



Superior Court of the State of California County of Kings



Dissolution of Marriage Or Legal Separation

Packet Purchase Price: \$ 25.00

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.

In a legal separation case, you can ask the judge for orders like child support, spousal support, custody and visitation, restraining orders, or any other orders you can get with a divorce case.

Please note, if the respondent responds to the paperwork and requests a dissolution of marriage, the Court will grant the dissolution of marriage.

If you want specific legal advice about how to fill out your court forms, talk to a lawyer. What you write on your court papers can be very important and can affect the outcome of the case. It is very important to be accurate and complete, and a lawyer can help you figure out how to fill out the forms so that they accurately reflect your position. This is especially important if you think you and your spouse are likely to have disagreements about the issues that the court forms ask you about.

There is a filing fee of \$ 435.00* to file these documents.

** You may apply for this fee to be waived. Ask the clerk for a Fee Waiver packet.*

Alert

- Filing the Summons and Petition with the court will give the court jurisdiction to make orders in your case but it is only the beginning.
- Once an action is filed with the court 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 you, as the Petitioner, may request to enter default on the respondent. Once the default is entered you 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 with the Summons and Petition.



Can I go to court for custody, visitation, support and/or property control issues, before my case is final?

- Yes, if you do not want to wait until your judgment is final to establish such orders, you may want to consider completing a [Request for Order](#) and file it with your Summons and Petition. You may purchase this packet separately from the clerk. The **Request for Order** forms can be served on the the respondent at the same time. Please be aware there is a separate filing fee for an **Request for Order** of \$60.00.
- The **Request for Order** can order temporary orders regarding child custody, visitation, support, and property issues. A hearing date will be set (approximately 35-45 days out). Formal orders will be made at the hearing.



Online assistance:

www.courts.ca.gov
State of California
Self-help website

www.leginfo.ca.gov
Official California Legislative Information website

Before beginning Step 1, ensure you read the following informational form:

[Legal Steps for Divorce or Legal Separation \(FL107-INFO\)](#)

01-01-15

Step 1. Complete the Following Forms

Form name and number:	Last revised on:
<p>1. <input type="checkbox"/> Petition (FL 100)</p> <p>On this form, you give the court some basic information about your marriage, and you ask for the orders you want the court to make.</p> <p><i>If #6 C is marked on the Petition, complete the following form and attach it to the Petition:</i></p> <p>a. <input type="checkbox"/> Child Custody and Visitation Application Attachment (FL 311)</p> <p><i>If applicable, also complete and attach these forms to the Petition:</i></p> <p>b. <input type="checkbox"/> Request for Child Abduction Prevention Orders (FL 312)</p> <p>c. <input type="checkbox"/> Children's Holiday Schedule Attachment (FL 341(C))</p> <p>d. <input type="checkbox"/> Additional Provisions-Physical Custody Attachment (FL 341(D))</p> <p>e. <input type="checkbox"/> Joint Legal Custody Attachment (FL 341(E))</p>	<p>01-01-15</p> <p>07-01-05</p> <p>07-01-03</p> <p>01-01-05</p> <p>01-01-05</p> <p>01-01-05</p>
<p>2. <input type="checkbox"/> Summons (FL 110)</p> <p>This form contains important information for you and for your spouse about the divorce or separation process. It also contains some standard restraining orders limiting what you can do with your property, money, and other assets or debts, as well as moving out of state with your children from your marriage. READ this form carefully!!</p> <p><i>The following form is completed if you have children (under the age of 18) with the respondent:</i></p>	<p>01-01-15</p>
<p>3. <input type="checkbox"/> Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) (FL 105)</p> <ul style="list-style-type: none"> A blank copy of this form is provided in this packet to serve on the other party. <p>a. <input type="checkbox"/> Attachment to Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) (FL 105(A))</p> <ul style="list-style-type: none"> This form is only used when you have more than two children with the other party. A blank copy of this form is provided in this packet to serve on the other party. 	<p>01-01-09</p> <p>01-01-09</p>
<p>4. <input type="checkbox"/> Income and Expense Declaration (FL 150)</p> <ul style="list-style-type: none"> A blank copy of this form is provided in this packet to serve on the other party. <p><i>The following form is completed to list your property and/or debt:</i></p>	<p>01-01-07</p>
<p>5. <input type="checkbox"/> Property Declaration (FL 160)</p> <ul style="list-style-type: none"> See page 4 of this form for instruction on how to complete. <p>a. <input type="checkbox"/> Continuation of Property Declaration (FL 161)</p> <ul style="list-style-type: none"> This form is used if additional space is needed on form FL160, Property Declaration. 	<p>07-01-13</p> <p>07-01-13</p>

Step 2: Have your forms reviewed.

You may seek the assistance of the court's family law facilitator or self-help center to review your paperwork. They can make sure you filled it out properly before you move ahead with your case.

You can also hire your own lawyer to review your papers or to get legal advice.

Step 3: Copy your forms for filing with the court.

Make at least 2 copies of all your forms

One copy will be for you; another copy will be for your spouse. The original is for the court.

If a form has writing on both sides:

- ✓ Use two separate pages to copy the 2-sided form **or**
- ✓ Copy the 2-sided form (as presented in the packet provided by the court)
- ✓ All 2-sided copies must be "tumbled" or they will be rejected.

How do I assemble and hole punch my forms?

- ✓ Each *form*, to be filed, that has multiple pages and/or attachments must be *stapled*.
- ✓ Each original form must be two-hole punched at the top.

Step 4: File your forms with the court clerk.

Turn in your forms (the originals AND copies) to the court clerk. If there are no obvious errors, the clerk will file your forms. The originals will be kept by the court and the copies will be returned to you.

You will have to pay a filing fee. If you cannot afford the fee, you can ask the clerk for a [fee waiver](#).

If you want the judge to make temporary orders for child or spousal support, bill payment, protection from domestic violence, or other issues, you must fill out and file other forms. You may wish to talk to the family law facilitator or self-help center or ask the court clerk for a [Request for Order](#) Packet (Note: There is an additional charge for this packet).

You may file at any of the following 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	
The Clerk's Office is Open Monday – Thursday 8:00 a.m. to 4:00 p.m. Friday 8:00a.m. to 11:30 a.m. (Except for Holidays)			

Step. 5 Serve your first set of court forms.

The law says your spouse must be told that you have started the legal process for a divorce or legal separation. To do this, you must “serve” your spouse with copies of all your court papers. The judge CANNOT make any orders or judgments in your divorce or legal separation case until your spouse has been properly “served.”

Who can serve your documents?

To “serve” your papers, you will have to find someone 18 or older (NOT you) to deliver a copy of your papers to your spouse. The “server” (the person delivering your papers to your spouse) can be a:

- Friend
- Relative
- County Sheriff
- Process Server

If you hire a process server or use the sheriff, try to give him or her a photo of your spouse and a list of times and places when it will be easy to find that person. Look for a process server close to where your spouse lives or works. Fees are often based on how far the server has to travel. So this will save you money. If you are going to have the sheriff’s office serve your papers for you and qualify for a waiver of court fees, ask the court clerk for a certified copy of your order regarding waiver of costs to provide to the sheriff, so the sheriff will serve your documents at no cost to you.

Service is very important, so you must do it correctly.

What needs to be served?

Your “server” will need to serve your spouse with a copy of ALL the papers you filed with the court (except for any fee waiver papers you may have filed — these are confidential). Including a blank copy of the following forms:

Form name and number:	Last revised on:
1. <input type="checkbox"/> Response --Marriage (FL 120)	01-01-15
2. <input type="checkbox"/> Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) (FL 105)	01-01-09
a. <input type="checkbox"/> Attachment to Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) (FL 105(A))	01-01-09
<ul style="list-style-type: none"> • This form is only served when you have more than two children with the respondent. 	
3. <input type="checkbox"/> Income and Expense Declaration (FL 150)	01-01-07
4. <input type="checkbox"/> Property Declaration (FL 160)	07-01-13
<ul style="list-style-type: none"> • See page 4 of this form for instruction on how to complete. 	
a. <input type="checkbox"/> Continuation of Property Declaration (FL 161)	07-01-13
<ul style="list-style-type: none"> • This form is used if additional space is needed on form FL160, Property Declaration. 	

How the papers must be served?

The papers can be served in 1 of 2 ways:

Personal service

This means that your “server” hand-delivers a copy of all the papers (and the blank forms) to your spouse. In most cases, you will have to do personal service for your initial divorce or legal separation papers.

OR

Service by mail with a [Notice and Acknowledgment of Receipt \(Family Law\) \(Form FL-117\)](#)

If you and your spouse are cooperating on your family law case, and your spouse agrees to accept service by mail, this can be an easy and less expensive way to serve the papers.

To serve by Notice and Acknowledgement of Receipt:

The server mails copies of each of the forms you filed with the court, the blank forms listed above, and 2 copies of the [Notice and Acknowledgment of Receipt \(Family Law\) \(Form FL-117\)](#) and a pre-addressed stamped envelope for your spouse to return a signed Notice and Acknowledgement of Receipt to the server.

Your spouse signs 1 copy of the Notice and Acknowledgment of Receipt, telling the court that he or she received the papers in the mail, and returns it to the server.

The server then fills out a [Proof of Service of Summons \(Form FL-115\)](#) detailing to whom the papers were mailed, to what address, when, how (by first-class mail), and where they were mailed from. The server has to attach the Notice and Acknowledgment of Receipt returned by your spouse to the Proof of Service of Summons. The server signs the Proof of Service of Summons and returns it to you to file with the court.

Service by Notice and Acknowledgment of Receipt is complete on the date the Acknowledgment of Receipt portion of the form is signed by your spouse.

[The Notice and Acknowledgment of Receipt \(Family Law\) \(Form FL-117\)](#) shows the court that your spouse received your forms. If your spouse does not sign, date, and return this form, you will have to have him or her served again by personal service.

Note: If your spouse lives outside of California, you may be able to serve him or her with papers you filed with the court by certified mail, with return receipt requested. Ask a lawyer or your family law facilitator to make sure you can use this type of service.

Step 6. After service is performed, file the proof of service with the court.

Once you serve your spouse with copies of your papers, you must show the court that you completed this step. To do this, your “server” has to fill out a proof of service form telling the judge when and how he or she served the papers on your spouse.

Your server must fill out the following form:

<input type="checkbox"/> Proof of Service of Summons (Family Law) (FL 115)	01-01-15
--	----------

It is very important your server fills out the Proof of Service correctly. If possible, have the family law facilitator or self-help center review it to make sure it was filled out properly.

If your spouse was served by mail and Notice and Acknowledgment of Receipt, make sure your server also gives you [the Notice and Acknowledgment of Receipt — Family Law \(Form FL-117\)](#) that was signed by your spouse and returned to the server.

You must then file your Proof of Service (and Notice and Acknowledgment of Receipt, if there is one) with the court clerk. Make a copy of these forms so that, after the clerk files and keeps the original, you will have a copy for yourself.

<input type="checkbox"/> Notice and Acknowledgment of Receipt (Family Law) (FL 117)	01-01-15
---	----------

Important! Contact the self-help center or a lawyer if:

- You do not know where your spouse is;
- Your spouse is in the military, in jail, or does not live in California; or
- You are having a difficult time serving the forms.

Step 7. Waiting period, unless you have a written agreement with your spouse.

Your spouse (the respondent) has 30 days from the date he or she was served with the summons and petition to file a response with the court. Depending on whether the respondent responds within those 30 days or not, your next steps will vary.

IMPORTANT! You cannot legally end your marital status until at least 6 months and 1 day after the respondent has been served with a copy of the summons and petition that has been filed with the court, AND the divorce will not become final on its own. One or both sides will have to file more papers before that happens.

Step 8. Finish your case and obtain a final judgment:

Refer to the [Judgment Checklist-Dissolution/Legal Separation \(FL 182\)](#) on how to proceed with your case. The form is provided with this packet to guide and assist you and does not need to be filed with the Court.

Also included with this packet are the following forms which may or may not be applicable to you in order to obtain your Judgment. However, please note; not all forms that may be necessary to obtain a Judgment in your particular situation are provided with this packet. If you should require additional forms you may purchase them from the Clerk's Office or obtain them at no charge at www.courts.ca.gov

Form name and number:	Last revised on:
1. <input type="checkbox"/> Request to Enter Default (FL 165)	01-01-05
2. <input type="checkbox"/> Declaration Disclosure (FL 140)	07-01-13
3. <input type="checkbox"/> Declaration Regarding Service of Declaration of Disclosure (FL 141)	07-01-13
4. <input type="checkbox"/> Declaration for Default or Uncontested Dissolution or Legal Separation (FL 170)	07-01-12
5. <input type="checkbox"/> Judgment (FL 180)	07-01-12
The following Forms May Be Required To Attach to Your Judgment	
a. <input type="checkbox"/> Child Custody and Visitation Order Attachment (FL 341)	07-01-12
b. <input type="checkbox"/> Child Support Information and Order Attachment (FL 342)	07-01-12
c. <input type="checkbox"/> Spousal, Partner, or Family Support Order Attachment (FL 343)	07-01-12
d. <input type="checkbox"/> Property Order Attachment to Judgment (FL 345)	01-01-07
e. <input type="checkbox"/> Notice of Rights and Responsibilities (FL 192)	01-01-15
6. <input type="checkbox"/> Notice of Entry Judgment (FL 190)	01-01-05
7. <input type="checkbox"/> Order/Notice to Withhold Income for Child Support (FL 195)	01-01-15
8. <input type="checkbox"/> Income Withholding for Support – Instructions (FL 196)	01-01-15
9. <input type="checkbox"/> Child Support Case Case Registry Form (FL 191)	07-01-05