

# SUMMONS - FAMILY LAW

CITACION JUDICIAL-DERECHO DE FAMILIA

FOR COURT USE ONLY

NOTICE TO RESPONDENT (Name):

(SOLO PARA USO DE LA CORTE)

AVISO AL DEMANDADO (Nombre):

You are being sued. *A usted le estan demandando.*

**PETITIONER'S NAME IS:**

**EL NOMBRE DEL DEMANDANTE ES:**

**CASE NUMBER:** (Numero del Caso)

You have **30 CALENDAR DAYS** after this Summons and Petition are served on you to file a Response (form 1282) at the court and serve a copy on the petitioner. A letter or phone call will not protect you.

If you do not file your Response on time the court may make orders affecting your marriage, your property, and custody of your children. You may be ordered to pay support and attorney fees and costs.

If you cannot pay the filing fee, ask the clerk for a fee waiver form.

If you want legal advice, contact a lawyer immediately.

*Usted tiene 30 DIAS CALENDARIOS despues de recibir oficialmente esta citacion judicial y peticion, para completar y presentar su formulario de Respuesta (Response form 1282) ante la corte. Una carta o una llamada telefonica no le ofreceraproteccion.*

*Si usted no presenta su Respuesta a tiempo, la corte puede expedir ordenes que afecten su matrimonio, su propiedad y que ordenen que usted pague manutencion, honorarios de abogado y las costas. Si no puede pagar las costas por la presentacion de la demanda, pida alactuario de la corte que le de un formulario de exoneracion de las mismas (Waiver of Court Fees and Costs).*

*Si desea obtener consejo legal, comuniquese de inmedia to con un abogado.*

**NOTICE** *The restraining orders on the back are effective against both husband and wife until the petition is dismissed, a judgment is entered, or the court makes further orders. These orders are enforceable anywhere in California by any law enforcement officer who has received or seen a copy of them.*

**AVISO** *Las prohibiciones judiciales que aparecen al reverso de esta citacion son efectivas para ambos conyuges, tan to el esposo como la esposa, hasta que la peticion sea rechazada, se dicte una decision final o la corte expida instrucciones adicionales. Dichas prohibiciones pueden hacerse cumpllr en cualquier parte de Callifornia por cualquier agente del orden publico que las haya recibido o que haya visto una copia de ellas.*

1. The name and address of the court is: *(El nombre y direccion de la Corte es)*

2. The name, address, and telephone number of petitioner's attorney, or petitioner without an attorney, is:

*(El nombre, la direccion y el numero de telefono del abogado del demandante, o del demandante que no tiene abogado, es)*

[SEAL] Date (Fecha): \_\_\_\_\_ Clerk (Actuario), by \_\_\_\_\_, Deputy

**NOTICE TO THE PERSON SERVED:** You are served

- a. \_\_\_ as an individual.  
b. \_\_\_ on behalf of respondent  
under: \_\_\_ CCP 416.60 (minor) \_\_\_ CCP 416.90 (individual)  
\_\_\_ CCP 416.70 (ward or conservatee) \_\_\_ other:  
c. \_\_\_ by personal delivery on **(date)**:

(Read the reverse for important information)

*(Lea el reverso para obtener informacion de importancia)*

**WARNING:** California law provides that, for purposes of division of property upon dissolution of marriage or legal separation, property acquired by the parties during marriage in joint form is presumed to be community property. If either party to this action should die before the jointly held community property is divided, the language of how title is held in the deed (i.e., joint tenancy, tenants in common, or community property) will be controlling and not the community property presumption. You should consult your attorney if you want the community property presumption to be written into the recorded title to the property.

**ADVERTENCIA:** Para los efectos de la division de bienes al momento de una separacion legal o de la disolucion de un matrimonio, las leyes de California disponen que se presuman como bienes de la sociedad conyugal a aquellos adquiridos en forma conjunta por las partes durante el matrimonio. Si cualquiera de las partes de esta accion muriese antes de que se dividan los bienes en tenencia conjunta de la sociedad conyugal, prevalecera el lenguaje relativo a la tenencia de los derechos de propiedad contenido en la escritura - como, por ejemplo, copropiedad con derechos de sucesion (joint tenancy), tenencia en comun (tenants in common) o bienes de la sociedad conyugal (community property)- y no la presuncion de que los bienes son de la sociedad conyugal. Usted debe consultar a su abogado o abogada si desea que la presuncion de que los bienes son de la sociedad conyugal se especifique en el titulo de propiedad inscrito.

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## STANDARD RESTRAINING ORDERS - FAMILY LAW

### PROHIBICIONES JUDICIALES ESTANDARES-DERECHO DE FAMILIA

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#### STANDARD FAMILY LAW RESTRAINING ORDERS

Starting immediately, you and your spouse are restrained from

1. removing the minor child or children of the parties, if any, from the state without the prior written consent of the other party or an order of the court;
2. cashing, borrowing against, canceling, transferring, disposing of, or changing the beneficiaries of any insurance or other coverage including life, health, automobile, and disability held for the benefit of the parties and their minor child or children; and
3. transferring, encumbering, hypothecating, concealing, or in any way disposing of any property, real or personal, whether community, quasi-community, or separate, without the written consent of the other party or an order of the court, except in the usual course of business or for the necessities of life.

You must notify each other of any proposed extraordinary expenditures at least five business days prior to incurring these extraordinary expenditures and account to the court for all extraordinary expenditures made after these restraining orders are effective. However, nothing in the restraining orders shall preclude you from using community property to pay reasonable attorney fees in order to retain legal counsel in the action.

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#### PROHIBICIONES JUDICIALES ESTANDARES-DERECHO DE FAMILIA

*A usted y a su cónyuge se les prohíbe*

1. que saquen del estado al hijo o hijos menores de las partes, si los hay, sin el consentimiento previo por escrito de la otra parte o sin una orden de la corte; y
2. que cobren en efectivo, usen como colateral para préstamos, cancelen, transfieran, descontinúen o cambien los beneficiarios de, cualquier póliza de seguro u otras coberturas de seguro, inclusive los de vida, salud, automóvil e incapacidad mantenidos para el beneficio de las partes y su hijo o hijos menores; y
3. que transfieran, graven, hipotecuen, escondan o de cualquier otra manera enajenen cualquier propiedad mueble o inmueble, ya sean bienes de la sociedad conyugal, casi conyugales o bienes propios de los cónyuges, sin el consentimiento por escrito de la otra parte o sin una orden de la corte, excepto en el curso normal de los negocios o para atender a las necesidades de la vida.

Ustedes deben notificarse entre sí sobre cualquier gasto extraordinario propuesto, por lo menos con cinco días de antelación a la fecha en que se van a incurrir dichos gastos extraordinarios y responder ante la corte por todo gasto extraordinario hecho después de que estas prohibiciones judiciales entren en vigor: Sin embargo, nada de lo contenido en las prohibiciones judiciales le impedirá que use bienes de la sociedad conyugal para pagar honorarios razonables de abogados con el fin de obtener representación legal durante el proceso.

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## STANDARD RESTRAINING ORDERS

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SUMMONS  
(Family Law)

1283.5

MARRIAGE OF *(last name, first name of parties):*

CASE NUMBER:

Serve a copy of the documents on the person to be served. Complete the proof of service. Attach it to the original documents. File them with the court.

## PROOF OF SERVICE OF SUMMONS (Family Law)

1. I served the Summons with Standard Restraining Orders (Family Law), blank Response, and Petition (Family Law) on respondent *(name):*
  - a. with
 

(1) <input type="checkbox"/> blank Confidential Counseling Statement	(4) <input type="checkbox"/> Completed and blank. Income and Expense Declarations
(2) <input type="checkbox"/> Order to Show Cause and Application	(5) <input type="checkbox"/> Completed and blank Property Declarations
(3) <input type="checkbox"/> blank Responsive Declaration	(6) <input type="checkbox"/> Other <i>(specify)</i> :
  - b.  By leaving copies with *(name and title or relationship to person served)*:
  - c.  By delivery at  home  business
 

(1) Date of: _____	(3) Address: _____
(2) Time of: _____	
  - d.  By mailing
 

(1) Date of: _____	(2) Place of: _____
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2. Manner of service: *(Check proper box)*
  - a.  **Personal service.** By personally delivering copies to the person served. (CCP 415.10)
  - b.  **Substituted service on natural person, minor, incompetent.** By leaving copies at the dwelling house, usual place of abode, or usual place of business of the person served in the presence of a competent member of the household or a person apparently in charge of the office or place of business, at least 18 years of age, who was informed of the general nature of the papers, and thereafter mailing (by first-class mail, postage prepaid) copies to the person served at the place where the copies were left. (CCP 415.20(b)) **(Attach separate declaration stating acts relied on to establish reasonable diligence in first attempting personal service.)**
  - c.  **Mail and acknowledge service.** By mailing (by first-class mail or airmail) copies to the person served, together with two copies of the form of notice and acknowledgment and a return envelope, postage prepaid, addressed to the sender. (CCP 415.30) **(Attach completed acknowledgment of receipt.)**
  - d.  **Certified or registered mail service.** By mailing to address outside California (by registered or certified airmail with return receipt requested) copies to the person served. (CCP 415.40) **(Attach signed return receipt or other evidence of actual delivery to the person served.)**
  - e.  Other *(specify code section)*:  
 Additional page is attached.
3. The NOTICE TO THE PERSON SERVED on the summons was completed as follows (CCP 412.30, 415.10, and 474):
  - a.  as an individual
  - b.  on behalf of Respondent  
 under  CCP 416.90 (Individual)  CCP 416.70 (Ward or Conservatee)  CCP 416.60 (Minor)  
 Other *(specify)*:
  - c.  by personal delivery on (date):
4. At the time of service I was at least 18 years of age and not a party to this action.
5. Fee for service: \$

6. Person serving:

- a. \_\_\_\_\_ Not a registered California process server.
- b. \_\_\_\_\_ Registered California process server.
- c. \_\_\_\_\_ Employee or independent contractor of a registered California process server.
- d. \_\_\_\_\_ Exempt from registration under Bus. & Prof. Code section 22350(b).
- e. \_\_\_\_\_ California sheriff, marshal, or constable.
- f. Name, address, and telephone number and, if applicable, county of registration and number:

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

(For California sheriff, marshal, or constable use only)  
I certify that the foregoing is true and correct.  
Date:


\_\_\_\_\_  
(SIGNATURE)

\_\_\_\_\_  
(SIGNATURE)

Form Adopted by Rule 1283.5  
Judicial Council of California  
1283.5 [New January 1, 1991]

**PROOF OF SERVICE OF SUMMONS**  
(Family Law)

This is not a substitute for legal advice. An attorney must be consulted.

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