

How Do I Get a Court's Reasons for Making a Family Court Decision?



Does The Judge Have to Explain How They Reached Their Decision?

In some cases, judges must tell you why they decided your case the way they did (their reasoning for their decision). When judges have to tell you the reasoning for their decision they are providing what's called a **Statement of Reasons**. But in most cases, you will have to ask the judge to explain their reasoning to you. This is called **requesting (asking for) a Statement of Decision**.

What is a Statement of Reasons?

When a family law code section *requires* a judge to explain the reasons behind their decision to you, the judge is only required to give you a brief "Statement of Reasons." This explanation may be less detailed than a Statement of Decision. Because a Statement of Reasons is less detailed, you may want

to ask for a Statement of Decision, which should describe the judge's reasoning for their decision in more depth.

What Is a Statement of Decision?

A Statement of Decision is a more detailed explanation of why the judge made the decision it did in your case. It includes both what law the judge used to decide your case and what facts they considered. The judge can state its reasons during your hearing or write them down and give it to you later.

You can ask for a Statement of Decision even if

- the judge isn't required by the family law to give you a Statement of Reasons.
- the judge provides you with a Statement of Reasons but you want a more detailed explanation.

When Must the Judge Explain Their Decision to Me?

The dot points below list the different types of situations where the court is required by law to give you a Statement of Reasons:

- If you were denied a domestic violence restraining order ([Family Code Section 6340\(b\)](#))
- If you were denied a temporary domestic violence restraining order ([Family Code Section 6320.5\(a\)](#))

- If the judge granted joint or sole custody to a person who has committed domestic violence in the past 5 years against you, their current spouse or cohabitant, or a child that is related to them or a child that they have cared for. (Family Code Section [3011\(a\)\(5\)\(A\)](#), Family Code Sections [3044\(f\)\(1\)-\(2\)](#))
- If the judge changed or dissolved a joint custody order and at least one of the parents opposed it. ([Family Code Section 3087](#))
- If the judge gave custody of a child to someone who is not their parent and at least one of the parents opposed it. ([Family Code Section 3041\(a\)](#))
- If the judge gave custody or visitation to a parent who is convicted of child abuse is a registered sex offender ([Family Code Sections 3030\(a\)\(1\), \(a\)\(2\)](#)), or was convicted of murdering the child's other parent. ([Family Code Sections 3030\(c\)](#))
- If the judge ordered spousal support in a divorce case. ([Family Code Section 4332](#))
- If a court changes a child support order because a parent becomes unemployed. ([Fam. Code Section 3653\(b\) & \(c\)](#))
- If a court changes a child support order because a parent has an out-of-state military deployment, and the court orders the change in support to begin on a date that is different from either 1) the date the request for the change was made or 2) the date of the deployment. ([Fam. Code Section 3653\(b\) & \(c\)](#))
- If the court orders a child support amount that is different from the standard amount calculated by using a state formula. ([Family Code Section 4056\(a\)](#))

What If the Law Says the Judge Must Explain Their Decision to Me, But They Still Don't?

If you think the judge must give you a Statement of Reasons because your case is like one of those listed above, but the judge forgets to give you their reasons, you can gently remind the judge of the Family Code section listed next to the dot above that describes your situation.

When you file your papers with the court asking them for an order, you can also include a written request for a Statement of Reasons.

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Here's an example of what to ask for:

- “If this court is inclined to (choose: grant or deny) the request for (write the type of order requested), I ask that the court issue a detailed Statement of Reasons for the decision required by Family Code section (write the section number).”

When Do I Have to Ask for the Judge’s Reasons?

If what happened in your case is not like any of the examples listed above on page 2, the judge may not have to give you a Statement of Reasons. When the judge does not have to give you a Statement of Reasons you can ask for a **Statement of Decision** before, during, or in some cases, after trial.

1. Before Trial:

Before your trial, you can ask the judge for a Statement of Decision in writing. You can use FVAP’s resource [Statement of Decision Template](#) to help you write your request. In your request, you should be specific about what issues or questions you want the judge to discuss in their Statement of Decision. ([Code of Civ. Proc. Sec. 632](#)). Here are some example questions you might ask the judge to answer:

- In a domestic violence restraining order case: “Were there past acts of abuse? What were they? Did Respondent (harm/threaten/harass) Petitioner on (date you say an incident occurred)?”
- In a custody case: “Did you find that [the other person] committed acts of domestic violence against me or my children in the last 5 years? What makes you think this custody arrangement is in the best interests of my child?”
- In another type of case: “What are your reasons for (granting/denying) this request?”

2. At Trial:

If you did not request a Statement of Decision in writing before trial, you can also ask the judge orally (out loud) in court to make a Statement of Decision before the hearing has finished. ([Code of Civ. Proc. Sec. 632](#)).

If your trial was shorter than 1 day, or shorter than 8 hours spread out across a few days, you must ask for a Statement of Decision before the trial ends. ([Code of Civ. Proc. Sec. 632](#)).



Here is how you can ask for an oral Statement of Decision while you're in court:

- “Your honor, can you please provide a Statement of Decision according to [Code of Civil Procedure Section 632?](#)”

3. After Trial

You can only ask for a written Statement of Decision after trial if your trial was longer than 1 day, or longer than 8 hours total over a few different days. If you had a long trial and want to ask for a Statement of Decision after trial, you must make your request within 10 days after your trial ends. You can use FVAP's resource [Statement of Decision Template](#) to help you write your request.

NOTE: Change in the Law
Effective January 1, 2027 (AB 515)

Beginning January 1, 2027 you must request a Statement of Decision before the trial ends, even if your case was longer than 1 day or longer than 8 hours total over a few different days.

Your request for a Statement of Decision must in writing unless your hearing is being transcribed by a court reporter or electronically. If your hearing is being transcribed then you may make an oral request for a Statement of Decision.

In your Statement of Decision, you must state the disputed issued in your case that you want the judge to explain in the decision.



How do I get more help?

Contact FVAP at
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(510) 380-6243

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