

ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>Name, State Bar number, and address</i>) TELEPHONE NO.: _____ FAX NO. (<i>Optional</i>): _____ E-MAIL ADDRESS (<i>Optional</i>): _____ ATTORNEY FOR (<i>Name</i>): _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, ALAMEDA COUNTY STREET ADDRESS: _____ MAILING ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____	
PETITIONER/PLAINTIFF: _____ RESPONDENT/DEFENDANT: _____ OTHER: _____	
APPLICATION AND ORDER TO APPEAR BY TELEPHONE	CASE NUMBER: _____

1. I, (*name*): _____, am the petitioner/plaintiff respondent/defendant other party attorney for (*name*): _____ in this case.

 2. I ask the court to allow me Other (*specify*): _____ to appear from telephone number: (_____) on (*date*): _____ at (*time*): _____ in Department: _____ of the above entitled court.

 3. I would like the court to consider the following information in making its decision whether to allow a telephone appearance (*check all that apply*). (*Note: The court can still deny your request, even though boxes are checked.*)
 - a. I live or work outside of the State of California in (*specify location*): _____
 - b. I live in _____ County in California, which is _____ miles from the above courthouse where the hearing is set.
 - c. I am disabled.
 - d. I am asking not to appear because of domestic violence.
 - e. Other (*specify*): _____

 4. a. I have filed this request at least 12 court days before the hearing and have served or will serve all parties and attorneys, if any, with this form by personal delivery, fax, express mail, or other reasonable means to ensure delivery by the close of the next court day after filing this form.
 - b. If there are financial issues to be decided, a current *Income and Expense Declaration* (Judicial Council form FL-150) or a *Financial Statement (Simplified)* (Judicial Council form FL-155) has been filed and served on all parties along with the request or response to the application to appear by telephone.
 - c. I have complied with all requirements of Local Rule 5.37.
5. I agree to be responsible for the costs and arrangements of this telephone appearance if required by the court.
 6. I have signed the declaration on the next page of this form indicating that all of the information on this page is true and correct.

ORDER:

The application to appear by telephone is DENIED; GRANTED provided that the applicant arranges for, and pays any required fees to, CourtCall at (888) 882-6878; GRANTED provided that the applicant calls the court at the time set for the hearing at _____; GRANTED and the court will call the applicant at the number provided in line 2 of this form at some time during the morning or afternoon session at which the hearing is calendared.

Date: _____ (JUDICIAL OFFICER)

PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT:	CASE NUMBER:
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ADVISEMENT REGARDING TELEPHONE APPEARANCE

1. I know that I can personally appear at this hearing, and I give up that right. I agree to be duly sworn upon request by the court clerk, holding up my right hand and agreeing under penalty of perjury under the laws of the State of California to tell the truth and nothing but the truth.
2. I will provide my driver's license number, social security number, or other information to verify my identity when asked by the court staff or conference call provider.
3. I understand that the court may not have videoconferencing capabilities. I understand and assume the risk that I may not be able to personally see or inspect the pleadings, documents, or evidence; the witnesses' facial reactions, demeanors, or hand gestures; or other visual or nonverbal aspects of the hearing.
4. I understand that if I do not make the proper arrangements for a telephone appearance as set out in local rules or in directions provided by the court, the matter may proceed without my personal or telephone appearance and the court may decide my case based on the documents I filed for this hearing.
5. I understand that the court, in its discretion, may decide to terminate the telephone appearance if it determines during the hearing that a personal appearance would materially assist in the determination of the proceedings. Other reasons for terminating the telephone appearance could include my not being available at the calendar call, delay, questions about credibility, disruption, noise, misconduct, a communication problem, a technical problem, and other problems.
6. I understand that the court may decide at any time to require my personal appearance, continue my hearing, and order me to appear at the continued hearing.
7. I assume the risks of cost, time, delay, repeated telephone calls, technical failure, a wrong number, and other problems that could arise out of this telephone appearance. I understand that if problems occur, the matter may proceed without my personal or telephone appearance and the court may decide my case based on the documents I filed for this hearing.
8. I understand that if I need to present documents, present witnesses, cross-examine witnesses, or provide information that is not available at the hearing, it is my responsibility to ask the court to continue the hearing. The court may decide to grant or deny my request. I understand that any arguments or support proof should be served and filed on time before the hearing so that the court, the local child support agency, and the other parent have an opportunity to know about my case.
9. I understand that the court may require me to make all arrangements for the telephone appearance at my own expense.
10. I understand that if I have low income or no income, I may apply for a waiver of any filing fees and a waiver of conference call vendor fees. If the court makes collect calls for telephone appearances and so orders me, I will be available to receive a collect call from the court at the date and time specified. The telephone number will not be one that is blocked from receiving collect calls. If there are domestic violence or other confidentiality issues in the case and I do not wish my home or work phone number to be made publicly available, I may provide a number other than my home and work numbers at which the court can call me collect. I understand that I can check with the local court clerk or local rules of court regarding any additional local procedures that may be available to protect my confidentiality.
11. If there are financial issues to be decided, I understand that it is my responsibility to timely file with the court and serve on the other party or parties all necessary and appropriate pleadings and documents, including:
 - a. *Income and Expense Declaration* (form FL-150) or *Financial Statement (Simplified)* (form FL-155), whichever is appropriate.
 - b. My pay stubs from the last two months or other proof of income.
 - c. The proposed guideline support calculation (optional unless required by local court rule or court order in this case).

I have read the Advisement Regarding Telephone Appearance section of this form and I understand that the terms apply to me.

I declare under penalty of perjury under the laws of the State of California that all of the statements on this second page of form ALA FL-037 and that all of the facts stated on the first page of the form, the Application and Order to Appear by Telephone, are true and correct.

Date:

_____ ▶ _____
 (TYPE OR PRINT NAME) (SIGNATURE)

PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT:	CASE NUMBER:
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PROOF OF SERVICE

1. At the time of service I was at least 18 years of age and not a party to this action.
2. My residence or business address is *(specify)*:
3. I served a copy of the foregoing *Application and Order to Appear by Telephone* and all attachments as follows *(check a, b, or c for each person served)*:
 - a. **Personal delivery.** I personally delivered a copy and all attachments as follows:
 - Name of party or attorney served:
 - (1) Address where delivered:
 - (2) Date delivered:
 - (3) Time delivered:
 - b. **Mail.** I am a resident of or employed in the county where the mailing occurred.
 - (1) I enclosed a copy in an envelope and
 - (a) **deposited** the sealed envelope with the U. S. Postal Service with the postage fully prepaid.
 - (b) **placed** the envelope for collection and mailing on the date and at the place shown below, following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the U. S. Postal Service in a sealed envelope with postage fully prepaid.
 - (2) Name of party or attorney served:
 - (a) Address:
 - (b) Date mailed:
 - (c) Place of mailing *(city and state)*:
 - (3) **Address Verification** *(specify)*:
 - (a) I served a request to modify a child custody, visitation, or child support judgment or permanent order, which included an address verification declaration *(Declaration Regarding Address Verification—Postjudgment Request to Modify a Child Custody, Visitation, or Child Support Order (form FL-334) may be used for this purpose)*.
 - (b) The address for the individual identified in item 3a.
 - c. **Other** *(specify)*:
 - Additional page is attached.

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

Date:

(TYPE OR PRINT NAME)

▶

(SIGNATURE OF PERSON WHO SERVED REQUEST)