point. Make it based on specific facts or things that you have seen or heard or somehow personally experienced (identify who did what and when).*

**NOTE: Your declaration is limited to 10 typewritten pages (not including exhibits). You are to type double-spaced with the font size of 11 or 12.**

**II. DECLARATION FORMAT, starting at the top of your blank page:**

**DECLARATION OF \_\_\_\_\_ [your name]**

**I, \_\_\_\_\_ [your name], declare:**

**1. I am the  Petitioner  Respondent  Other Parent in this case. I write this declaration based on things that I personally know. If I were asked to testify in court, I would be able to competently and truthfully speak about what I have written in this declaration.**

**2. SUMMARY OF REQUESTED ORDERS:**

- a.
- b.
- c.

**3. ISSUE: [Title of issue.] [Now, state the facts of your case.]**  
**Background....**

**Current situation....**

**Current problem....**

**Proposed solution and why....**

*[Instructions: Continue your declaration until you have written thoroughly about your issues.]*

*Ending your Declaration: You always end a declaration with the following language marked in bold below after you have finished writing about your issues:]*

**I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.**

**DATED: \_\_\_\_\_**

(Sign your name and type your name here)

**III. SAMPLE DECLARATION: (NOTE: Your declaration can be up to 10 pages long.)**

**DECLARATION OF JOHN SMITH**

I, JOHN SMITH, declare:

1. I am the Petitioner in this case. I write this declaration based on things that I personally know. If I were asked to testify in court, I would be able to competently and truthfully speak about what I have written in this declaration.

**2. SUMMARY OF REQUESTED ORDERS:** I ask the court to order:

A. Sole physical custody of the minor child, Brittany Smith, to me.

B. Joint legal custody to Petitioner John Smith and Respondent Jane Smith.

C. Visitation to Respondent Jane Smith on the first and third weekend of each month from Saturday 9 a.m. to Sunday 5 p.m. and every other Wednesday from 3 p.m. to 8 p.m.

**3. ISSUE: ESTABLISH OUR FIRST ORDER FOR PHYSICAL AND LEGAL CUSTODY; ESTABLISH A SPECIFIC PARENTING PLAN.**

**Background.** Respondent and I have been married for 10 years. We have one child together: Brittany, age 9 years. We separated in July 20\_\_\_. Before our separation, I was very involved in our daughter's life. I worked full-time, but I really enjoyed being a Dad to our daughter. I went to all her parent-teacher conferences. I attended all her school plays. My daughter and I would go out on the weekends to play soccer or ride our bikes. I tried to help our daughter with her homework, but it was hard for me because I often had to work in the evening. My daughter and I continue to be very close, and she means the world to me. I want what is best for her.

Respondent Jane Smith is a good Mom, but she is definitely not as involved in our daughter's life as I am. She likes to go to her yoga and Pilates classes. She also spends a lot of time going out with her friends. Whenever there'd be a parent-teacher conference, she would tell me to go for her, which I always did.

**Current parenting arrangement and problems.** Now that my wife and I are separated, it's harder for me to see our daughter. I moved out so that our daughter could stay in the home we own. Our daughter has been living with her Mom, but Mom is not very cooperative with me. It's been getting harder and harder to set a specific date and time when I can get together with our daughter. Sometimes I feel that Mom thinks she controls the situation. She doesn't treat me as an equal regarding our daughter. It seems that my wife and I are constantly arguing about who gets to have our daughter over the weekend. We don't really have a schedule that we currently like. We have no court-ordered schedule at all. We need a specific parenting plan where the schedule is very clear so that we don't have to argue over this any more. I work in the evening so if our daughter came to live with me, I would need my mother to watch her until I come home from work. My mother is also close to our daughter, and she is happy to be able to spend more time with Brittany. I normally take my dinner break in the early evening, so I would like to use that time to also check in with Brittany and see how she's doing with her homework.

Our daughter has soccer practice and games on many Saturdays so it's been hard for me to get time with her alone. I'm willing to support our daughter with her sport by taking her to the soccer practice and games, but I also want other time with her where we can do things together. Her mom wants to have our daughter on the weekend in order to go to visit Mom's relatives. My wife wants me to have time with our daughter only when it's convenient with my wife's schedule.

Last Saturday, September \_\_, 20\_\_, my Wife exploded at me. I simply told her that I wanted to take Brittany on a camping trip, but my Wife insisted that she had the right to take Brittany to Los Angeles to see her cousins. This happens almost every weekend, and I'm sick of it. I never can get any time with our daughter. I wanted the court to see how my Wife treats me when I make a simple request. I have a true and correct copy of the email my Wife sent me on September \_\_, 20\_\_, , which I am attaching as Exhibit A. I also have copies of recent

photographs I took last month that show me with my daughter. I am attaching true and correct copies of those photographs here as Exhibit B.

**Proposed order regarding physical custody and visitation schedule.** I want an order that says that I have sole physical custody of my daughter. Her mother can have the first and third weekends of the month from Saturday 9 a.m. to Sunday 5 p.m. In this way my wife can have some weekend time with her as well. I am also willing to try to get Wednesday evenings off so that I can spend a little more time with my daughter. I also want to have my daughter on certain holidays. I have written down what I want on the “Children’s Holiday Schedule Attachment” (form FL-341(c)), attached to my Request for Order papers. I really think that we need an order specifying with which parent our daughter will be on each holiday. That way my wife and I have less to argue about.

**Proposed order regarding legal custody.** I also think that we should have an order for joint legal custody. I have always tried to be involved in my daughter’s affairs. I am very interested in how she does in school. I would want to continue to get her school progress reports and be able to talk to the teachers about how she’s doing. Brittany has always been very healthy, but if ever anything should happen to her medically, I would want to be involved in the decision-making. I think I can share this responsibility with my Wife.

**I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.**

DATED: \_\_\_\_\_  
[Your name]

*[NOTE: This is a short sample declaration. Yours may be up to 10 pages long and much more detailed. Write your own story from the heart. Just tell the truth.]*

**EXHIBIT A**

**[Attach your email behind here]**

**EXHIBIT B**

**[Attach your photographs behind here]**