

1 Nancy E. Encarnacion, SBN: 225464
2 Berra Stross & Wallacker
REGISTERED LIMITED LIABILITY PARTNERSHIP
3 155 Bovet Road, Suite 202
San Mateo, California 94402
4 Telephone: (650) 349-9920
Facsimile: (650) 349-9907

5 Attorneys for Petitioner,

6
7 SUPERIOR COURT OF THE STATE OF CALIFORNIA
8 COUNTY OF SAN MATEO
9

10
11 In Re the Matter of
12 Petitioner:
13 and
14 Respondent:
15

Case No. 115542

PROOF OF SERVICE

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PROOF OF SERVICE

I am employed by the law firm of Kramer Levin Naftalis & Frankel LLP in the County of San Mateo, California. I am over the age of eighteen years and not a party to the within action. My business address is 990 Marsh Road, Menlo Park, California 94025.

- On November 29, 2011, I served:
- Notice of Assignment For All Purposes (Family Law);
- Letter From Nancy Encarnacion to _____ Dated 11/17/11;
- Letter From Nancy Encarnacion to Commissioner Richard H. Du Bois Dated 11/17/11;
- Petition to Establish Parental Relationship (FL-200);
- Summons (FL-210);
- Response to Petition to Establish Parental Relationship (FL-220);
- Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) (FL-105);
- Blank Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) (FL-105);
- Order to Show Cause (FL-300), Application for Order and Supporting Declaration (FL-310);
- Responsive Declaration to Order to Show Cause or Notice of Motion (FL-320);
- Amended Memorandum of Points and Authorities and Exhibits;
- Declaration of _____ and Exhibit;
- Notice of ADR Options;
- Notice and Acknowledgment of Receipt (FL-117);
- Certified Translation Certificates and Corresponding Spanish Translations of all the Above.

On Respondent in this action, by placing a true copy thereof in a sealed envelope addressed as follows:

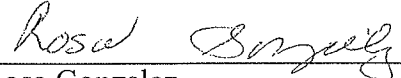
- (By Mail) I am readily familiar with my employer's normal business practice for collection and processing of correspondence for mailing with the U.S. Postal Service, and that practice is that correspondence is deposited with the U.S. Postal Service the same day as the day of collection. On November 29, 2011, I placed a true copy of the above named document(s) enclosed in a sealed envelope prepaid for first-class mail for collection and mailing in the United States mail at Menlo Park, California that same day,
- (By Overnight Courier) I caused each envelope, with postage fully prepaid, to be sent by {Name of Courier}
- (By Facsimile) I caused each document to be sent by facsimile machine to the fax number listed above. The transmission was reported as complete and without error.
- (By Hand) I caused each document to be delivered by hand to the offices listed above.

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I declare under penalty of perjury that the foregoing is true and correct. Executed on
November 30, 2011, at Menlo Park, California.

Dated: November 30, 2011



Rosa Gonzalez

SUPERIOR COURT OF CALIFORNIA COUNTY OF SAN MATEO 400 County Center Redwood City, CA 94063-1655 www.sanmateocourt.org	FOR COURT USE ONLY ENDORSED FILED SAN MATEO COUNTY NOV 10 2011 Clerk of the Superior Court By <u>ELENI MELAS</u> DEPUTY CLERK
PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT:	CASE NUMBER: FAM0115542
NOTICE OF ASSIGNMENT FOR ALL PURPOSES (FAMILY LAW)	

By order of the Presiding Judge pursuant to San Mateo County Superior Court Local Rule 5.4 the above entitled matter is assigned for all purposes to: **Commissioner Richard H. DuBois, Department 16.**

The Petitioner/Plaintiff/Moving party must have the opposing party served with a copy of this Notice.

Counsel and all self represented parties should familiarize themselves with the Superior Court Local Rules for Family Law which are available online at: www.sanmateocourt.org.

NOTE: EFFECTIVE JANUARY 1, 2004 THE RULES OF COURT HAVE CHANGED!
Do you need help?
Don't have a lawyer?
Please contact an attorney or see our Family Law Facilitators at: 650/363-4590.

CLERK'S CERTIFICATE OF SERVICE

I hereby certify that I am the clerk of this Court, not a party to this cause; that I served a copy of this notice on the below date, X by hand or _____ by placing a copy thereof in separate sealed envelopes addressed to the address shown by the records of this Court, and by then sealing said envelopes and depositing same, with postage fully pre-paid thereon, in the United States Mail at Redwood City, California.

John C. Fitton,
Court Executive Officer/Clerk

Dated: 11/10/11

By: ELENI MELAS
Deputy Clerk

Attorneys (Pro Pers) Being Noticed:

NANCY E ENCARNACION
155 BOVET ROAD
SUITE 202
SAN MATEO CA 94402

BERRA STROSS & WALLACKER

REGISTERED LIMITED LIABILITY PARTNERSHIP

Attorneys at Law

155 BOVET ROAD SUITE 202

SAN MATEO, CALIFORNIA 94402

Richard C. Berra
Ellen Winick Stross
Gretchen M. Wallacker
Nancy E. Encarnacion
Alexandra Perret Loveman

Telephone: (650) 349-9920
Facsimile: (650) 349-9907

November 17, 2011

Dear _____

Our office represents _____ in the above-referenced matter.
has retained our firm to represent her in the paternity action involving _____.

In order to expedite this proceeding, you will find enclosed endorsed-filed copies of the Petition to Establish Parental Relationship, Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act, Summons, Notice of ADR Options, and Order to Show Cause to establish child custody and to obtain specific factual findings, which I have filed on behalf of _____.

The Order to Show Cause has been set for hearing on February 28, 2012 at 9:00 am in Department 19 of the San Mateo Courthouse, located at 400 County Center, Redwood City, California. During said hearing, _____ is requesting that she be granted sole legal and physical custody of _____ and that the Court deem that it is not in _____ best interests to return to _____ among other specific factual findings as laid out in the Memorandum of Points and Authorities.

I have enclosed the Court's Notice of Assignment for All Purposes (Family Law), the original and one copy of a Notice and Acknowledgment of Receipt, a blank Response and a blank Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act. _____ requests that you please sign the Notice of Acknowledgment of Receipt, which confirms that you have received the documents listed on that form. Please understand that by signing said form, you are not agreeing to any of the relief requested in the enclosed papers and only acknowledging receipt of them.

November 17, 2011

Page 2

If you are willing to accept service, please sign the original Notice and Acknowledgment of Receipt where indicated and return it to me in the self-addressed, stamped envelope enclosed for your convenience. You may keep the copy for your records.

We look forward to the opportunity to discuss this with you, although we strongly urge you to retain a family law attorney. Thank you for your anticipated courtesy and cooperation.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Nancy E. Encarnacion".

Nancy E. Encarnacion, Esq.

Encl.

cc: Client
Hannah Lee, Esq.

BERRA STROSS & WALLACKER

REGISTERED LIMITED LIABILITY PARTNERSHIP

Attorneys at Law

155 BOVET ROAD SUITE 202
SAN MATEO, CALIFORNIA 94402

Telephone: (650) 349-9920
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Richard C. Berra
Ellen Winick Stross
Gretchen M. Wallacker
Nancy E. Encarnacion
Alexandra Perret Loveman

November 17, 2011

Richard H. Du Bois
San Mateo Superior Court
Southern Court 400 County Center
Redwood City, CA 94063

VIA FACSIMILE to 650-240-1519

Dear Commissioner Du Bois:

Re:

Our office represents, Petitioner, in the above-referenced matter, which is currently scheduled for hearing on February 14, 2012. Unfortunately, I have a conflicting appearance in another matter. Therefore, as Respondent has not yet been served, Petitioner requests that the hearing be reset to February 28, 2012, at 9:00am in Department 16.

Please let us know if you need anything further to process this request.

Thank you for your assistance.

Very truly yours,



Nancy E. Encarnacion

NEE:kf

cc. Hannah Lee, Esq.

BERRA STROSS & WALLACKER

REGISTERED LIMITED LIABILITY PARTNERSHIP

Attorneys at Law

155 BOVET ROAD SUITE 202

SAN MATEO, CALIFORNIA 94402

Richard C. Berra
Ellen Winick Stross
Gretchen M. Wallacker
Nancy E. Encarnacion
Alexandra Perrot Loveman

Telephone: (650) 349-9920
Facsimile: (650) 349-9907

FAX COVER LETTER

DATE: November 17, 2011

Fax Operator: KF

Number of pages being sent, including this cover sheet: 2

Original of this transmission will follow by mail.

TO: Richard H. Du Bois

FAX #: 650-240-1519

FROM: Nancy E. Encarnacion

RE:

FAX OPERATOR:

IF YOU DO NOT RECEIVE ALL OF THE PAGES, PLEASE CALL (650) 349-9920,
AND ASK FOR THE FAX OPERATOR NAMED ABOVE.

***** CONFIDENTIALITY NOTE *****

The documents accompanying this facsimile transmission contain information from the law firm of Berra Stross & Wallacker which is confidential or privileged. The information is intended to be for the use of the individual or entity named on this transmission sheet. If you are not the intended recipient, be aware that any disclosure, copying distribution or use of the contents of this information is PROHIBITED. If you have received this telecopy in error, please notify us by telephone immediately so that we can arrange for the retrieval of the original documents at no cost to you.

TRANSMISSION VERIFICATION REPORT

TIME : 11/17/2011 11:51
NAME : BSWFAMLAW
FAX : 6503499907
TEL : 6503499907
SER. # : BROF0J173949

DATE, TIME	11/17 11:51
FAX NO./NAME	16502401519
DURATION	00:00:32
PAGE(S)	02
RESULT	OK
MODE	STANDARD ECM

BERRA STROSS & WALLACKER

REGISTERED LIMITED LIABILITY PARTNERSHIP

Attorneys at Law

165 BOVET ROAD SUITE 202

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Telephone: (650) 349-9920
Facsimile: (650) 349-9907

Richard C. Berra
Ellen Winick Stross
Gretchen M. Wallacker
Nancy E. Encarnacion
Alexandra Perret Loveman

FAX COVER LETTER

DATE: November 17, 2011

Fax Operator: KF

Number of pages being sent, including this cover sheet: 2

Original of this transmission will follow by mail.

TO: Richard H. Du Bois

FAX #: 650-240-1519

FROM: Nancy E. Encarnacion

RE:

<p>ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): Nancy Encarnacion, Berra Stross & Wallacker State Bar No. 225464 155 Boyet Road, Suite 202, San Mateo, CA 94402 TELEPHONE NO. (Optional): (650) 349-9920 FAX NO. (Optional): E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name):</p>	<p style="text-align: center;">FOR COURT USE ONLY</p> <p style="text-align: center;">ENDORSED FILED SAN MATEO COUNTY</p> <p style="text-align: center;">NOV 10 2011</p> <p style="text-align: center;">Clerk of the Superior Court BY <u>ELENIA DELA ROSA</u> DEPUTY CLERK</p>	
<p>SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Mateo STREET ADDRESS: 400 County Center MAILING ADDRESS: CITY AND ZIP CODE: Redwood City, CA 94063 BRANCH NAME: Southern</p>		
<p>PETITIONER: RESPONDENT:</p>		
<p style="text-align: center;">PETITION TO ESTABLISH PARENTAL RELATIONSHIP</p> <p> <input type="checkbox"/> Child Support <input checked="" type="checkbox"/> Child Custody <input type="checkbox"/> Visitation <input checked="" type="checkbox"/> Other (specify): <u>factual findings</u> </p>		<p>CASE NUMBER: 115542</p>

1. Petitioner is
 - a. the mother.
 - b. the father.
 - c. the child or the child's personal representative (specify court and date of appointment):
 - d. other (specify):

2. The children are

<u>Child's name</u>	<u>Date of birth</u>	<u>Age</u>	<u>Sex</u>
b. <input type="checkbox"/> a child who is not yet born.			

3. The court has jurisdiction over the respondent because the respondent
 - a. resides in this state.
 - b. had sexual intercourse in this state, which resulted in conception of the children listed in item 2.
 - c. other (specify): Respondent is the father of child who has resided in State of California and since January 29, 2010.

4. The action is brought in this county because (you must check one or more to file in this county):
 - a. the child resides or is found in the county.
 - b. a parent is deceased and proceedings for administration of the estate have been or could be started in this county.

5. Petitioner claims (check all that apply):
 - a. respondent is the child's mother.
 - b. respondent is the child's father.
 - c. parentage has been established by Voluntary Declaration of Paternity (attach copy).
 - d. respondent who is child's parent has failed to support the child.
 - e. (name): _____ has furnished or is furnishing the following reasonable expenses of pregnancy and birth for which the respondent as parent of the child is obligated:

<u>Amount</u>	<u>Payable to</u>	<u>For (specify):</u>
---------------	-------------------	-----------------------
 - f. public assistance is being provided to the child.
 - g. other (specify): Respondent has abandoned and/or neglected the child.

6. A completed Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) (form FL-105) is attached.

PETITIONER: RESPONDENT:	CASE NUMBER:
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Petitioner requests the court to make the determinations indicated below.

7. PARENT-CHILD RELATIONSHIP

- a. Respondent b. Petitioner
 c. Other (*specify*):

is the parent of the children listed in item 2.

8. CHILD CUSTODY AND VISITATION

- | | Petitioner | Respondent | Joint | Other |
|------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|
| a. Legal custody of children to | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Physical custody of children to | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

c. Visitation of children:

- (1) None
 (2) Reasonable visitation.
 (3) Petitioner Respondent should have the right to visit the children as follows:

(4) Visitation with the following restrictions (*specify*):

d. Facts in support of the requested custody and visitation orders are (*specify*):

- Contained in the attached declaration.
 e. I request mediation to work out a parenting plan.

9. REASONABLE EXPENSES OF PREGNANCY AND BIRTH:

- | | Petitioner | Respondent | Joint |
|-------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|
| Reasonable expenses of pregnancy and birth be paid by as follows: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

10. FEES AND COSTS OF LITIGATION

- | | Petitioner | Respondent | Joint |
|-------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|
| a. Attorney fees to be paid by | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Expert fees, guardian ad litem fees, and other costs of the action or pretrial proceedings to be paid by | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

11. NAME CHANGE

- Children's names be changed, according to Family Code section 7638, as follows (*specify*):

12. CHILD SUPPORT

The court may make orders for support of the children and issue an earnings assignment without further notice to either party.

13. I have read the restraining order on the back of the *Summons* (FL-210) and I understand it applies to me when this Petition is filed.

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

Date: 11/9/11

 (TYPE OR PRINT NAME)

 (SIGNATURE OF PETITIONER)

A blank *Response to Petition to Establish Parental Relationship* (form FL-220) must be served on the Respondent with this Petition.

NOTICE: If you have a child from this relationship, the court is required to order child support based upon the income of both parents. Support normally continues until the child is 18. You should supply the court with information about your finances. Otherwise, the child support order will be based upon information supplied by the other parent. Any party required to pay child support must pay interest on overdue amounts at the "legal" rate, which is currently 10 percent.

SUMMONS—UNIFORM PARENTAGE—PETITION FOR CUSTODY AND SUPPORT

CITACION JUDICIAL—DERECHO DE FAMILIA

NOTICE TO RESPONDENT (Name):
AVISO AL DEMANDADO (Nombre):

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

You are being sued. A usted le estan demandando.

PETITIONER'S NAME IS:
EL NOMBRE DEL DEMANDANTE ES:

CASE NUMBER (Número del Caso) 115542

You have 30 CALENDAR DAYS after this Summons and Petition are served on you to file a Response to Petition to Establish Parental Relationship (form FL-220) or Response to Petition for Custody and Support of Minor Children (form FL-270) at the court and serve a copy on the petitioner. A letter or phone call will not protect you.
Usted tiene 30 DIAS CALENDARIOS después de recibir oficialmente esta citación judicial y petición, para completar y presentar su formulario de Respuesta (Response form FL-220) ante la corte. Una carta o una llamada telefónica no le ofrecerá protección.
Si usted no presenta su Respuesta a tiempo, la corte puede expedir órdenes que afecten la custodia de sus hijos ordenen que usted pague mantención, honorarios de abogado y las costas. Si no puede pagar las costas por la presentación de la demanda, pida al actuario de la corte que le dé un formulario de exoneración de las mismas (Waiver of Court Fees and Costs).
Si desea obtener consejo legal, comuníquese de inmediato con un abogado.

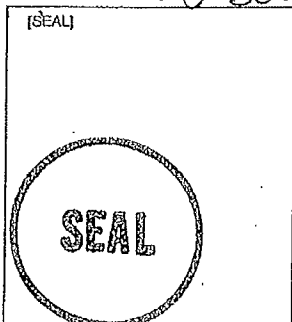
NOTICE The restraining order on the back is effective against both mother and father until the petition is dismissed, a judgment is entered, or the court makes further orders. This order is enforceable anywhere in California by any law enforcement officer who has received or seen a copy of it.

AVISO Las prohibiciones judiciales que aparecen al reverso de esta citación son efectivas para ambos cónyuges, madre el esposo como la esposa, hasta que la petición sea rechazada, se dicte una decisión final o la corte expida instrucciones adicionales. Dichas prohibiciones pueden hacerse cumpliren cualquier parte de California por cualquier agente del Orden público que las haya recibido o que haya visto una copia de ellas.

- 1. The name and address of the court is: (El nombre y dirección de la corte es) Superior Court of California, County of San Mateo 400 County Center, Redwood City, CA 94063
2. The name, address, and telephone number of petitioner's attorney, or petitioner without an attorney, is: (El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es)

Nancy Encarnacion Barra, Strassmullacker 156 Boyet Blvd Ste. 209 San Mateo CA 94402

JOHN C. FITTON Clerk (Actuario), by E. MELAS, Deputy



Date (Fecha) NOV 10 2011

NOTICE TO THE PERSON SERVED: You are served

- a. [x] as an individual.
b. [] on behalf of respondent
under: [] Code Civ. Proc., § 416.60 (minor) [] Code Civ. Proc., § 416.90 (Individual)
[] Code Civ. Proc., § 416.70 (ward or conservatee) [] other:
c. [x] by personal delivery on (date):

(Read the reverse for important information) (Lea el reverso para obtener información de importancia)

STANDARD RESTRAINING ORDER—SUMMONS
Uniform Parentage Act, Petition for Custody
PROHIBICION JUDICIAL ESTANDARE—Ley Uniforme de Paternidad

STANDARD RESTRAINING ORDER

You and the other party are restrained from removing from the state the minor child or children for whom this action seeks to establish a parent-child relationship without the prior written consent of the other party or an order of the court.

This restraining order is effective against petitioner upon filing a petition and against respondent on personal service of the summons and petition or on waiver and acceptance of service by respondent.

This restraining order is effective until the judgment is entered, the petition is dismissed, or the court makes a further order.

This order is enforceable anywhere in California by any law enforcement officer who has received or seen a copy of it.

PROHIBICIONES JUDICIALES ESTANDARES

A partir de este momento, a usted y a la otra parte se les prohíbe que saquen del estado al hijo o hijos menores de las partes, para quienes esta acción judicial procura establecer una relación entre hijo y padres, sin el consentimiento previo por escrito de la otra parte o sin una orden de la corte.

Esta prohibición judicial entrará en vigencia para el demandante una vez presentada la petición, y para el demandado una vez que éste reciba la notificación personal de la citación judicial y petición, o una vez que renuncie su derecho a recibir dicha notificación y se dé por notificado.

Esta prohibición judicial continuará en vigencia hasta que se dicte la decisión final, la petición sea rechazada o la corte expida instrucciones adicionales.

Podrán hacerse cumplir en cualquier parte de California por cualquier agente del orden público que las haya recibido o que haya visto una copia de ellas.

ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>Name, State Bar number, and address</i>): <hr/> <p style="text-align: center;">TELEPHONE NO.: FAX NO. (<i>Optional</i>):</p> <p>E-MAIL ADDRESS (<i>Optional</i>):</p> <p>ATTORNEY FOR (<i>Name</i>):</p>	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER: RESPONDENT:	
RESPONSE TO PETITION TO ESTABLISH PARENTAL RELATIONSHIP (Uniform Parentage)	CASE NUMBER:

1. The children are (*name each*):

<u>a. Child's name</u>	<u>Date of birth</u>	<u>Age</u>	<u>Sex</u>
b. <input type="checkbox"/> A child who is not yet born			
2. The petitioner is
 - a. the mother of the children listed above.
 - b. the father of the children listed above.
 - c. not certain whether he or she is the biological parent of the children listed above.
 - d. the child or child's representative (*specify court and date of appointment*):
 - e. other (*specify*):
3. The respondent
 - a. lives in the State of California.
 - b. was in California when the listed children were conceived.
 - c. neither a nor b
 - d. other (*specify*):
4. The children
 - a. live or are in this county.
 - b. are children of a parent who is deceased, and proceedings for administration of the estate have been or could be started in this county.
5. The respondent is
 - a. the father of the children listed in item 1 above.
 - b. the mother of the children listed in item 1 above.
 - c. not certain if he or she is the parent of the children listed in item 1 above.
 - d. not the parent of the children listed in item 1 above.
 - e. other (*specify*):
6. Additional statements
 - a. Parentage has been established by a Voluntary Declaration of Paternity (*attach copy*).
 - b. Parentage has been established in another case governmental child support other (*specify*):
 - c. Public assistance is being provided to the children.

PETITIONER: RESPONDENT:	CASE NUMBER:
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The respondent requests that the court make the orders listed below.

7. **Parent-child relationship** (check all that apply):

- a. Respondent Petitioner Other (specify): _____ is the parent of the children listed in item 1.
- b. Respondent Petitioner Other (specify): _____ is not the parent of the children listed in item 1.
- c. Respondent requests genetic (blood) tests to determine whether the petitioner respondent is the parent of the children listed.

8. **Child custody and visitation**

- a. If Petitioner Respondent Other is found to be the parent of the children in listed in item 1:
- | | | | | |
|--------------------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| | Petitioner | Respondent | Joint | Other |
| b. Legal custody of the children should go to | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Physical custody of the children should go to | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
- d. Visitation of the children should be as follows:
- (1) None
- (2) Reasonable visitation
- (3) Petitioner Respondent should have the right to visit the children as follows (specify): _____
- (4) Visitation should occur with the following restrictions (specify): _____
- (5) I request mediation to work out a parenting plan.

9. **Reasonable expenses of pregnancy and birth**

Reasonable expenses of pregnancy and birth should be paid by

Petitioner	Respondent	Both
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

10. **Fees and costs of litigation**

a. Attorney fees should be paid by

Petitioner	Respondent	Both
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

b. Expert fees, guardian ad litem fees, and other costs of the action or pretrial proceedings should be paid by

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	--------------------------

11. **Name change.** The children's names should be changed, according to Family Code section 7638, as follows (specify old and new names): _____

12. **Other orders requested** (specify): _____

13. **Child support.** The court may make orders for support of the children and issue an earnings assignment without further notice to either party.

I have read the restraining order on the back of the *Summons* (form FL-210) and I understand it applies to me.

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 RESPONDENT)
-------------------------------	-------------------------------

NOTICE: If you have a child from this relationship, the court is required to order child support based upon the income of both parents. Support normally continues until the child is 18. You should supply the court with information about your finances. Otherwise, the child support order will be based upon information supplied by the other parent. Any party required to pay child support must pay interest on overdue amounts at the "legal" rate, which is currently 10 percent.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Nancy Encarnacion Berra Stross & Wallacker Cal. State Bar No. 225464 155 Bovef Road, Suite 202, San Mateo, CA 94402 TELEPHONE NO.: 650-349-9920 FAX NO. (Optional): E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name):	FOR COURT USE ONLY ENDORSED FILED SAN MATEO COUNTY NOV 10 2011 Clerk of the Superior Court BY <u>ELENI MELAN</u> DEPUTY CLERK
SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Mateo STREET ADDRESS: 400 County Center MAILING ADDRESS: CITY AND ZIP CODE: Redwood City, CA 94063 BRANCH NAME: Southern	
PETITIONER: <i>(This section applies only to family law cases.)</i> RESPONDENT: OTHER PARTY:	
GUARDIANSHIP OF (Name): Minor <i>(This section applies only to guardianship cases.)</i>	CASE NUMBER: <div style="font-size: 24pt; text-align: center;">115542</div>
DECLARATION UNDER UNIFORM CHILD CUSTODY JURISDICTION AND ENFORCEMENT ACT (UCCJEA)	

1. I am a party to this proceeding to determine custody of a child.
2. My present address and the present address of each child residing with me is confidential under Family Code section 3429 as I have indicated in Item 3.
3. There are *(specify number)* minor children who are subject to this proceeding, as follows:
(Insert the information requested below. The residence information must be given for the last FIVE years.)

a. Child's name	Place of birth	Date of birth	Sex																												
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th style="width:20%;">Period of residence</th> <th style="width:30%;">Address</th> <th style="width:40%;">Person child lived with (name and complete current address)</th> <th style="width:10%;">Relationship</th> </tr> <tr> <td style="text-align: center;">to present</td> <td><input checked="" type="checkbox"/> Confidential</td> <td><input checked="" type="checkbox"/> Confidential</td> <td></td> </tr> <tr> <td style="text-align: center;">to</td> <td>Child's residence (City, State)</td> <td>Person child lived with (name and complete current address)</td> <td></td> </tr> <tr> <td style="text-align: center;">to</td> <td>Child's residence (City, State)</td> <td>Person child lived with (name and complete current address)</td> <td></td> </tr> <tr> <td style="text-align: center;">to</td> <td>Child's residence (City, State)</td> <td>Person child lived with (name and complete current address)</td> <td></td> </tr> </table>	Period of residence	Address	Person child lived with (name and complete current address)	Relationship	to present	<input checked="" type="checkbox"/> Confidential	<input checked="" type="checkbox"/> Confidential		to	Child's residence (City, State)	Person child lived with (name and complete current address)		to	Child's residence (City, State)	Person child lived with (name and complete current address)		to	Child's residence (City, State)	Person child lived with (name and complete current address)												
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- c. Additional residence information for a child listed in item a or b is continued on attachment 3c.
- d. Additional children are listed on form FL-105(A)/GC-120(A). *(Provide all requested information for additional children.)*

SHORT TITLE: 	CASE NUMBER:
----------------------	----------------------

4. Do you have information about, or have you participated as a party or as a witness or in some other capacity in, another court case or custody or visitation proceeding, in California or elsewhere, concerning a child subject to this proceeding?
 Yes No (If yes, attach a copy of the orders (if you have one) and provide the following information):

Proceeding	Case number	Court (name, state, location)	Court order or judgment (date)	Name of each child	Your connection to the case	Case status
a. <input type="checkbox"/> Family						
b. <input type="checkbox"/> Guardianship						
c. <input checked="" type="checkbox"/> Other	087-760-568	Immigration Court San Francisco, CA	None		None	Pending

Proceeding	Case Number	Court (name, state, location)
d. <input type="checkbox"/> Juvenile Delinquency/ Juvenile Dependency		
e. <input type="checkbox"/> Adoption		

5. One or more domestic violence restraining/protective orders are now in effect. (Attach a copy of the orders if you have one and provide the following information):

Court	County	State	Case number (if known)	Orders expire (date)
a. <input type="checkbox"/> Criminal				
b. <input type="checkbox"/> Family				
c. <input type="checkbox"/> Juvenile Delinquency/ Juvenile Dependency				
d. <input type="checkbox"/> Other				

6. Do you know of any person who is not a party to this proceeding who has physical custody or claims to have custody of or visitation rights with any child in this case? Yes No (If yes, provide the following information):

a. Name and address of person <input type="checkbox"/> Has physical custody <input type="checkbox"/> Claims custody rights <input type="checkbox"/> Claims visitation rights Name of each child	b. Name and address of person <input type="checkbox"/> Has physical custody <input type="checkbox"/> Claims custody rights <input type="checkbox"/> Claims visitation rights Name of each child	c. Name and address of person <input type="checkbox"/> Has physical custody <input type="checkbox"/> Claims custody rights <input type="checkbox"/> Claims visitation rights Name of each child
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

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

Date: November 9, 2011

 (TYPE OR PRINT NAME)

 (SIGNATURE OF DECLARANT)

7. Number of pages attached: _____

NOTICE TO DECLARANT: You have a continuing duty to inform this court if you obtain any information about a custody proceeding in a California court or any other court concerning a child subject to this proceeding.

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, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER: <i>(This section applies only to family law cases.)</i> RESPONDENT: OTHER PARTY:	
GUARDIANSHIP OF <i>(Name):</i> _____ <i>(This section applies only to guardianship cases.)</i>	CASE NUMBER: _____
DECLARATION UNDER UNIFORM CHILD CUSTODY JURISDICTION AND ENFORCEMENT ACT (UCCJEA)	

1. I am a party to this proceeding to determine custody of a child.
2. My present address and the present address of each child residing with me is confidential under Family Code section 3429 as I have indicated in item 3.
3. There are *(specify number):* _____ minor children who are subject to this proceeding, as follows:
(Insert the information requested below. The residence information must be given for the last FIVE years.)

a. Child's name		Place of birth	Date of birth	Sex
Period of residence	Address	Person child lived with <i>(name and complete current address)</i>		Relationship
to present	<input type="checkbox"/> Confidential	<input type="checkbox"/> Confidential		
to	Child's residence <i>(City, State)</i>	Person child lived with <i>(name and complete current address)</i>		
to	Child's residence <i>(City, State)</i>	Person child lived with <i>(name and complete current address)</i>		
to	Child's residence <i>(City, State)</i>	Person child lived with <i>(name and complete current address)</i>		
b. Child's name		Place of birth	Date of birth	Sex
<input type="checkbox"/> Residence information is the same as given above for child a. <i>(If NOT the same, provide the information below.)</i>				
Period of residence	Address	Person child lived with <i>(name and complete current address)</i>		Relationship
to present	<input type="checkbox"/> Confidential	<input type="checkbox"/> Confidential		
to	Child's residence <i>(City, State)</i>	Person child lived with <i>(name and complete current address)</i>		
to	Child's residence <i>(City, State)</i>	Person child lived with <i>(name and complete current address)</i>		
to	Child's residence <i>(City, State)</i>	Person child lived with <i>(name and complete current address)</i>		

- c. Additional residence information for a child listed in item a or b is continued on attachment 3c.
- d. Additional children are listed on form FL-105(A)/GC-120(A). *(Provide all requested information for additional children.)*

SHORT TITLE: _____	CASE NUMBER: _____
-----------------------	-----------------------

4. Do you have information about, or have you participated as a party or as a witness or in some other capacity in, another court case or custody or visitation proceeding, in California or elsewhere, concerning a child subject to this proceeding?
 Yes No (If yes, attach a copy of the orders (if you have one) and provide the following information):

Proceeding	Case number	Court (name, state, location)	Court order or judgment (date)	Name of each child	Your connection to the case	Case status
a. <input type="checkbox"/> Family						
b. <input type="checkbox"/> Guardianship						
c. <input type="checkbox"/> Other						

Proceeding	Case Number	Court (name, state, location)
d. <input type="checkbox"/> Juvenile Delinquency/ Juvenile Dependency		
e. <input type="checkbox"/> Adoption		

5. One or more domestic violence restraining/protective orders are now in effect. (Attach a copy of the orders if you have one and provide the following information):

Court	County	State	Case number (if known)	Orders expire (date)
a. <input type="checkbox"/> Criminal				
b. <input type="checkbox"/> Family				
c. <input type="checkbox"/> Juvenile Delinquency/ Juvenile Dependency				
d. <input type="checkbox"/> Other				

6. Do you know of any person who is not a party to this proceeding who has physical custody or claims to have custody of or visitation rights with any child in this case? Yes No (If yes, provide the following information):

a. Name and address of person <input type="checkbox"/> Has physical custody <input type="checkbox"/> Claims custody rights <input type="checkbox"/> Claims visitation rights Name of each child	b. Name and address of person <input type="checkbox"/> Has physical custody <input type="checkbox"/> Claims custody rights <input type="checkbox"/> Claims visitation rights Name of each child	c. Name and address of person <input type="checkbox"/> Has physical custody <input type="checkbox"/> Claims custody rights <input type="checkbox"/> Claims visitation rights Name of each child
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

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 DECLARANT)

7. Number of pages attached: _____

NOTICE TO DECLARANT: You have a continuing duty to inform this court if you obtain any information about a custody proceeding in a California court or any other court concerning a child subject to this proceeding.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): - Nancy Encarnacion CA State Bar No. 225464 Berra Stross & Wallacker 155 Bovet Road, Suite 202, San Mateo, CA 94402 TELEPHONE NO.: (650) 349-9920 FAX NO. (Optional): E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name):		FOR COURT USE ONLY ENDORSED FILED SAN MATEO COUNTY NOV 10 2011 Clerk of the Superior Court BY <u>ELENI MELAR</u> DEPUTY CLERK
SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Mateo STREET ADDRESS: 400 County Center MAILING ADDRESS: CITY AND ZIP CODE: Redwood City, CA 94063 BRANCH NAME: Southern		
PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT:		
ORDER TO SHOW CAUSE <input checked="" type="checkbox"/> Child Custody <input type="checkbox"/> Child Support <input type="checkbox"/> Attorney Fees and Costs <input type="checkbox"/> MODIFICATION <input type="checkbox"/> Visitation <input type="checkbox"/> Spousal Support <input type="checkbox"/> Injunctive Order <input checked="" type="checkbox"/> Other (specify): factual findings		CASE NUMBER: 115542

- TO (name):
- YOU ARE ORDERED TO APPEAR IN THIS COURT AS FOLLOWS TO GIVE ANY LEGAL REASON WHY THE RELIEF SOUGHT IN THE ATTACHED APPLICATION SHOULD NOT BE GRANTED. If child custody or visitation is an issue in this proceeding, Family Code section 3170 requires mediation before or concurrently with the hearing listed below.

a. Date: 2/14/12 Time: 9:00 A.M. Dept.: 16 Room: 6A.

- b. The address of the court is same as noted above other (specify):
2/28/12
- c. The parties are ordered to attend custody mediation services as follows:

3. THE COURT FURTHER ORDERS that a completed *Application for Order and Supporting Declaration* (form FL-310), a blank *Responsive Declaration* (form FL-320), and the following documents be served with this order:

- Completed *Income and Expense Declaration* (form FL-150) and a blank *Income and Expense Declaration*
 - Completed *Financial Statement (Simplified)* (form FL-155) and a blank *Financial Statement (Simplified)*
 - Completed *Property Declaration* (form FL-160) and a blank *Property Declaration*
 - Points and authorities
 - Other (specify):
- Time for service hearing is shortened. Service must be on or before (date):
 Any responsive declaration must be served on or before (date):
- You are ordered to comply with the temporary orders attached.
- Other (specify):

Date: **NOV 10 2011**

RICHARD H. DUBOIS

JUDICIAL OFFICER

NOTICE: If you have children from this relationship, the court is required to order payment of child support based on the incomes of both parents. The amount of child support can be large. It normally continues until the child is 18. You should supply the court with information about your finances. Otherwise, the child support order will be based on the information supplied by the other parent.

You do not have to pay any fee to file declarations in response to this order to show cause (including a completed *Income and Expense Declaration* (form FL-150) or *Financial Statement (Simplified)* (form FL-155) that will show your finances). In the absence of an order shortening time, the original of the responsive declaration must be filed with the court and a copy served on the other party at least nine court days before the hearing date. Add five calendar days if you serve by mail within California. (See Code of Civil Procedure 1005 for other situations.) To determine court and calendar days, go to www.courtinfo.ca.gov/selfhelp/courtcalendars/.



Requests for Accommodations

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the proceeding. Contact the clerk's office or go to www.courtinfo.ca.gov/forms for Request for Accommodations by Persons With Disabilities and Response (Form MC-410). (Civil Code, § 54.8.)

PETITIONER/PLAINTIFF:	CASE NUMBER:
RESPONDENT/DEFENDANT:	

APPLICATION FOR ORDER AND SUPPORTING DECLARATION
 —THIS IS NOT AN ORDER—

Petitioner Respondent Claimant requests the following orders:

1. **CHILD CUSTODY** **To be ordered pending the hearing**
- a. Child's name and age b. Legal custody to (name of person who makes decisions about health, education, etc.) c. Physical custody to (name of person with whom child will live.)

- d. **Modify existing order**
 (1) filed on (date):
 (2) ordering (specify):

e. As requested in form FL-311 FL-312 FL-341(C) FL-341(D) FL-341(E)

2. **CHILD VISITATION** **To be ordered pending the hearing**

a. As requested in: (1) Attachment 2a (2) Form FL-311 (3) Other (specify):

- b. **Modify existing order**
 (1) filed on (date):
 (2) ordering (specify):

c. **One or more domestic violence restraining/protective orders are now in effect. (Attach a copy of the orders if you have one.) The orders are from the following court or courts (specify county and state):**

- | | |
|-------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|
| (1) <input type="checkbox"/> Criminal: County/state:
Case No. (if known): | (3) <input type="checkbox"/> Juvenile: County/state:
Case No. (if known): |
| (2) <input type="checkbox"/> Family: County/state:
Case No. (if known): | (4) <input type="checkbox"/> Other: County/state:
Case No. (if known): |

3. **CHILD SUPPORT (An earnings assignment order may be issued.)**

a. Child's name and age b. Monthly amount requested (if not by guideline)
 \$

- c. **Modify existing order**
 (1) filed on (date):
 (2) ordering (specify):

4. **SPOUSAL OR PARTNER SUPPORT (An earnings assignment order may be issued.)**

- | | |
|----------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------|
| a. <input type="checkbox"/> Amount requested (monthly): \$ | c. <input type="checkbox"/> Modify existing order
(1) filed on (date): |
| b. <input type="checkbox"/> Terminate existing order
(1) filed on (date):
(2) ordering (specify): | (2) ordering (specify): |

NOTE: To obtain domestic violence restraining orders, you must use the forms *Request for Order (Domestic Violence Prevention)* (form DV-100), *Temporary Restraining Order (Domestic Violence Prevention)* (form DV-110), and *Notice of Court Hearing (Domestic Violence Prevention)* (form DV-109).

PETITIONER/PLAINTIFF:	CASE NUMBER:
RESPONDENT/DEFENDANT:	

5. ATTORNEY FEES AND COSTS a. Fees: \$ b. Costs: \$
6. PROPERTY RESTRAINT To be ordered pending the hearing
- a. The petitioner respondent claimant is restrained from transferring, encumbering, hypothecating, concealing, or in any way disposing of any property, real or personal, whether community, quasi-community, or separate, except in the usual course of business or for the necessities of life.
- The applicant will be notified at least five business days before any proposed extraordinary expenditures, and an accounting of such will be made to the court.
- b. Both parties are restrained and enjoined from 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 or their minor children.
- c. Neither party may incur any debts or liabilities for which the other may be held responsible, other than in the ordinary course of business or for the necessities of life.
7. PROPERTY CONTROL To be ordered pending the hearing
- a. The petitioner respondent is given the exclusive temporary use, possession, and control of the following property that we own or are buying (*specify*):
- b. The petitioner respondent is ordered to make the following payments on liens and encumbrances coming due while the order is in effect:
- | <u>Debt</u> | <u>Amount of payment</u> | <u>Pay to</u> |
|-------------|--------------------------|---------------|
| | | |
8. OTHER RELIEF (*specify*):
Specific factual findings in attached proposed order.
9. I request that time for service of the *Order to Show Cause* and accompanying papers be shortened so that these documents may be served no less than (*specify number*): _____ days before the time set for the hearing. I need to have the order shortening time because of the facts specified in item 10 or the attached declaration.
10. FACTS IN SUPPORT of relief requested and change of circumstances for any modification are (*specify*):
 Contained in the attached declaration. (You may use *Attached Declaration* (form MC-031) for this purpose).

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

Date: November 9, 2011

(TYPE OR PRINT NAME)

▶

(SIGNATURE OF APPLICANT)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF	
STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT:	
RESPONSIVE DECLARATION TO ORDER TO SHOW CAUSE OR NOTICE OF MOTION	
HEARING DATE: _____ TIME: _____ DEPARTMENT OR ROOM: _____	CASE NUMBER: _____

1. CHILD CUSTODY
 - a. I consent to the order requested.
 - b. I do not consent to the order requested, but I consent to the following order:

2. CHILD VISITATION
 - a. I consent to the order requested.
 - b. I do not consent to the order requested, but I consent to the following order:

3. CHILD SUPPORT
 - a. I consent to the order requested.
 - b. I consent to guideline support.
 - c. I do not consent to the order requested, but I consent to the following order:
 - (1) Guideline
 - (2) Other (specify): _____

4. SPOUSAL OR PARTNER SUPPORT
 - a. I consent to the order requested.
 - b. I do not consent to the order requested.
 - c. I consent to the following order:

5. ATTORNEY FEES AND COSTS
 - a. I consent to the order requested.
 - b. I do not consent to the order requested.
 - c. I consent to the following order:

PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT:	CASE NUMBER:
-------------------------------------------------------------------------	--------------

6. PROPERTY RESTRAINT
- a. I consent to the order requested.
 - b. I do not consent to the order requested.
 - c. I consent to the following order:

7. PROPERTY CONTROL
- a. I consent to the order requested.
 - b. I do not consent to the order requested.
 - c. I consent to the following order:

8. OTHER RELIEF
- a. I consent to the order requested.
 - b. I do not consent to the order requested.
 - c. I consent to the following order:

9. SUPPORTING INFORMATION
- Contained in the attached declaration. (You may use *Attached Declaration* (form MC-031) for this purpose).

NOTE: To respond to domestic violence restraining orders requested in the *Request for Order (Domestic Violence Prevention)* (form DV-100), you must use the *Answer to Temporary Restraining Order (Domestic Violence Prevention)* (form DV-120).

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 DECLARANT)

1 Nancy Encarnacion (State Bar No. 225464)
nencarnacion@bswfamlaw.com
2 Berra Stross & Wallacker
155 Bovet Road, Suite 202
3 San Mateo, CA 94402
Telephone: +1 650 349 9920
4 Facsimile: +1 650 349 9907

5 Attorney for Petitioner

ENDORSED FILED
SAN MATEO COUNTY

NOV 17 2011

Clerk of the Superior Court
By MARIA SALAZAR
DEPUTY CLERK

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8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF SAN MATEO

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Petitioner,
v.
Respondent.

Case No. 115542

**AMENDED MEMORANDUM OF POINTS
AND AUTHORITIES IN SUPPORT OF
PETITION TO ESTABLISH PARENTAL
RELATIONSHIP AND MAKING
FINDINGS REGARDING MINOR'S
ELIGIBILITY FOR SPECIAL
IMMIGRANT JUVENILE STATUS**

Judge: Commissioner DuBois

**CONTAINS CONFIDENTIAL
INFORMATION**

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Petitioner (Petitioner") submits this Amended Memorandum of
Points and authorities for the Court's consideration. Said Amended Memorandum is identical to
the Memorandum of Points and Authorities submitted with Petitioner's Order to Show Cause
filed on November 10, 2011, except that this Memorandum does not include a copy of 8 U.S.C.
1101 as an exhibit.

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1 I. INTRODUCTION

2 This Memorandum of Points and Authorities is submitted in support of Petitioner
3 ("Mother") request for this Court to grant her sole legal and physical custody
4 over her son, Also, Mother requests that this Court make
5 certain specific factual findings which will be used by KT to apply for Special Juvenile
6 Immigrant Status ("SIJS") under the Immigration and Nationality Act ("INA").

7 II. STATEMENT OF FACTS

8 Mother gave birth to (See birth
9 certificate of minor child, Exhibit A to the Declaration of attached as Ex. 1). KT's
10 father, (hereinafter referred to as "Father"), currently lives in El Salvador.
11 (See Decl. of Mother seeks sole legal and physical custody of KT. Joint custody
12 of KT between his mother and father is not a viable option, as the minor child has been
13 abandoned and neglected by his Father.

14 When KT was born, Mother and KT lived with Mother's father (KT's grandfather) who
15 was an alcoholic. (Id.) Mother wanted to provide a better life for KT than she had experienced
16 as a child. (Id.) While in El Salvador, Mother worked hard to provide for KT by selling food
17 and beverages on the street outside of her home. (Id.) When KT was 1 year and seven months
18 old, Mother left El Salvador to come to the United States to provide a better life for KT. (Id.)
19 Father was visibly absent from KT's life, so Mother placed KT in the care of Mother's brother.
20 (Id.) Until KT was seven years old, he was cared for by different relatives of his Mother,
21 including his maternal grandfather and maternal grandma's sister. (Id.) During this time,
22 Mother diligently kept in contact with her relatives to check on KT's well-being. (Id.) She
23 regularly sent KT money for books, food, clothing, and medical expenses that she earned by
24 working as a seamstress, chocolate factory worker, and maid in the United States. (Id.)

25 Mother met her current partner ("JSO"), in the United States.
26 (Id.) JSO financially supported Mother and KT as an auto body shop worker. (Id.) JSO and
27 Mother also have a son, KT's half-brother, who is six years old. (Id.) They all reside in the
28 same home in California with KT. (Id.)

1 From the time KT was born until he was about 1 year and 7 months, Father was visibly
2 absent from KT's life. (*Id.*). Mother and Father were never married, and lived apart after KT
3 was born. (*Id.*). Mother chose to be apart from Father as he had a bad temper. (*Id.*). She
4 remembers a time when during an argument, he threw her against the wall, and injured her
5 shoulder. (*Id.*). Despite living near KT, Father only made efforts to visit his son once a year on
6 his birthday after Mother left El Salvador. (*Id.*). Father had many girlfriends, and Mother
7 believes he has another child with another woman. (*Id.*). She believes he has been providing
8 child support for his other child. (*Id.*). When she lived in El Salvador, he did not work regularly,
9 and occasionally worked at a T-shirt factory that was family-owned. (*Id.*). During KT's
10 childhood in El Salvador, he never gave Mother or KT any money for child support. (*Id.*). On
11 KT's birthdays, he only gave KT a negligible amount of pocket money (the equivalent of about
12 five US dollars) for spending. (*Id.*).

13 While KT remained in the care of his maternal grandfather in El Salvador, he was
14 unhappy and not well-situated without his Mother. (*See* Declaration of KT, attached as Ex. 2).
15 His maternal grandfather who was an alcoholic died when KT was six years old. (*Id.*; Decl. of

16 After his grandfather's passing, KT lived with his maternal grandmother's sister
17 ("grandma-aunt"). (*Id.*). His grandma-aunt earned money by selling clothes at a small street
18 stand. (Decl. of KT). KT felt that his grandma-aunt disciplined him without reason at times, and
19 he was unhappy. (*Id.*). As KT wished to be reunited with his Mother, he traveled from El
20 Salvador to the United States when he was seven years old. He was detained in Galveston,
21 Texas by Immigration officials. On January 29, 2010, KT was released to JSO, and brought to
22 California where he currently resides with Mother, JSO, and half-brother.

23 KT is now happy, well-adjusted, and enjoys a quality of life in California that
24 he could never experience in El Salvador. KT has been in the continuous physical custody and
25 care of his Mother and her partner, JSO, during the past year and 10 months. (Decl. of
26 Decl. of KT). He attends School and enjoys the
27 nurturing, supportive home environment that he was denied for most of his life. (*Id.*). KT is
28 afraid that if he is forced to return to El Salvador he will not have a loving, supportive place to

1 live and grow up. (*Id.*). Father has not tried to contact KT since KT came to the United States a
2 year and ten months ago, and KT has not been in contact with anyone in El Salvador. (*Id.*).

3 **III. ARGUMENT**

4 **A. IT IS IN THE MINOR CHILD'S BEST INTEREST TO BE PLACED
5 IN THE SOLE CUSTODY OF HIS MOTHER**

6 Petitioner respectfully requests that the Court grant her sole custody of KT. This Court
7 has jurisdiction to make an initial custody determination because this state is the home state of
8 the child as of the date the petition for sole custody is filed. *See* Cal. Fam. Code § 3421. Also,
9 this Court, in considering the best interests of the child, may consider any relevant factors,
10 including the "health, safety, and welfare of the child," and "the nature and amount of contact
11 with both parents." *See* Cal. Fam. Code § 3011.

12 In this case, sole custody needs to be awarded to Mother because that is in the best
13 interest of KT. Father has been noticeably absent in KT's life since he was born, and has shown
14 to be unwilling to provide for KT's most basic needs including food, clothing, and shelter. (*See*
15 Decl. of [redacted] Decl. of KT). Since the time KT was born, Mother has cared for KT
16 financially and made arrangements for his care while she came to the United States. (*Id.*). While
17 Mother and KT were separated, Mother did everything she could to support KT financially and
18 provide for his basic needs. (*Id.*). She sought to ensure he was healthy and safe under the care
19 of his relatives until they could be reunited. (*Id.*). Since being reunified with his Mother, KT is
20 much happier and enjoys a quality of life that was not available to him in El Salvador. (*Id.*). KT
21 now enjoys life in a stable home with his Mother, Mother's partner, and his half-brother. (*Id.*).
22 He is loved and supported, and his essential needs are provided for. (*Id.*).

23 By contrast, KT's Father did not and does not have a relationship with KT. As discussed
24 above, with the exception of a few visits for his birthdays, Father never demonstrated an interest
25 in maintaining custody or visitation. (*Id.*). During KT's time in El Salvador, he never resided in
26 Father's home, and once Mother moved to the United States, KT remained entirely in the care of
27 Mother's family. (*Id.*). Father's failure to establish regular contact with KT and his noticeable
28 absence from his life demonstrates Father's intent to abandon KT.

Under Cal. Fam. Code § 3042, this Court should give weight to KT's wishes in making

1 its custody determination, because he is old enough to provide an “intelligent preference” as to
2 his custody preference. *See* Cal. Fam. Code § 3042. KT’s wish is to remain in the custody of
3 his Mother only. (Decl. of KT). Mother and her partner will continue to maintain the continuity
4 of a positive and loving home, community, and school environment for KT. (Decl. of
5 Mother’s partner is the primary financial provider for the family. (*Id.*). For all these
6 reasons, Mother respectfully requests sole legal and physical custody of her son.

7
8 **B. THIS COURT HAS JURISDICTION TO MAKE SPECIFIC**
9 **FINDINGS RELATED TO MINOR CHILD’S SPECIAL JUVENILE**
10 **IMMIGRANT STATUS**

11 In connection with his petition to establish parental relationship and sole custody, Mother
12 also requests that the Court make certain factual findings. Such findings will be used by KT to
13 apply for Special Immigrant Juvenile Status (SIJS) and allow him to legally remain in the United
14 States. This Court is authorized to make such findings under the recently amended Section
15 101(a)(27)(J) of the Immigration and Nationality Act (“INA”), 8 U.S.C. 1101(a)(27)(J). The
16 SIJS application requires that a “state or juvenile court” make factual findings under state law
17 that establish reunification with “one or both parents” is not viable on the account of “abuse,
18 abandonment, neglect, or a similar basis found under state law.” (*Id.*). The relevant portion of
19 the amended INA is as follows:

20 an immigrant who is present in the United States (i) who has been
21 declared dependent on a juvenile court located in the United States
22 or whom such a court has legally committed to, or placed under the
23 custody of, an agency or department of a State, or **an individual or**
24 **entity appointed by a State or juvenile court located in the**
25 **United States, and whose reunification with 1 or both of the**
26 **immigrant’s parents is not viable due to abuse, neglect,**
27 **abandonment, or a similar basis found under State law;** (ii) for
28 whom it has been determined in administrative or judicial
proceedings that it would not be in the alien’s best interest to be
returned to the alien’s or parent’s previous country of nationality or
county of last habitual residence

INA § 101(A)(27)(J) (emphasis added).

This Court has jurisdiction to make the requested findings of fact because 1) it has
jurisdiction over Mother’s Petition to establish a parental relationship; 2) it has jurisdiction to

1 make custody orders that seem necessary or proper pursuant to Cal. Fam. Code § 3022; and 3)
2 the amended INA provides that “state or juvenile courts” making custody determinations have
3 authority to make SIJS findings.

4 In addition to being a “state court,” this Court is also a “juvenile court” under INA §
5 101(A)(27)(J). The Code of Federal Regulations defines “juvenile court” as a court located in
6 the United States having jurisdiction under state law to make determinations about the custody of
7 a child. *See* 8 C.F.R. § 204.11(a). This definition is broad and encompasses Juvenile Courts,
8 Family & Domestic Relations Courts, and Superior Courts in California. Under the law, the state
9 or juvenile court *does not make any immigration decisions*, but rather, makes only factual
10 findings concerning Petitioner and the minor. Since this Court has jurisdiction over Mother’s
11 Petition, it can make the requested factual findings. This Court makes these findings because it
12 is the court with expertise in child-related matters. Factual findings by this Court will not entitle
13 KT to SIJS or to lawful permanent residence in the United States. Rather, the Court’s findings
14 are a prerequisite to filing an *application* for immigration relief. *See* 8 C.F.R. § 204.11(d)(2).
15 Without the requested court order, KT cannot apply for SIJS. (*Id.*). Therefore, Mother
16 respectfully requests, therefore, that the Court issue an order make the following appropriate
17 findings of fact to enable KT to apply for SIJS. *See, e.g.* Case No. BF 041564, Superior Court of
18 the State of California for the County of Los Angeles, Order Granting Petition to Establish
19 Parental Relationship and Making Findings Regarding Minor’s Eligibility for Special Immigrant
20 Juvenile Status, June 23, 2011 (issuing order containing findings for SIJS application).

21 Based on the foregoing facts, Mother requests that this Court make the factual findings
22 attached as Proposed Order, Ex. 3.

23 The specific requested findings are as follows:

- 24 1. This Court has jurisdiction under California law to make judicial determinations
25 about the custody and care of juveniles.
- 26 2. This Court has jurisdiction over the minor child,
27 born in El Salvador, on .
- 28 3. KT is legally committed to, or placed under the custody of, an individual or entity

1 appointed by a State or juvenile court located in the United States.

2 4. When the minor, KT, lived in El Salvador, his father did not provide for his son's
3 essential needs, including food, clothing, and shelter.

4 5. Joint custody by Father in El Salvador and Mother is not a viable option due to
5 neglect and abandonment by Father or similar basis under state law.

6 6. It is not in KT's best interest to return to El Salvador, but it is in his best interest
7 to remain in the sole legal and physical custody of his mother in the United States.

8 **IV. CONCLUSION**

9 The Court has jurisdiction to make a custody determination regarding the minor child,
10 KT. It is in KT's best interest to be placed in the sole custody of his Mother because his Father
11 has abandoned and neglected him. For all the above stated reasons, this Court should (1) grant
12 sole legal and physical custody of KT to Mother, and (2) make the requested factual findings in
13 the attached Proposed Order.

14

15 DATED: November 17, 2011

BERRA STROSS & WALLACKER

16

17

18 By: 
Nancy Encarnacion

19

Attorney for Petitioner

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EXHIBIT 1

EXHIBIT 2

1 Nancy Encarnacion (State Bar No. 225464)
nencarnacion@bswfamilaw.com
2 Berra Stross & Wallacker
155 Boyet Road, Suite 202
3 San Mateo, CA 94402
Telephone: +1 650 349 9920
4 Facsimile: +1 650 349 9907
5 Attorney for Petitioner

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8

SUPERIOR COURT OF THE STATE OF CALIFORNIA

9

FOR THE COUNTY OF SAN MATEO

10

11

Case No.

12

Petitioner,

**DECLARATION OF
IN SUPPORT OF
MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT OF
PETITION TO ESTABLISH PARENTAL
RELATIONSHIP AND MAKING
FINDINGS REGARDING MINOR'S
ELIGIBILITY FOR SPECIAL
IMMIGRANT JUVENILE STATUS,
ATTESTED TO BY HIS ATTORNEY
HANNAH LEE**

13

v.

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Respondent.

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Judge:

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**CONTAINS CONFIDENTIAL
INFORMATION**

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DECLARATION OF IN SUPPORT OF MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT OF PETITION TO ESTABLISH PARENTAL RELATIONSHIP

Case No.

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1. I, Hannah Lee, am the attorney for _____ As his attorney, I have read and reviewed the below declaration with _____ and can attest that the following information is true and correct.

2. _____ submits this declaration in support of the Memorandum of Points and Authorities in support of Petition to Establish Parental Relationship and Make Findings Regarding Minor's Eligibility for Special Juvenile Immigrant Status.

3. _____ was born in San Salvador, El Salvador on _____

4. _____ biological father. He resides in El Salvador. _____ has not seen or spoken to him since _____ left El Salvador in December 2009.

5. _____ now resides in San Mateo with his mother, mother's partner, Jose Sandoval Ortega, and his half-brother. _____ has lived with them in San Mateo since January 29, 2010. _____ has not spoken with anyone in El Salvador since that time.

6. _____ is currently in the 3rd grade at San Mateo Math and Science Magnet School.

7. _____ feels very happy, safe, and loved living in San Mateo with my mother. _____ does not wish to return to El Salvador.

8. When _____ was living in El Salvador, _____ lived with different relatives at different times, including his maternal uncle and his girlfriend, his maternal grandfather, and maternal grandmother's sister at different times. His maternal grandfather was an alcoholic and died when _____ was six years old. _____ then lived with his mom's aunt (my grandma-aunt). In El Salvador, _____ wanted to be reunited with his mother and was not happy living in El Salvador without her.

9. When _____ was living in El Salvador, _____ grandmother's sister (grandma-aunt) earned money by selling clothes at a small street stand.

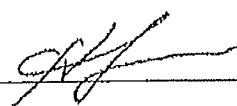
10. His grandma-aunt would often discipline him for no reason. _____ remembers when she yelled at _____ for asking for a soda to drink. She grabbed his arm and dug her fingernails into his wrist. _____ was scared to live with her at times because of her

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- temper.
11. When [redacted] was living in El Salvador, he only saw his father once a year after his mother left the country. The only money he gave him while [redacted] was in El Salvador was a few dollars to buy candy or toys.
12. When [redacted] was living in El Salvador, his father was living with his girlfriend and other children.
13. His desire is for his mother to have sole legal and physical custody of him. [redacted] is happiest and safest in the care of his mother and family in the United States.
14. [redacted] is afraid that if he returns to El Salvador, [redacted] will have no one to care for him, his well-being, and provide for his basic needs.

I make this declaration under the penalty of perjury under the laws of California and the United States of America.

Executed on November 10, 2011 at Menlo Park, California.



Hannah Lee, Attorney for

EXHIBIT 3

1 Nancy Encarnacion (State Bar No. 225464)
2 nencarnacion@bswfamlaw.com
3 Berra Stross & Wallacker
4 155 Bovet Road, Suite 202
5 San Mateo, CA 94402
6 Telephone: (650) 349-9920
7 Facsimile: (650) 349-9907

8 *Pro Bono Attorney for Petitioner*

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **FOR THE COUNTY OF SAN MATEO**

11
12
13
14 Petitioner,
15 and
16 Respondent.

17) Case No.:

18) ORDER REGARDING CUSTODY OF
19) MINOR AND SPECIFIC FINDINGS FOR
20) SPECIAL IMMIGRANT JUVENILE
21) STATUS

22) Date:

23
24 THIS COURT FINDS that this Court has jurisdiction under California law to make
25 judicial determinations about the custody and care of juveniles.

26 THE COURT FURTHER FINDS that it has jurisdiction over the minor child,

27 , born in El Salvador on

28 THE COURT FURTHER FINDS that is legally committed to, or
placed under the custody of, an individual or entity appointed by a State or juvenile court located
in the United States.

1 THE COURT FUTHER FINDS that when _____ lived in El Salvador, his
2 father did not provide for his son's essential needs, including food, clothing, and shelter.

3 THE COURT FURTHER FINDS that joint custody by _____ father and
4 mother is not viable due to the father's neglect and abandonment or similar basis under state law.
5

6 THE COURT FURTHER FINDS that it is not in _____ best interest to
7 return to El Salvador, but it would be in his best interest to remain in the United States in the
8 custody of his mother as granted by this Court.
9

10
11 IT IS SO ORDERED.

12
13 DATE: _____
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16 _____
17 JUDGE OF THE SUPERIOR COURT
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1 Nancy Encarnacion (State Bar No. 225464)
nencarnacion@bswfamlaw.com
2 Berra Stross & Wallacker
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Telephone: +1 650 349 9920
4 Facsimile: +1 650 349 9907

5 Attorney for Petitioner
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ENDORSED FILED
SAN MATEO COUNTY

NOV 10 2011

Clerk of the Superior Court
By ELEN MELAG
DEPUTY CLERK

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF SAN MATEO
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Case No. 115542

12

Petitioner,

DECLARATION OF

13

v.

IN SUPPORT OF
MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT OF
PETITION TO ESTABLISH PARENTAL
RELATIONSHIP AND MAKING
FINDINGS REGARDING MINOR'S
ELIGIBILITY FOR SPECIAL
IMMIGRANT JUVENILE STATUS

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Respondent.

Judge: RICHARD H. DUBOIS

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CONTAINS CONFIDENTIAL
INFORMATION

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DECLARATION OF S IN SUPPORT OF MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT OF PETITION TO ESTABLISH PARENTAL RELATIONSHIP

Case No.

- 1 1. I, _____ submit this declaration in support of the Memorandum of
2 Points and Authorities in support of my Petition to Establish Parental Relationship
3 and Make Findings Regarding Minor's Eligibility for Special Juvenile Immigrant
4 Status.
- 5 2. I am 45 years old and the mother of _____ who is nine
6 years old.
- 7 3. Attached hereto as Exhibit A is a true and correct copy of _____ birth certificate
8 and certified English translation.
- 9 4. _____ is _____ biological father. He resides in El
10 Salvador.
- 11 5. _____ and I never lived together after _____ was born. _____ and I lived with my
12 father after he was born. My father was an alcoholic.
- 13 6. I have not seen or spoken to _____ since I left El Salvador in 2004. We were never
14 legally married.
- 15 7. After _____ was born, I never left his side. I earned money to support _____ by
16 selling food and beverages on the street outside of our home.
- 17 8. When _____ was 1 year and seven months old, I left El Salvador to come to the
18 United States to provide a better life for _____ and me. Because my father was an
19 alcoholic, I experienced a difficult childhood and I wanted _____ to have a better
20 childhood than mine. I left El Salvador to create a new home for _____ in the United
21 States. When I left El Salvador, I left _____ in the physical care of my brother and
22 his girlfriend until we could be reunited.
- 23 9. In addition to living with my brother, _____ also lived with my father and my aunt.
24 My father, is an alcoholic, and he passed away in 2008 when _____ was six years old.
25 After my father died, _____ lived with my aunt.
- 26 10. To the best of my knowledge, _____ lives with his girlfriend and other children in El
27 Salvador. He has not tried to contact me or _____ since we left El Salvador.
- 28 11. _____ has never sought legal or physical custody of _____. He has failed to provide

- 1 for [redacted] health and welfare since he was born.
- 2 12. [redacted] works irregularly at his family-owned T-shirt factory. I believe that [redacted] is
3 providing child support for another child of his with another woman.
- 4 13. [redacted] has a bad temper. I remember when we had an argument, and he threw me
5 against the wall causing injury to my shoulder.
- 6 14. I heard from relatives that [redacted] visited [redacted] once a year on his birthday. He gave
7 him pocket money for toys or games, but did not provide any other financial support
8 for [redacted] health, living, or education.
- 9 15. While [redacted] was in El Salvador and we were separated, I missed him terribly and
10 wished that we would be reunited. Even though it was difficult to be apart from
11 [redacted] I always kept the hope that we would be reunited in a better environment.
12 While [redacted] was in El Salvador, I kept in touch with him and my relatives by phone
13 to make sure he was being cared for.
- 14 16. When [redacted] was in El Salvador, I sent him money for books, food, clothing, and
15 medical expenses. I earned money working as a seamstress, chocolate factory
16 worker, and a maid.
- 17 17. I met my partner [redacted] in the United States. We have lived together
18 since I came to the United States, and we have a six-year old son. [redacted] has
19 financially supported me and my family, including [redacted] since I met him in 2004.
20 [redacted] works as an auto body shop worker.
- 21 18. [redacted] has been living with Jose, myself, and his half-brother in the same home in
22 [redacted] since January 29, 2010.
- 23 19. [redacted] has repeatedly told me since we have been reunited that he does not want to
24 return to El Salvador. He wants to remain in my custody and care.
- 25 20. [redacted] is happy and well-adjusted in [redacted] He is enrolled in
26 [redacted] School and is doing very well. He enjoys playing with his
27 friends, and learning at school.
- 28 21. I love [redacted] I believe that I can provide the best physical custody and care for him,

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and he would not have the same love and care in El Salvador in the custody of someone else.

22. My desire is to have sole legal and physical custody of

I make this declaration under the penalty of perjury under the laws of California and the United States of America.

Executed on November 9, 2011 at San Mateo, California.

EXHIBIT A

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): Nancy E. Encarnacion, Esq. 225464 BERRA STROSS & WALLACKER 155 Bovet Road, Suite 202 San Mateo, CA 94402 TELEPHONE NO.: (650) 349-9920 FAX NO.: (650) 349-9907 ATTORNEY FOR (Name):	FOR COURT USE ONLY ENDORSED FILED SAN MATEO COUNTY NOV 28 2011 Clerk of the Superior Court By <u>Sulisti Finepoto</u> DEPUTY CLERK
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN MATEO STREET ADDRESS: 400 County Center MAILING ADDRESS: 400 County Center CITY AND ZIP CODE: Redwood City, CA 94063 BRANCH NAME:	
PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	CASE NUMBER: 115542

The San Mateo County Superior Court recommends ADR options

"Alternative" or "Appropriate Dispute Resolution" (ADR) is a general term for methods of resolving a dispute without going through the formal court process. ADR can save you time, money, and increase your overall satisfaction with the outcome of your case.

ADR can be used at any point in your case to resolve disputes regarding property division, child support, spousal support, paternity, child custody, parenting plans, and many other family law issues.

Did you know that the vast majority of cases filed in court (95-98%) do not go to trial? Most cases are settled or decided in some other way. But in many cases, the settlement comes only after considerable resources have been expended. This is why the San Mateo County Superior Court supports the use of dispute resolution alternatives at the earliest possible time. Local Rule 5.5(A) states:

California Rules of Court and the Family Law Act strongly encourage alternative dispute resolution (ADR) of family matters. The Family Law Department recognizes that formal litigation of legal claims and disputes is expensive and time consuming. The goals of this Court are: to reduce hostilities between the parties; facilitate the early resolution of issues; and provide parties with an opportunity to maximize their satisfaction with the resolution of their case. It is therefore the policy of this Court to promote and encourage the parties to settle their disputes by the use of appropriate dispute resolution options which include mediation, arbitration, collaborative practice, court supervised settlement conferences and/or judicial case management.

The court strongly encourages the use of ADR but does not favor any particular form of ADR, endorse any particular attorney, nor guarantee the outcome in any particular case.

Instructions: All parties and counsel shall read the Notice, sign on page three, and have this Notice served on the other party with any Petition or Response under the Family Law Act, Uniform Parentage Act, Order to Show Cause, Response to Order to Show Cause, Notice of Motion, Response to Notice of Motion, or any other family law pleading which will result in a court hearing or trial unless a Notice has previously been filed within the past 180 days. A proof of service shall be filed with the Court. (Local Rule 5.5)(B)

PLAINTIFF/PETITIONER:

CASE NUMBER:

DEFENDANT/RESPONDENT:

115542

DESCRIPTION OF SERVICES AND COST:

The Court manages a panel of attorneys with special training in mediation and arbitration and a commitment to finding alternatives to formal litigation. The attorneys who serve on the ADR panel have agreed to offer participants a 90-minute session for \$100 (\$50 per party). Additional sessions are available at the attorney's market rate. For more information call the ADR office at: (650)599-1238, or visit the website at: www.sanmateocourt.org/adr/familylaw

• Mediation

Mediation through the ADR program is voluntary. A neutral attorney called a "mediator" meets with parties and/or their attorneys to assist them in reaching an agreement. The mediator facilitates communication between the participants, clarifies issues, explores each party's needs and interests, and helps the participants to consider options for settlement.

The parties may resolve a single issue or the entire case. The agreements reached in mediation are not limited by the results available under the law so mediated solutions can more easily accommodate the circumstances of individual cases. An agreement reached in mediation is binding once it is turned into a court order and signed by the Judge. You cannot be forced to accept a decision in mediation and participating in mediation does not impact your right to a court hearing. If an agreement is not reached you may continue through the court system.

Mediation is private and confidential. The sessions are conducted in the mediator's office. Anything spoken or written during mediation by any of the participants is confidential and may not be disclosed to the Court or any other person without the consent of the participants.

• Arbitration

Arbitration is private and less formal than a court trial. In arbitration a neutral attorney called the "arbitrator" makes a decision based on the information presented by both sides. The arbitrator then prepares a written decision and sends it to both parties and the Court. The court's ADR program offers binding arbitration with a neutral serving as a temporary judge. Binding means there is no right to appeal and you will accept the arbitrator's decision as final.

• Collaborative Law

In the collaborative process, you and the other party each have a private attorney and make a commitment to resolve your disputes without going to court. Similar to mediation, collaborative practice operates in the spirit of honesty and cooperation. In the collaborative process, both parties together with the professionals (attorneys, mental health and financial experts) work as a team to resolve disputes respectfully with an emphasis on financial responsibility and cooperative co-parenting. Collaborative Practice San Mateo County is a private organization of professionals specially trained in collaborative practice. For more information, fees or a list of professionals, please see the web site at <http://www.collaborative-law.com/> or call (650) 590-2288.

Instructions: All parties and counsel shall read the Notice, sign on page three, and have this Notice served on the other party with any Petition or Response under the Family Law Act, Uniform Parentage Act, Order to Show Cause, Response to Order to Show Cause, Notice of Motion, Response to Notice of Motion, or any other family law pleading which will result in a court hearing or trial unless a Notice has previously been filed within the past 180 days. A proof of service shall be filed with the Court (Local Rule 5.5)(B)


PLAINTIFF/PETITIONER:	CASE NUMBER:
DEFENDANT/RESPONDENT:	115542

FAMILY COURT SERVICES MEDIATION:

The Court encourages the use of the ADR options described above to resolve custody and parenting plan disputes. However, if you do not reach an agreement on these issues, California law requires you to meet with Family Court Services (FCS) before submitting these issues to a Judge. FCS will first attempt to settle the issues through mediation, however, if no agreement is reached then the FCS counselor will prepare a written recommendation to the Court based upon the best interests of the child(ren). FCS mediation is not confidential and does not address your property or financial disputes. There is no fee for mediation with FCS.

DOMESTIC VIOLENCE AND ADR:

ADR is most effective when parties are able to communicate and solve problems without fear or intimidation. For this reason when there is a history of domestic violence in a relationship, ADR may not be appropriate.

The undersigned certifies that s/he has read this Notice in compliance with San Mateo County Local Rule 5.5.	
Date: 11/28/11	Date:
_____	_____
SIGNATURE OF PETITIONER	SIGNATURE OF RESPONDENT
Attorney certification of compliance with San Mateo County Local Rule 5.5:	
Date: 11/28/11	Date:
	_____
SIGNATURE OF ATTORNEY FOR PETITIONER	SIGNATURE OF ATTORNEY FOR RESPONDENT
Nancy E. Encarnacion, Esq.	

Instructions: All parties and counsel shall read the Notice, sign on page three, and have this Notice served on the other party with any Petition or Response under the Family Law Act, Uniform Parentage Act, Order to Show Cause, Response to Order to Show Cause, Notice of Motion, Response to Notice of Motion, or any other family law pleading which will result in a court hearing or trial unless a Notice has previously been filed within the past 180 days. A proof of service shall be filed with the Court (Local Rule 5.5)(B)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Nancy Encarnacion (SBN 225464) Berra Stross & Wallacker 155 Bovet Road, Suite 202, San Mateo, CA 94402 TELEPHONE NO.: (650) 349-9920 FAX NO. (Optional): E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name):	FOR COURT USE ONLY CASE NUMBER:
SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Mateo STREET ADDRESS: 400 County Center MAILING ADDRESS: CITY AND ZIP CODE: Redwood City, CA 94063 BRANCH NAME: Southern	
PETITIONER: RESPONDENT: OTHER:	
NOTICE AND ACKNOWLEDGMENT OF RECEIPT	

To (name of individual being served): _____

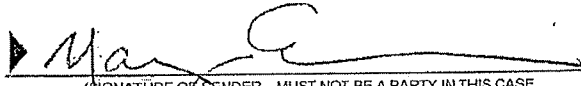
NOTICE

The documents identified below are being served on you by mail with this acknowledgment form. You must personally sign, or a person authorized by you must sign, this form to acknowledge receipt of the documents.

If the documents described below include a summons and you fail to complete and return this acknowledgment form to the sender within 20 days of the date of mailing, you will be liable for the reasonable expenses incurred after that date in serving you or attempting to serve you with these documents by any other methods permitted by law. If you return this form to the sender, service of a summons is deemed complete on the date you sign the acknowledgment of receipt below. This is **not** an answer to the action. If you do not agree with what is being requested, you must submit a completed *Response* form to the court within 30 calendar days.

Date of mailing: November 29, 2011

Nancy Encarnacion, Esq.
 (TYPE OR PRINT NAME)


 (SIGNATURE OF SENDER—MUST NOT BE A PARTY IN THIS CASE AND MUST BE 18 OR OLDER)

ACKNOWLEDGMENT OF RECEIPT
 (To be completed by sender before mailing)

I agree I received the following:

- a. Family Law: *Petition* (form FL-100), *Summons* (form FL-110), and blank *Response* (form FL-120)
- b. Family Law—Domestic Partnership: *Petition—Domestic Partnership* (form FL-103), *Summons* (form FL-110), and blank *Response—Domestic Partnership* (form FL-123)
- c. Uniform Parentage: *Petition to Establish Parental Relationship* (form FL-200), *Summons* (form FL-210), and blank *Response to Petition to Establish Parental Relationship* (form FL-220)
- d. Custody and Support: *Petition for Custody and Support of Minor Children* (form FL-260), *Summons* (form FL-210), and blank *Response to Petition for Custody and Support of Minor Children* (form FL-270)
- e. (1) Completed and blank *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)* (form FL-105) (5) Completed and blank *Financial Statement (Simplified)* (form FL-155)
- (2) Completed and blank *Declaration of Disclosure* (form FL-140) (6) *Order to Show Cause* (form FL-300), *Application for Order and Supporting Declaration* (form FL-310), and blank *Responsive Declaration to Order to Show Cause or Notice of Motion* (form FL-320)
- (3) Completed and blank *Schedule of Assets and Debts* (form FL-142) (7) Other (specify):
- (4) Completed and blank *Income and Expense Declaration* (form FL-150) MPA; Declaration of _____ and _____

(To be completed by recipient)
 Date this acknowledgment is signed: _____

 (TYPE OR PRINT NAME)


 (SIGNATURE OF PERSON ACKNOWLEDGING RECEIPT)



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City of New York, State of New York, County of New York

I, Christina Farah, hereby certify that the following documents are, to the best of my knowledge and belief, a true and accurate translation from English into Spanish.

NAMES OF DOCUMENTS :

FL-117

Declaration of _____, attested to by Hannah Lee

Amended MPA in Support of Petition to Establish Parental Relationship

FL-310S

FL-200S

FL-105

FL-220

FL-320

Notice of Assignment

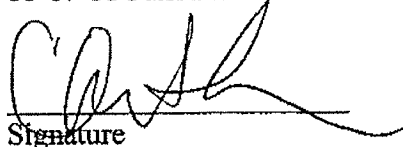
Exhibits 1-4 and Exhibit A slipsheets

FL-2 Notice of ADR Options

FL-117 Notice of Acknowledgement

11-17-11 Letter from Nancy Encarnacion to

11-17-11 Faxed Letter from Nancy Encarnacion to Commissioner DuBois


Signature

Sworn to before me this
28th day of November 2011


Signature, Notary Public

KEVIN M KELLEHER JR
Notary Public - State of New York
No. 01-KE-8229268
Qualified in Queens County
Commission Expires October 4 2014

Stamp, Notary Public



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City of New York, State of New York, County of New York

I, Christina Farah, hereby certify that the:

“Declaration of _____ in Support of Memorandum of Points and Authorities in Support of Petition to Establish Parental Relationship”

“Declaration of _____ in Support of Memorandum of Points and Authorities in Support of Petition to Establish Parental Relationship”

“FL-117”

“Memorandum of Points and Authorities in Support of Petition to Establish Parental Relationship”

“Order Regarding Custody of Minor and Specific Findings”

documents are, to the best of my knowledge and belief, a true and accurate translation from English to El Salvadorean Spanish.



 Christina Farah

Sworn to before me this
8th Day of November 2011



 Signature, Notary Public

KRISTIN MILORO
 Notary Public - State of New York
 No. 01M16212799
 Qualified in New York County
 Commission Expires Oct 19, 2013

Stamp, Notary Public