



SUPERIOR COURT OF CALIFORNIA, COUNTIES OF BUTTE, GLENN AND TEHAMA

SELF HELP ASSISTANCE & REFERRAL PROGRAM

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ASK THE COURT

Question: Dear Court: I was told that I need to write a declaration and turn it in with my paperwork to get custody of my kids. What is a declaration and what does the court look for? Does it have to be typed? How long does it have to be? --Samantha, Orland.

Answer: A declaration is a statement written by a party (person) stating all of the facts you can think of that are relevant and important toward proving your point and supporting your position for the relief you are requesting. Very often people write their declarations as if the reader already knows about their case. Usually the reader knows nothing about your case, and the declaration or statement should be completely clear to the judge. You should use plain facts. It should not include what anyone said or anyone's opinion. Include only facts you can prove in court and that justify the orders you are requesting. The declaration should be specific and describe dates, times, places, and behaviors for each fact or event described. The judge can not know how significant an event is without knowing when and where it occurred.

There is no rule for how long or short the declaration should be, however, even though you have a lot to explain, it is important to keep the declaration to a minimum, length, but include all relevant facts. It should either be typed or legibly written in blue or black ink. Remember, you are trying to convince the Judge to grant you the relief you have requested in your moving papers. The declaration is very important. The Judge will read your declaration before your court hearing. Often you will not be given much time to speak during the hearing, so a clear, concise declaration submitted to the court before the hearing will be very helpful to the Judge in understanding your case and the requests you have made.

If you need assistance with this process, you may utilize the services of the Glenn County Superior Court Family Law Facilitator, or the Self Help Assistance and Referral Program; staff in these offices can walk you through the forms and process. Appointments are available in both Willows and Orland (on a limited basis).

Ask the Court is written by Glenn County Superior Court administration staff. E-mail questions to askthecourt@glenncourt.ca.gov or mail to Glenn County Superior Court, Attn: Ask the Court, 526 W. Sycamore St., Willows, CA 95988. Questions may be submitted anonymously.