

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

HOW TO WRITE A “DECLARATION “

I. BASIC INSTRUCTIONS: *First, identify your issues.* Your “declaration” is your story to the judge. You will probably not be given the time to say much to the judge when you go to court. **You must therefore write everything you want to say to the judge here in your declaration.** To begin, you first need to identify what are the issues that 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. **You are supplying here the proof for what you are asking the judge to decide.**

MY ISSUES ARE:

- 1.
- 2.
- 3.

Second, start with a paragraph summarizing 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, “Issue #1: Establishment of Custody.”

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.

Fifth, once you have finished with your first issue, then write a new heading for your next issue, for example, “Issue #2: Modification of Child Support.” You then begin your next series of paragraphs explaining what order you want and why in the second 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. Continue like this until you have written about all your issues.

A sample declaration appears below. Your declaration might be longer. Always try to keep your story brief, 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).

II. DECLARATION FORMAT: *[Instructions: **Beginning the declaration.** You are to type or handprint your declaration using the following format. Always begin a declaration with the language marked in **bold** below. Each paragraph that you write after that gets a new number in sequential order (2,3,4, etc.).]*

DECLARATION OF [Your name]

I, [Your name], declare:

1. I am the [choose one of the following and delete the others] Petitioner/Plaintiff or Respondent/Defendant or Other Parent in this case. I have personal knowledge of the facts I state below, and if I were to be called as a witness, I could competently testify about what I have written in this declaration.

2. SUMMARY OF EXISTING ORDERS, AGREEMENTS, PROCEDURAL HISTORY, ETC. [IF ANY]

3. SUMMARY OF REQUESTED ORDERS:

a. **XX**

b. **XX**

c. **XX**

4. ISSUE #1: [Title of issue.] [Now, state the facts of your case.]

a. **Background.**

b. **Current situation.**

c. **Current problem.**

d. **Proposed solution and why.**

5. ISSUE #2: [Title of issue.] [Now, state the facts of your case.]

a. **Background (if same as above, write, “See background under ISSUE #1”).**

b. **Current situation.**

c. **Current problem.**

d. **Proposed solution and why.**

*[Instructions: **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: _____

[Type your name]

III. SAMPLE DECLARATION:

DECLARATION OF JOHN SMITH

I, JOHN SMITH, declare:

1. I am the Petitioner/ in this case. I have personal knowledge of the facts I state below, and if I were to be called as a witness, I could competently testify about what I have written in this declaration.

2. SUMMARY OF EXISTING ORDERS

There are no existing orders in this case.

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

- A. Sole physical custody of the minor child, Brittany Smith, to Respondent Jane Smith.
- B. Joint legal custody to Petitioner John Smith and Respondent Jane Smith.
- C. Visitation to Petitioner John 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., effective 10/27/04.

4. ISSUE #1: PARENTING TIME & LEGAL CUSTODY

A. **Background.** Respondent and I have been married for 10 years. We have one child together: Brittany, age 9 years. We separated in July 2014. Before our separation, I was involved in our daughter's life. I tried to go to her parent-teacher conferences. I went to several 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 are very close, and she means the world to me. I want what is best for her.

B. **Current parenting arrangement and problems.** Now that my wife and I are separated, it's harder for me to see our daughter, as we have no set schedule. 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 I can only really see our daughter on the weekend. 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 go 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 her relatives. She wants me to have time with our daughter only when it's convenient with my wife's schedule.

C. **Proposed order regarding parenting time.** I request parenting time with our daughter 1st/3rd weekend from Saturday 9 a.m. to Sunday 5 p.m. 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 our daughter.

D. **Proposed legal custody order.** I propose 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 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 longer and much more detailed. Write your own story from the heart.]