



Superior Court of the State of California
County of Kings

**Dissolution of Marriage,
Legal Separation, or
Nullity of Marriage**
Packet Purchase Price: \$ 20.00

THERE WILL BE ABSOLUTELY NO REFUNDS OR EXCHANGES ON
THE PURCHASE OF SUPERIOR COURT FORMS OR PACKETS

In order to file a **Dissolution of Marriage** (divorce) in California, either you or your spouse must have lived in:

- California for the last 6 (six) months, **AND**
- The county where you plan to file the divorce for the last 3 (three) months.

If you and your spouse have lived in California for at least 6 months but in different counties for at least 3 (three) months, you can file in *either county*.

If you do not meet the residency requirement, you can still file for a legal separation. Once enough time has passed so that you meet the residency requirement for a divorce, you may file an "amended petition" and ask the court for a divorce.

A **Legal Separation** does not end a marriage. You can't marry or enter into a partnership with someone else if you are legally separated (and not divorced). A legal separation is for couples that do not want to get divorced but want to live apart and decide on money, property, and parenting issues.

An **Annulment** (or "nullity of marriage") is when a court says your marriage is NOT legally valid. An annulment of marriage must be approved by the court.

A marriage can be declared "void" because of:

- an incestuous or bigamous marriage;
- force,
- fraud,
- unsound mind,
- physical incapacity;
- petitioner's age at time of marriage;
- a prior existing marriage.

There is a filing fee of \$ 320.00.
This is your first appearance fee in the case.

*You may apply for this fee to be waived, if you are eligible.
Ask the clerk for a Fee Waiver Packet.*



Alert!

Filing and serving the Summons and Petition will give the court jurisdiction to make orders in your case, but it is only the beginning.

Once an action is filed by a Petitioner, the other party (the respondent) must be personally served with specific paperwork by someone, other than you, over the age of 18. If the Respondent fails to file the necessary responding paperwork within thirty (30) days of service, the Petitioner may request an entry of default. Once the default is entered, the Petitioner can complete the divorce proceeding without the participation of the Respondent. Your marriage is not dissolved until there is a signed "Judgment" from the court. Your divorce can not be final until *at least 6 months and 1 day* after your spouse was served.



Can I go to court before my case is final?

Yes. If you do not want to wait until your judgment to obtain orders for custody, visitation, support, and/or property control, you may want to complete, file and serve an **Order to Show Cause** (with any applicable supporting documents).

The **Order to Show Cause** can order temporary orders regarding child custody, visitation, support, and property issues. A hearing date will be set, at which time more formal orders will be made. If prepared and submitted with your Summons and Petition the **Order to Show Cause** can be served on your spouse along with the initial divorce documents. Please be aware the filing fee for an Order to Show Cause is \$40.00.



Prior to completing your forms, please read the following information:

- If you want to handle your own case, you will need to fill out, serve, and file several court forms. You may also need to have a trial before a judge.
- This packet gives general instructions only.
- There may be additional forms and/or attachments you may need in your particular case. Forms are available at the Clerk's Office upon **specific request**. You will be charged .50¢ per page for each form.
 - The forms may be retrieved at www.courtinfo.ca.gov at no cost.
- Family law cases may be complicated. For assistance with legal information you may choose to talk to a lawyer or the [family law facilitator](#).
 - You may obtain the family law facilitator's schedule at the clerk's office.
 - A lawyer or the family law facilitator can help you with the forms, legal questions, and procedures.

Step 1

Open a Family Law Case using the following forms

Form name and number:	Last revised on:	# of pages
<input type="checkbox"/> Summons (FL 110) <i>Purpose of form:</i> Tells your spouse that a court case has started and what will happen if he or she doesn't respond in 30 days.	01-01-06	2
<input type="checkbox"/> Petition (FL 100) <i>Purpose of form:</i> To start a family law case. This form lists date of marriage and date of separation, names and date of birth of children, community and separate property assets and debts.	01-01-05	2
<input type="checkbox"/> Income and Expense Declaration (FL 150) <i>Purpose of form:</i> Gives your financial information to the court and the respondent. Used to calculate support and ask for cost reimbursements. <i>Instructions:</i> <ul style="list-style-type: none"> If applicable: copy and attach (staple) your paystubs on an 8 ½" x 11" sheet and staple behind page 4. A sample of how to complete this form is enclosed in this packet. Do not make copies of the sample. 	01-01-07	4
<input type="checkbox"/> Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) (FL 105) <i>Purpose of form:</i> Informs the judge who the children have been living with and if any other custody orders exist that involve the children at issue in the case you are going to file. <i>Note:</i> If you have more than two children complete and staple the Attachment (form MC-025) to this form. <i>Instructions:</i> <ul style="list-style-type: none"> Complete this form if you have children under the age of 18 with the respondent. A sample of how to complete this form is enclosed in this packet. Do not make copies of the sample. 	01-01-07	2
<input type="checkbox"/> Property Declaration (FL 160) <i>Purpose of form:</i> Lists each item of property and debt and whether you think it is community or separate property. <i>Instructions:</i> Complete this form if more room is needed on your petition to list your property and debts.	01-01-07	2
<input type="checkbox"/> Continuation of Property Declaration (FL 161) (attachment to FL160) <i>Purpose of form:</i> Lists additional items of property and/or debt. <i>Instructions:</i> If applicable this form is attached to form FL160, Property Declaration.	01-01-05	2

? After I complete these forms what is my next step?

You must make copies and assemble your documents prior to submitting them to the Clerk's Office. Read **page 11- Tips For Filing Out & Handling Your Court Forms** (of this coversheet) for further instructions on how to prepare your documents.

? Where do I file my paperwork?

Kings County Superior Court has four locations.

Avenal	501 E. Kings St., Avenal, CA 93204	(559) 386-5225
Corcoran	1000 Chittenden Ave., Corcoran, CA 93212	(559) 992-5193
Hanford	1426 South Drive, Hanford, CA 93230	(559) 582-1010
Lemoore	449 "C" St., Lemoore, CA 93245	(559) 924-7757

Business Hours 8:00 a.m. to 5:00 p.m. (Monday through Friday)

Reminder: 3:00 p.m. is the filing deadline.

Step 2 Have the respondent personally served.

The respondent must be personally served.

? Which forms are served to the respondent?

The respondent is to receive a copy of each form you filed with the court (mentioned in step 1 as well as the (3) three forms mentioned below (as they apply). Please note these forms are served blank to the respondent. However, you may place your case number on each form.

Form name and number:	Last revised on:	# of pages
<input type="checkbox"/> Response --Marriage (FL 120) <i>Purpose of form:</i> This form is completed by the respondent. If the respondent chooses to respond to your petition this form will be completed and filed with the court.	01-01-05	2
<input type="checkbox"/> Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) (FL 105) <i>Instructions:</i> Include this form if you have children under the age of 18 with the respondent. <i>Note:</i> Use the 2 nd copy of this form provided in this packet for the respondent.	01-01-07	2
<input type="checkbox"/> Income and Expense Declaration (FL 150) <i>Note:</i> Use the 2 nd copy of this form provided in this packet for the respondent.		4

? What if the respondent can not be personally served?

- a. For other ways service can be performed please refer to the Code of Civil Procedure 417.10 at the web site at www.leginfo.ca.gov.
- b. Research the web site at www.courtinfo.ca.gov for assistance.
- c. Talk to the family law facilitator.
- d. Talk to to a lawyer.

An alternative method of service:

<input type="checkbox"/> Notice and Acknowledgment of Receipt (Family Law) (FL 117) <i>Note:</i> If you and the other party are cooperating on your case, and the other parent agrees to accept service by mail, this is the easiest and least expensive way to serve the papers. <i>Who can mail the documents?</i> The server must be 18 or older and not be involved in your case. He/she must then complete the Proof of Service of Summons (FL 115). <i>Instructions:</i> Someone – not you – must mail a copy of each form filed with the court, including a blank Response to Petition--Marriage (FL 120), 2 copies of the <i>Notice and Acknowledgment of Receipt – Family Law</i> (FL 117), and a postage paid return envelope that is addressed to you. If the other party chooses to sign this form, he/she will return the original to you. The original must be filed with the court. This form shows the court that the other party has received and accepted the forms. He/she must sign and date this form and return it to you. If he/she does not sign, date, and return this form to you, you must find an alternative way of serving your documents.	01-01-05	1
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For other ways service can be performed please refer to Code of Civil Procedure 417.10 (www.leginfo.ca.gov).

Step 3

File proof of serving the respondent with the Summons and Petition:

Form name and number:	Last revised on:	# of pages
<input type="checkbox"/> Proof of Service of Summons (Family Law) (FL 115)	01-01-05	2

Note: Your papers can be “personally” served on the other parent. That means that someone – **not you** – must personally give each of the forms you filed with the court AND a blank Response- ([FL 120](#)) to the other party.

The server must be 18 or older and not be involved in your case. He/she must then complete the Proof of Service of Summons ([FL 115](#)).

Who can serve the documents?

- The server must be 18 or older and not be involved in your case.
- The Sheriff’s office of the county where the respondent resides.
- A process server. A list can be retrieved at the Clerk’s office.

Assistance on form:

A sample of how to complete this form is enclosed in this packet. Do not make copies of the sample.



Now that the other parent has been served, with the Summons and Petition, what do I do?

See **step 4**. There are three different scenarios listed to assist you. Your next step would depend on whether or not the respondent files a Response to the Petition with the court.

For further assistance you may choose to do more research on the web site at www.courtinfo.ca.gov.

Step 4:

Finish your case and obtain a judgment:

Your marriage is not dissolved until there is a signed “Judgment” from the court. Your divorce can not be final until at least 6 months and 1 (one) day after the respondent was served with the Summons & Petition.

The last step of your family law case is to fill out and file the last set of forms. The forms you fill out vary, depending on your individual situation.

The forms you use to finish your case depend on:

- (1) Whether or not your spouse filed a *Response to your Petition*,
- (2) Whether you and your spouse have an agreement.

scenario #1

No response has been filed.

You can complete the divorce proceeding without the participation of the respondent and enter a default on your spouse **if the Respondent fails** to file a Response within thirty (30) days of being personally served.

? When may I file my default paperwork?

If the respondent was personally served: You may request an entry of default **after** the 30 days has expired.

Verify that you have filed the following forms, as proof the respondent has been served, either:

- a.) a completed **Proof of Service of Summons** (FL 115)
- b.) a completed **Notice of Acknowledgment of Receipt** (FL 115) (if applicable)



Alert! If the respondent is currently in the military, special rules apply. Talk to a lawyer.

Definition:

default judgment: A court decision in favor of the petitioner when the respondent doesn't [answer](#) or go to court when they're supposed to.

? How do I finish my case?

Complete the **Judgment forms** (on page 8 of this coversheet) including the following form:

Form name and number:	Last revised on:	# of pages
<input type="checkbox"/> Request to Enter Default (FL 165)	01-01-05	2
<i>Purpose of form:</i>	This form asks the judge to go forward with the case based on your input alone because the other party has not answered.	
<i>Instructions:</i>	<ul style="list-style-type: none">• Deliver to the court clerk the original and 2 copies of all the forms you've prepared.• Be sure to give the court clerk one envelope addressed to the other party. The envelope must have enough first-class postage to mail a copy of this form.	
<i>Assistance on form:</i>	A sample of how to complete this form is enclosed in this packet. Do not make copies of the sample.	

scenario #2

A Response may or may not have been filed and both parties have signed an agreement.

You can file an **Appearance, Stipulations, and Waivers (FL 130)** with your judgment paperwork. Review and check the appropriate boxes. Both you and the respondent must date and sign this form. After the respondent returns this form to you, the form must be filed with the court.



Is there a filing fee for the respondent when submitting this form?

Yes. The respondent is making a first appearance fee in the case. Therefore the filing fee is \$320.00. If the respondent can not afford the filing fee, he or she can request a waiver of the filing fee. Ask the clerk for a waiver packet.

Note: This filing fee will only apply if:

- 1) a Response has not been filed and/or
- 2) the first appearance fee has not been previously paid

Definitions:

settlement agreement:

In a dissolution of marriage, legal separation, or annulment, a stipulated judgment will often include a marital settlement agreement (MSA). A marital settlement agreement is a written contract between you and your spouse that contains detailed legal wording about how the issues in your case will be handled. It is usually used when there are complicated issues of property, debt, support, or custody that need to be set out in the judgment.

stipulated judgment:

An agreement between the parties to a case that settles a case. For example, if you and your spouse agree on all the matters about your divorce, you can submit a stipulated judgment to the court. The stipulated judgment must be signed by both you and your spouse, and will list your agreements about the division of property and debts, child and spousal support and child custody and visitation. Once the stipulated judgment is signed by the judge, it becomes the judgment in your case.



How do I finish my case?

Complete the **Judgment forms** (on page 8 of this coversheet) including the following form:

Form name and number:	Last revised on:	# of pages
<input type="checkbox"/> Appearance, Stipulations, and Waivers (FL 130)	01-01-06	1

Purpose of form: This form asks the judge to make orders in the case without an a court hearing. This form tells the court what you would say if you went court.

Note: A first appearance fee of \$320 is required for the Respondent if he/she has **not** previously made a general appearance in the case.

No first appearance fee is required if:

1. the respondent has previously made a general appearance in the case or
2. the respondent is a member of the military service of the USA and waives all rights under the servicemembers Civil Relief Act.

scenario #3

A Response has been filed and NO agreement has been made.

- You can file the following form with the court to obtain a trial date.
- This form is a local form and it is not included in this packet.
- You may retrieve it at clerks office (upon specific request) or online at the web site: www.kings.courts.ca.gov.
- The court also has a check-list to assist you in preparing for the trial.

Form name and number:	Last revised on:	# of pages
<input type="checkbox"/> At-Issue Memorandum-Family Law (local form)	01-01-07	2

Purpose of form: This form asks the the court to set your case for trial, it also gives information of your availability, and how long the trial may take.

Instructions: This form is completed, mailed to the other party (by someone over the age of 18 not a party to the case). The server must complete the proof of service on page two. The original is submitted to the court for filing.

Note: Once submitted, this form is held for 10 days, in order for a Counter At-Issue Memorandum to be submitted. Once this time has expired, the hearings will be set out 45-60 days (from the day the At-Issue Memorandum was received).

Judgment forms:

Form name and number:	Last revised on:	# of pages
<input type="checkbox"/> Declaration for Default or Uncontested (FL 170) <i>Purpose of form:</i> This form asks the judge to make orders in the case without a court hearing. This form tells the court what you would say if you went court. <i>Instructions:</i> Check the appropriate boxes on this form. This depends on whether or not the respondent has responded to the case.	01-01-07	2
<input type="checkbox"/> Declaration of Disclosure (FL 140) <i>Note:</i> This form is NOT filed with the court. This form is to be completed and served on the respondent.	yes	01-01-03 1
<input type="checkbox"/> Declaration Regarding Service of Declaration of Disclosure (FL 141) <i>Purpose of form:</i> Provides proof of service of the Preliminary and/or Final Disclosure.	yes	01-01-03 1
<input type="checkbox"/> Judgment (FL 180) <i>Purpose of form:</i> The official decision or finding of a judge about the respective rights and claims of the parties to an action; also known as a “decree” or an “order,” and may include “findings of fact and conclusions of law”. <i>Instructions:</i> After completing this form (with the necessary attachments) make 3 copies and deliver the original and 3 copies to the clerk. <i>If you and the respondent are in agreement:</i> If you and the other parent have made an agreement on all issues, attach a stipulated agreement to this form. For help with preparing a stipulated agreement talk to a lawyer, the family law facilitator or research this at www.courtinfo.ca.gov . <i>Note:</i> It may take several weeks before you get the judgment in the mail. It will take even longer if the court rejects your request because you did not fill out the forms correctly, or if the court decides you must have a court hearing.	01-01-07	2
<input type="checkbox"/> Child Custody and Visitation Order Attachment (FL 341) <i>Purpose of form:</i> (optional use) This form is utilized if you want custody and visitation orders. <i>Instructions:</i> If you are utilizing this form, it is attached to the Judgment (FL 180).	01-01-05	2
<input type="checkbox"/> Child Support Information and Order Attachment (FL 342) <i>Purpose of form:</i> Use this form if your case involves child support. <i>Instructions:</i> This form is attached to the Judgment (FL 180).	07-01-05	2
<input type="checkbox"/> Spousal, Partner, or Family Support Order Attachment (FL 343) <i>Purpose of form:</i> (optional use) This form is utilized if you want spousal, partner, or family support orders. <i>Instructions:</i> If you are utilizing this form, it is attached to the Judgment (FL 180).	01-01-05	2
<input type="checkbox"/> Property Order Attachment to Judgment (FL 345) <i>Purpose of form:</i> (optional use) This form is used to list the division of community property assets and/or debts, equalization of division of property and debt orders, etc. <i>Instructions:</i> If you are utilizing this form, it is attached to the Judgment (FL 180).	01-01-07	2

Go to page 10 for a continuation of the Judgment forms.

Judgment forms (continued)

Form name and number:	Last revised on:	# of pages
<input type="checkbox"/> Notice of Entry Judgment (FL 190)	01-01-05	1
<p><i>Purpose of form:</i> Once the Judgment is signed, the clerk will mail out the copies of the Judgment to each party and complete this form as proof of serving each party.</p> <p><i>Instructions:</i> Submit to the clerk's office the original and two (2) copies of this form along with:</p> <ol style="list-style-type: none"> 1. one stamped envelope addressed to you. The envelope must be large enough to accommodate the Judgment. Preferably an 8 ½" x 11" envelope. There must be enough postage on the envelope to mail the judgment. 2. one stamped envelope addressed to the respondent or respondent's attorney (if applicable). The envelope must be large enough to accommodate the Judgment. Preferably an 8 ½" x 11" envelope. There must be enough postage on the envelope to mail the judgment. <p><i>Assistance on form:</i> A sample of how to complete this form is enclosed in this packet. Do not make copies of the sample.</p>		

FORMS REGARDING CHILD SUPPORT:

<input type="checkbox"/> Child Support Case Registry Form (FL 191)	07-01-05	4
<p><i>Purpose of form:</i> Complete this form if the Judgment includes an order for child support. This form registers the case in a national registry to help with enforcement. You must file it with the court at the same time you file the judgment.</p> <p><i>Assistance on form:</i> Instructions can be located on pages 3 & 4 of the Child Support Case Registry form. Please read this information.</p>		
<input type="checkbox"/> Order/Notice to Withhold Income for Child Support (FL 195)	no date	2
<p><i>Purpose of form:</i> Standardized form used for income withholding. This form orders the paying parent's employer to withhold child support from that parent's paycheck.</p> <p><i>Instructions:</i> Provided on form FL196. Once completed the Order is submitted to the court for review/signature of the Judge.</p>		
<input type="checkbox"/> Notice of Rights and Responsibilities (FL 192)	07-01-07	2
<p><i>Purpose of form:</i> This form is for your information only.</p> <p><i>Instructions:</i> Read it and attach it to your court order.</p>		

Please be aware of the following information:

- ❖ The Court will require the same adherence to all of the laws of the State and California Rules of Court, as if you were represented by an attorney.
- ❖ Clerk personnel are not permitted to, nor will they give legal advice or help in completing any form. *Please do not ask our clerks to give you legal assistance or advice.* The Clerk of the Court and his deputies are prohibited by law from rendering legal assistance or advice in court proceedings (Sec. 24004 & 68082 Gov. code). Persons appearing in their own behalf are responsible for preparing and presenting their pleadings in complete and proper form without legal assistance from deputies of the Superior Court Clerk's office.

Tips for Filling Out & Handling Your Court Forms

1. Be sure your forms are clear and easy to read.
 1. Use blue or black ink.
 2. Your forms may be typed.
2. Write your legal name, current address, and daytime phone number in the box at the top of the first page of each form. If you don't want to write your home address, use another address where you can get mail.
3. If you don't have a lawyer, write "in pro per" on the "Attorney for" line on all court forms.
4. Fill out your forms completely and accurately. If something doesn't apply to you, write "N/A." This means "not applicable."
5. Sign and date each form where your signature is requested. **Use blue or black ink only.**
6. Fill out your forms one section at a time. If you have **questions** about a section, leave it blank until you can get your questions answered.
 1. If you need **help filling out your forms** or with legal information:
 1. you can ask a lawyer
 2. a legal aid clinic
 3. a family law facilitator (in child, spousal, and partner support cases)
 4. go to a law library and ask the librarian for books that can help you
 5. a typing or paralegal service (ask for this list at the clerk's office)
 6. online at www.ezlegalfile.org
 7. the self-help center online at www.courtinfo.ca.gov
 8. online at www.leginfo.ca.gov for assistance with California Law Codes (such as family codes, civil codes, governmental codes, etc.)
7. **Make copies of all your forms.**
 1. make one copy for yourself and
 2. make one copy for the respondent
 1. If a form has writing on both sides either:
 1. use 2 separate pages to copy the 2 sides of the form or
 2. make sure the second page is tumbled (180°)-as presented in this packet.
8. **Assemble all your forms.**
 1. Each original form submitted for filing must be two-hole punched at the top.
 2. Each form with multiple pages must be *stapled* together.
 1. Example: the *Income and Expense Declaration* form is four pages, if a paystubs are included, then all four pages as well as the attachments must be stapled together as one set.
9. **Submit your assembled forms to the clerk's office.** Personnel, in the Clerk's office, have been instructed not to file any papers which are not properly completed or assembled. Your case will then be opened and your copies will be stamped with a case number, conformed and returned to you. The other parent must then be served.
10. Keep a clean copy of all of your court papers in a folder in a safe place.
11. Bring your complete court file with you every time you go to the clerk's office, a court hearing, or the facilitator's office.