

DV-140

Child Custody and Visitation Order

Case Number:

This form is attached to (check one): [ ] DV-111 [ ] DV-130

1 Protected person's name: [ ] Mom [ ] Dad [ ] Other\*

2 Other parent's name: [ ] Mom [ ] Dad [ ] Other\*

\* If Other, specify relationship to child and name of person:

The Court Orders:

3 [ ] Child Custody is ordered as follows:

Legal Custody to: (Person who makes decisions about health education, and welfare) Physical Custody to: (Person the child lives with)

Table with columns: Child's Name, Date of Birth, Mom, Dad, Other\*, Mom, Dad, Other\*. Rows a, b, c, d.

[ ] if more children, check here. Attach a sheet of paper and write "DV-140, Item 3 — Child Custody" at the top.

\* If Other, specify relationship to child and name of person:

4 [ ] Child Visitation is ordered as follows:

a. [ ] No visitation to [ ] Mom [ ] Dad [ ] Other (name):

b. [ ] See the attached - page document, dated:

c. [ ] The parties must go to mediation at:

d. [ ] Until the next court order, visitation for [ ] Mom [ ] Dad [ ] Other will be:

(1) [ ] Weekends (starting): (The 1st weekend of the month is the 1st weekend with a Saturday.)

[ ] 1st [ ] 2nd [ ] 3rd [ ] 4th [ ] 5th weekend of month

from at a.m. p.m. to at a.m. p.m.

(2) [ ] Weekdays (starting):

from at a.m. p.m. to at a.m. p.m.

(3) [ ] Other Visitation

Check here and attach a sheet of paper if there are other visitation days and times, like holidays, birthdays, sports events. List dates and times. Write "DV- 140, Item 4 —Visitation" at the top.

5 [ ] Supervised Visitation or Exchange — Follow orders on attached Form DV-150.

6 [ ] Responsibility for Transportation for Visitation

"Responsibility for transportation" means the parent will take or pick up the child or make arrangements for someone else to do so.

a. [ ] Mom [ ] Dad [ ] Other (name): to the visits.

b. [ ] Mom [ ] Dad [ ] Other (name): from the visits.

c. [ ] Drop-off / pick-up of children will be at (address):

This is a Court Order.



Protected person's name: \_\_\_\_\_

**7  Travel With Children**

a.  Mom  Dad  Other (name): \_\_\_\_\_ **must** have written permission from the other parent, or a court order, to take the children outside of:

The State of California

Other place(s) (list): \_\_\_\_\_

b.  **Child Abduction**

There is a risk that one of the parents will take the children out of California without the other parent's permission. The following orders must be obeyed. \_\_\_\_\_

**8  Other Orders**

Check here and attach any other orders to this form. Write "DV-140, Item 8 — Other Orders" on the orders.

**9 Jurisdiction**

This court has jurisdiction to make child custody orders in this case under the Uniform Child Custody Jurisdiction and Enforcement Act (part 3 of the California Family Code starting with section 3400).

**10 Notice and Opportunity to Be Heard**

The responding party  was given  was not given notice and an opportunity to be heard as provided by the laws of the State of California.

**11 Country of Habitual Residence**

The country of habitual residence of the child or children in this case is  the United States of America or  other (specify): \_\_\_\_\_.

**12 Penalties for Violating This Order**

If you violate this order, you may be subject to civil or criminal penalties, or both.

**13 WARNING:** If this order was made without notice to the other parent, the parent with temporary custody of the child is prohibited from removing the child from California until a noticed court hearing.

**Issues for discussion:** Items 10, and 11 are findings that could only be made after a hearing, yet this form may be used with temporary orders. Should we highlight this in some way? FC 3048 mandates that EVERY custody or visitation order contain all of the following: (1) basis of court's jx; (2) manner in which notice and opportunity to be heard were given; (3) clear description of custody and visitation rights of each party; (4) statement that a violation of the order has civil or criminal penalties; and (5) identification of country of habitual residence of the child. Form FL-341 (the corresponding general Family Law custody orders form) has essentially the same text as in 10-12 of this form except for new boxes in item 10.

**This is a Court Order.**