

# Judicial Council of California • Administrative Office of the Courts

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## INVITATION TO COMMENT SPR14-09

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**Title**

Family Law: Petition and Response for Dissolution, Legal Separation, and Nullity of Marriage and Domestic Partnership

**Action Requested**

Review and submit comments by June 18, 2014

**Proposed Rules, Forms, Standards, or Statutes**

Amend Cal. Rules of Court, rule 5.76; revise forms FL-100, FL-115, FL-117, and FL-120; revoke forms FL-103, FL-107-INFO, and FL-123

**Proposed Effective Date**

January 1, 2015

**Contact**

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**Proposed by**

Family and Juvenile Law Advisory Committee  
Hon. Jerilyn L. Borack, Cochair  
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### Executive Summary and Origins

On June 26, 2013, the United States Supreme Court issued decisions in *United States v. Windsor*<sup>1</sup> striking down the federal Defense of Marriage Act and *Hollingsworth v. Perry*,<sup>2</sup> dismissing an appeal of an order which held that the ballot initiative known as Proposition 8 defining marriage as a union between a man and a woman was unconstitutional. Thus, marriages between persons of the same sex are legal in California.

Currently, *Petition—Domestic Partnership/Marriage (Family Law)* (form FL-103) is used by litigants in same-sex marriages or domestic partnerships to commence an action in family court for dissolution, legal separation, or nullity. A separate *Petition—Marriage (Family Law)* (form FL-100) is used by a petitioner in a marriage between a man and a woman. Using form FL-103 alerts the court that there might be special issues to consider regarding the tax consequences of an order of spousal support, or different treatment of pensions under the Defense of Marriage Act, or special concerns regarding custody orders if same-sex parents leave the state of California. However, given the Supreme Court's recent holding, these differences have limited

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<sup>1</sup> 570 U.S. \_\_\_\_ (2013) (Docket No. 12–307).

<sup>2</sup> 570 U.S. \_\_\_\_ (2013) (Docket No.12–144).

*The proposals have not been approved by the Judicial Council and are not intended to represent the views of the council, its Rules and Projects Committee, or its Policy Coordination and Liaison Committee. These proposals are circulated for comment purposes only.*

relevance and there does not appear to be a need for married persons of the same sex to use form FL-103 instead of form FL-100.

In light of the changes to federal law, and to streamline procedures in family court, the Family and Juvenile Law Committee proposes, effective January, 1, 2015, the use of one form for all petitions and one form for all responses filed in family court requesting dissolution, separation, or nullity of a marriage or domestic partnership. To this end, *Petition—Marriage (Family Law)* (form FL-100) would be revised to include the necessary provisions of *Petition—Domestic Partnership/Marriage (Family Law)* (form FL-103); *Response—Marriage (Family Law)* (form FL-120) would be revised to incorporate items from *Response—Domestic Partnership/Marriage (Family Law)* (form FL-123); rule 5.76 of the California Rules of Court (*Domestic partnerships*) would be amended to reflect the change in required forms; and other forms would be revised or revoked to reflect the consolidation.

### **The Proposal**

This proposal would revoke forms *Petition—Domestic Partnership/Marriage* (form FL-103) and *Response—Domestic Partnership/Marriage* (form FL-123). Consequently, the proposal would require amending one rule and the following forms by striking references to forms FL-103 and FL-123 and referring, instead, to forms FL-100 and FL-120:

- California Rules of Court, rule 5.76 (Domestic partnerships), at subsection (1);
- *Proof of Service of Summons* (form FL-115), at item 1.b.; and
- *Notice and Acknowledgment of Receipt* (form FL-117), at item 1.b.

The proposal would require revising *Petition—Marriage* (form FL-100) and *Response—Marriage* (form FL-120). The titles of each form would be changed to *Petition—Marriage/Domestic Partnership (Family Law)* (form FL-100) and *Response—Marriage/Domestic Partnership (Family Law)* (form FL-120). The forms would be revised where needed to include the statutory provisions of the Family Code that are specific to domestic partnerships and same-sex marriages.

Since the above changes would require expanding forms FL-100 and FL-120 beyond the current two pages to three pages, the committee suggests that the information that courts are required to convey to parties about the divorce process under rule 5.83 (Family centered case resolution) subdivision (g)(1)(A)–(D)<sup>3</sup> be incorporated into the petition and response. Specifically, *Legal*

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<sup>3</sup> (g) **Family centered case resolution information**

- (1) Upon the filing of first papers in dissolution, legal separation, nullity, or parentage actions the court must provide the filing party with the following:
  - (A) Written information summarizing the process of a case through disposition;
  - (B) A list of local resources that offer procedural assistance, legal advice or information, settlement opportunities, and domestic violence services;
  - (C) Instructions for keeping the court informed of the person's current address and phone number, and e-mail address;

*Steps for Divorce or Legal Separation* (form FL-107-INFO), which was approved for use by courts to comply with the rule, would be included on pages 3 and 4 of forms FL-100 and FL-120. Including the information from FL-107-INFO on these forms would streamline the process for courts in complying with rule 5.83 by eliminating the need to produce a separate form. It could also improve litigant education by placing—on one form—information about the legal process as well as references to court-provided and other resources that could help resolve their case. While it would expand the petition and response to four pages, there would be no difference in the number of pages that a court had to print, and three forms would be revoked.

The committee also proposes revising forms FL-100 and FL-120 to incorporate additional substantive and technical changes received from courts and court users. The content of the forms would be reorganized under new subject headings, each heading containing the party’s factual information as well as the request for court orders relating to the subject. This follows the current *Request for Order* (form FL-300) and is intended to make the petition and response clearer for all parties. It also moves the notification regarding the automatic restraining orders to the first page on the *Petition* and the second page on the *Response* where they are more likely to be seen by the parties.

### **Alternatives Considered**

The committee considered revising only the *Petition—Domestic Partnership/Marriage* (form FL-103) and *Response—Domestic Partnership/Marriage* (form FL-123) in response to the change in the federal law. Under this alternative, forms FL-103 and FL-123 would still be used by persons who are domestic partners or persons who are domestic partners and also married.

Maintaining these forms would require revising the notice section on form FL-103 regarding use of the form and the residence requirements listed in item 2 on each form. The notice provision on form FL-103 currently states, “NOTICE: If petitioner and respondent are of the same sex, use this form. If petitioner and respondent are of the opposite sex and are not also domestic partners, use form FL-100.” This notice would be changed to state, “NOTICE: Use this form if petitioner and respondent are domestic partners, are married and are also domestic partners, or are married persons who meet the requirements listed in item 2.d.of this form.”

The committee opted to propose a multipurpose petition and response that would include *all* parties involved in actions for dissolution, separation, or nullity. However, because that option could result in costs to courts, the committee decided to seek public comment from the courts and the legal community about proceeding with the recommendation for a multipurpose petition

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- (D) Information for self-represented parties about the opportunity to meet with court self-help center staff or a family law facilitator; and
  - (E) Information for litigants on how to request a status conference, or a family centered case resolution conference earlier than or in addition to, any status conference or family centered case resolution conferences scheduled by the court.

and response or proposing only minor changes to form FL-103 in response to the change in the law.

*Summary Dissolution Information* (form FL-810)

The committee noted that form FL-810 would need to be revised on page 1 to reflect the changes in this proposal. Specifically, the reference to *Petition—Domestic Partnership/Marriage* (form FL-103) on page 1 would need to be replaced with *Petition—Marriage/Domestic Partnership* (form FL-100). The committee therefore considered including with this proposal the minor change to form FL-810. However, the committee also recognized that, in early 2015, Family Code section 2400(b) will require the Judicial Council to adjust the asset and debt dollar limits for summary dissolution actions that are included in *Joint Petition for Summary Dissolution (Family Law—Summary Dissolution)* (form FL-800) and *Summary Dissolution Information* (form FL-810) to reflect any increase in the cost of living based on the California Consumer Price Index. To avoid revising form FL-810 in two consecutive cycles, the committee decided not to include form FL-810 in this proposal. Instead, the committee opted to submit one technical report to the Judicial Council in spring 2015, proposing that the above changes take effect in July 1, 2015.

**Implementation Requirements, Costs, and Operational Impacts**

The committee believes costs will be incurred by courts to implement the use of one family law petition and response in actions for dissolution, legal separation, or nullity of a marriage or domestic partnership, including education and training of court clerks and staff, changes to materials handed out to litigants by court staff, Self-Help Centers and Family Law Facilitators, and revisions to local court rules. But the changes will save court resources by consolidating forms and simplifying procedures involving marriages and domestic partnerships. The committee also believes that providing information on the steps involved in a family law case on the petition and response rather than a separate form will increase the number of litigants informed of the process in the early stages of the case. This should aid in processing the case and result in a decreased need for general court assistance and case management.

## Request for Specific Comments

In addition to comments on the proposal as a whole, the advisory committee would like to know:

1. Should forms FL-100 and FL-120 be streamlined for use as multipurpose forms that incorporate actions for dissolution, legal separation, or nullity of domestic partnerships or both marriages and domestic partnerships?
2. Is there any advantage to maintaining separate procedures for those who want to dissolve both a marriage and domestic partnership using forms FL-103 and FL-123?
3. Are there other changes that are important to make in response to the Supreme Court decisions striking down the Defense of Marriage Act?

The advisory committee seeks comments from *courts* on the following cost and implementation matters:

- Will the proposal provide cost savings? If so please quantify.
- What are the implementation requirements for courts? For example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management system, or modifying case management system.
- Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?
- How well would this proposal work in courts of different sizes?

### Attachments

1. Cal. Rules of Court, rule 5.76, at page 6
2. Proposed revised forms FL-100, FL-115, FL-117, and FL-120, at pages 7–17
3. Proposed revoked forms FL-103, FL-107-INFO, and FL-123, at pages 18–23

Rule 5.76 of the California Rules of Court would be amended, effective January 1, 2015, to read:

1 **Rule 5.76. Domestic partnerships**

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3 To obtain a dissolution, a legal separation, or an annulment of a domestic partnership:

4 (1) ~~Petition—Domestic Partnership/Marriage (Family Law) (form FL-103) must be filed to~~  
5 ~~commence an action for dissolution, legal separation, or annulment of a domestic~~  
6 ~~partnership. Response—Domestic Partnership/Marriage (Family Law) (form FL-123) must~~  
7 ~~be filed in response to this petition.~~ Persons who qualify for a summary dissolution as set  
8 out in the booklet *Summary Dissolution Information* (form FL-810) may act to dissolve  
9 their partnership through the California Secretary of State using forms found at  
10 [www.sos.ca.gov](http://www.sos.ca.gov) or in the superior court following the procedures described in form FL-  
11 810.

12 (2) For persons who do not qualify for a summary dissolution proceeding, all other forms and  
13 procedures used for the dissolution, legal separation, or annulment of a domestic  
14 partnership are the same as those used for the dissolution, legal separation, or annulment of  
15 a marriage.

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ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):   TELEPHONE NO.: _____ FAX NO. : _____ E-MAIL ADDRESS: _____ ATTORNEY FOR (Name): _____	<b>FOR COURT USE ONLY</b>   <b>DRAFT</b>   <b>NOT APPROVED BY THE JUDICIAL COUNCIL</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER:  RESPONDENT:	
<b>PETITION FOR</b> <input type="checkbox"/> <b>AMENDED</b> <input type="checkbox"/> Dissolution (Divorce) of: <input type="checkbox"/> Marriage <input type="checkbox"/> Domestic Partnership <input type="checkbox"/> Legal Separation of: <input type="checkbox"/> Marriage <input type="checkbox"/> Domestic Partnership <input type="checkbox"/> Nullity of: <input type="checkbox"/> Marriage <input type="checkbox"/> Domestic Partnership	CASE NUMBER:

1. **LEGAL RELATIONSHIP** (check all that apply)

- a.  We are married.
- b.  We are domestic partners and our domestic partnership was established in California.
- c.  We are domestic partners and our domestic partnership was NOT established in California.

2. **RESIDENCE** (complete this section if this is a divorce case and you checked either 1a or 1c)

- a.  Petitioner  Respondent has been a resident of this state for at least six months and of this county for at least three months immediately preceding the filing of this *Petition*. (For a divorce, at least one person in the legal relationship described in 1a and 1c must comply with this requirement.)
- b.  We are the same sex and were married in California but are not residents of California. Neither of us lives in a state or nation that will dissolve the marriage. This case is filed in the county in which we married.  
 Petitioner's residence (state or nation): \_\_\_\_\_ Respondent's residence (state or nation): \_\_\_\_\_

3. **STATISTICAL FACTS**

- a.  (1) Date of marriage (specify): \_\_\_\_\_ (2) Date of separation (specify): \_\_\_\_\_  
 (3) Time from date of marriage to date of separation (specify): \_\_\_\_\_ Years \_\_\_\_\_ Months
- b.  (1) Registration date of domestic partnership with the California Secretary of State or other state equivalent:  
 (2) Date of separation (specify): \_\_\_\_\_  
 (3) Time from date of registration of domestic partnership to date of separation (specify): \_\_\_\_\_ Years \_\_\_\_\_ Months

4. **LEGAL GROUNDS** (Family Code sections 2200–2210; 2310–2312)

- a.  Divorce  Legal separation of the marriage or domestic partnership based on
  - (1)  irreconcilable differences.
  - (2)  incurable insanity.
- b.  Nullity of void marriage or domestic partnership based on
  - (1)  incest.
  - (2)  bigamy.
- c.  Nullity of voidable marriage or domestic partnership based on
  - (1)  petitioner's age at time of registration of domestic partnership or marriage.      (4)  fraud.
  - (2)  prior existing marriage or domestic partnership.            (5)  force.
  - (3)  unsound mind.    (6)  physical incapacity.

5. **I HAVE READ THE RESTRAINING ORDERS ON THE BACK OF THE SUMMONS, AND I UNDERSTAND THAT THEY APPLY TO ME WHEN THIS PETITION IS FILED.**

PETITIONER: RESPONDENT:	CASE NUMBER:
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6. **MINOR CHILDREN** (include children of this relationship born or adopted before or during this marriage or domestic partnership):

- a.  There are no minor children.
- b.  The minor children are:

<u>Child's name</u>	<u>Birthdate</u>	<u>Age</u>	<u>Sex</u>
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Continued on Attachment 6b.

- c. If there are minor children of the Petitioner and Respondent, a completed *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)* (form FL-105) must be attached.
- d.  Petitioner and Respondent signed a voluntary declaration of paternity. A copy  is  is not attached.

e. **Petitioner requests** that the court make the following orders regarding minor children:

(1)  Child custody and visitation (parenting time) as follows:

	Petitioner	Respondent	Joint	Other
(a) Legal custody of children to .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) Physical custody of children to .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(c) Child visitation (parenting time) be granted to .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
As requested in: <input type="checkbox"/> form FL-311	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> form FL-341(D)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> form FL-312	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> form FL-341(E)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> form FL-341(C)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Attachment 6e(1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

(2)  Determine the parentage of any children born to the Petitioner and Respondent prior to the marriage or partnership.

7. **CHILD SUPPORT**

- a. If there are minor children born to or adopted by the Petitioner and Respondent before or during this marriage or domestic partnership, the court will make orders for the support of the children upon request and submission of financial forms by the requesting party.
- b. An earnings assignment may be issued without further notice.
- c. Any party required to pay support must pay interest on overdue amounts at the "legal" rate, which is currently 10 percent.

8. **SPOUSAL OR PARTNER SUPPORT**

- a.  Spousal or partner support payable to  Petitioner  Respondent
- b.  Terminate (end) the court's jurisdiction (ability) to award spousal or partner support to Respondent.

9. **PROPERTY**

- a.  Confirm as separate property the assets and debts in  *Property Declaration* (form FL-160)  Attachment 9a  the following list.

<u>Item</u>	<u>Confirm to</u>
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- b.  There are no community or quasi-community property assets or debts that I know of to be divided by the court.
- c.  All community and quasi-community assets and debts are listed in  *Property Declaration* (form FL-160)  in Attachment 9c. Petitioner requests that property rights be determined by the court.

**NOTICE:** Dissolution or legal separation may automatically cancel the rights of a domestic partner or spouse under the other domestic partner's or spouse's will, trust, retirement plan, power of attorney, pay-on-death bank account, survivorship rights to any property owned in joint tenancy, and any other similar thing. It does not automatically cancel the right of a domestic partner or spouse as beneficiary of the other partner's or spouse's life insurance policy. You should review these matters, as well as any credit cards, other credit accounts, insurance policies, retirement plans, and credit reports, to determine whether they should be changed or whether you should take any other actions. Some changes may require the agreement of your partner or spouse or a court order.

PETITIONER: RESPONDENT:	CASE NUMBER:
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**10. OTHER REQUESTS**

- a.  Attorney's fees and costs payable by  Petitioner  Respondent
- b.  Petitioner's former name be restored to (*specify*):
- c.  Other (*specify*):

Continued on Attachment 10c.

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 PETITIONER)

Date:

\_\_\_\_\_  
(TYPE OR PRINT NAME)



\_\_\_\_\_  
(SIGNATURE OF ATTORNEY FOR PETITIONER)

**NOTICE:** You may redact (black out) social security numbers from any written material filed with the court in this case other than a form used to collect child, spousal or partner support.

## Ways to resolve divorce or legal separation cases out of court

You may prefer to resolve some or all of the issues in your divorce or legal separation case without having the court decide for you. You and your spouse or domestic partner can put your agreement in writing and file it in your case. But your agreement must follow all legal requirements. There are several ways you can get help.

### Court services (free):

- **Family Court Services.** Provides mandatory mediation or child custody recommending counseling to parents who are unable to agree on child custody and parenting issues. They cannot help with financial issues.
- **Family Law Facilitators and Self-Help Centers.** Can provide samples of agreements and other information and, in some cases, help with mediation.
- **Settlement Conferences.** An informal process in which a judge or an experienced lawyer meets with the parties and their lawyers to discuss the case and their positions and suggests a resolution. The parties can either agree to the suggestions or use the suggestions to help in further settlement discussions.

### Private services

- **Lawyers.** A professional who can help work out agreements between the parties and represent you at court hearings and trials.
- **Mediators.** A lawyer or counselor who helps the parties communicate to explore options and reach a mutually acceptable resolution.

## Where can I get help?

This form provides only basic information about divorce or legal separation and is not legal advice. If you want legal advice, ask a lawyer for help. You may also:

- Contact the family law facilitator or self-help center in your court for information, court forms, and referrals to local legal resources.
- Find a lawyer through a certified lawyer referral service on the State Bar of California's website: <http://calbar.ca.gov/LRS> or by calling 866-442-2529.
- Hire a private mediator. For more information about court and private alternative dispute resolution services, see [www.courts.ca.gov/selfhelp-adr.htm](http://www.courts.ca.gov/selfhelp-adr.htm).
- Find information on the California Courts Online Self-Help Center website: [www.courts.ca.gov/selfhelp](http://www.courts.ca.gov/selfhelp).
- Find free and low-cost legal help (if you qualify) at [www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org).
- Find information at your local law library or public library.

## What if there is domestic violence?

If there is domestic violence or a protective or restraining order, talk to a lawyer, counselor, or mediator before making agreements.

For domestic violence help, call the National Domestic Violence Hotline: 800-799-7233; TDD: 800-787-3224; or 211 (if available in your area).

# Legal Steps for a Divorce or Legal Separation

## STEP 1. Start Your Case

- The **petitioner** (the person who files the first divorce or legal separation forms with the court) fills out and files with the court clerk at least a *Petition—Marriage/Domestic Partnership* (form FL-100) and a *Summons* (form FL-110) and, if there are children of the marriage, a *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act* (form FL-105).
- The forms needed to start your case and information about filing fees and fee waivers are available at “Filing Your Case,” at <http://courts.ca.gov/1229.htm>.
- The court clerk will stamp and return copies of the filed forms to the **petitioner**.

## STEP 2. Serve the Forms

- **Someone 18 or older**—not the **petitioner**—serves the spouse or domestic partner (called *the respondent*) with all the forms from Step 1 plus a blank *Response—Marriage/Domestic Partnership* (form FL-120) and files with the court a proof-of-service form, such as *Proof of Service of Summons* (form FL-115), telling when and how the respondent was served. (To *serve* means “to give in the proper legal way.”) For more information, see “Serving Your First Set of Court Forms” at <http://courts.ca.gov/1229.htm>.
- The **respondent** has 30 days to file and serve a *Response*. So, the **petitioner** must wait 30 days before starting Step 4.

## STEP 3. Disclose Financial Information

- At the same time as Step 1 or within 60 days of filing the *Petition*, the **petitioner** must fill out and have these documents served on the **respondent**: *Declaration of Disclosure* (form FL-140), *Income and Expense Declaration* (form FL-150), *Schedule of Assets and Debts* (form FL-142), or *Property Declaration* (form FL-160), and all tax returns filed by the party in the two years before serving the disclosure documents. These disclosure documents must not be filed with the court.
- If the **respondent** files a *Response*, he or she must also complete and serve the same disclosure documents on the **petitioner** within 60 days of filing the *Response*.
- The 60-day time frame for serving the disclosures may be changed by written agreement between the parties or by court order.
- The **petitioner** and **respondent** each file a *Declaration Regarding Service* (form FL-141) with the court saying disclosures were served. If the **respondent** does not serve disclosures, the **petitioner** can still finish the case without them. For more information, see “Fill Out Your Financial Declaration of Disclosure Forms” at <http://courts.ca.gov/1229.htm> (click on Step 4).

## STEP 4. Finish the Divorce or Legal Separation Case in One of Four Ways

### Respondent does not file a *Response* (called “default”)

#### No *Response* and NO written agreement:

Petitioner waits 30 days after Step 2 is complete and prepares a proposed *Judgment* (form FL-180), together with all other needed forms. See “True Default Case” at <http://courts.ca.gov/8409.htm>.

#### No *Response* BUT written agreement:

Petitioner attaches the signed and notarized agreement to the proposed *Judgment* (form FL-180), together with all other needed forms. See “Default Case with Written Agreement” at <http://courts.ca.gov/8410.htm>.

#### *Response* AND written agreement:

Either party files *Appearance, Stipulations, and Waivers* (form FL-130) and the proposed *Judgment* with written agreement attached and other needed forms. See “Uncontested Case” at <http://courts.ca.gov/8411.htm>.

#### *Response* and NO agreement:

Parties must go to trial to have a judge resolve the issues. See “Contested Case” at <http://courts.ca.gov/1238.htm>.

## IMPORTANT NOTICES

- The earliest you can be divorced is six months and one day from the date the respondent (1) was served with the summons and petition, (2) filed a *Response*, or (3) filed an *Appearance, Stipulations, and Waivers* (form FL-130). Legal separation has no waiting period. You are NOT divorced or legally separated until the court enters a *Judgment* in your case.
- If you need court orders for child support, custody, parenting time (visitation), spousal or partner support, restraining orders, or other issues, file a *Request for Order* (form FL-300) asking for temporary orders. See “Request for Order Information” at <http://courts.ca.gov/selfhelp-divorcerequests.htm> for more information.
- Legal separations: You will NOT get a *Judgment* (form FL-180) for legal separation unless both parties agree to a legal separation OR if the respondent has not filed a *Response*. AFTER the court enters a judgment, if you decide you want a divorce, you must start a new case to request a divorce and pay another filing fee. For more information, see “Legal Separation” at <http://courts.ca.gov/1224.htm>.
- Annulments: See <http://courts.ca.gov/1224.htm#tab8687> for information about annulments.
- You must keep the court and the other party informed of any change in your mailing address or other contact information. File and serve a *Notice of Change of Address or Other Contact Information* (form MC-040) on the other party or his or her attorney to let them know about the change in your contact information.

ATTORNEY OR PARTY WITHOUT ATTORNEY ( <i>Name, State Bar number, and address</i> ):  TELEPHONE NO.: _____ FAX NO. : _____ E-MAIL ADDRESS: _____ ATTORNEY FOR ( <i>Name</i> ): _____	<b>FOR COURT USE ONLY</b>  <b>DRAFT</b>  <b>NOT APPROVED BY THE JUDICIAL COUNCIL</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER:  RESPONDENT:	
<b>PROOF OF SERVICE OF SUMMONS</b>	CASE NUMBER:

1. At the time of service I was at least 18 years of age and not a party to this action. **I served the respondent with copies of:**
- a.  Family Law—Marriage/Domestic Partnership: *Petition—Marriage/Domestic Partnership* (form FL-100), *Summons* (form FL-110), and blank *Response—Marriage/Domestic Partnership* (form FL-120)  

—or—
  - b.  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)  

—or—
  - c.  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)  

and
- |   |   |
|---|---|
| d. <input type="checkbox"/> (1) <input type="checkbox"/> Completed and blank <i>Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act</i> (form FL-105)<br>(2) <input type="checkbox"/> Completed and blank <i>Declaration of Disclosure</i> (form FL-140)<br>(3) <input type="checkbox"/> Completed and blank <i>Schedule of Assets and Debts</i> (form FL-142)<br>(4) <input type="checkbox"/> Completed and blank <i>Income and Expense Declaration</i> (form FL-150) | (5) <input type="checkbox"/> Completed and blank <i>Financial Statement (Simplified)</i> (form FL-155)<br>(6) <input type="checkbox"/> Completed and blank <i>Property Declaration</i> (form FL-160)<br>(7) <input type="checkbox"/> <i>Request for Order</i> (form FL-300), and blank <i>Responsive Declaration to Request for Order</i> (form FL-320)<br>(8) <input type="checkbox"/> Other ( <i>specify</i> ): |
|---|---|
2. Address where respondent was served:
3. I served the respondent by the following means (*check proper box*):
- a.  Personal service. I personally delivered the copies to the respondent (Code Civ. Proc., § 415.10) on (*date*): \_\_\_\_\_ at (*time*): \_\_\_\_\_
  - b.  Substituted service. I left the copies with or in the presence of (*name*): \_\_\_\_\_ who is (*specify title or relationship to respondent*):
    - (1)  (Business) a person at least 18 years of age who was apparently in charge at the office or usual place of business of the respondent. I informed him or her of the general nature of the papers.
    - (2)  (Home) a competent member of the household (at least 18 years of age) at the home of the respondent. I informed him or her of the general nature of the papers.
 on (*date*): \_\_\_\_\_ at (*time*): \_\_\_\_\_
- I thereafter mailed additional copies (by first class, postage prepaid) to the respondent at the place where the copies were left (Code Civ. Proc., § 415.20b) on (*date*): \_\_\_\_\_
- A **declaration of diligence** is attached, stating the actions taken to first attempt personal service.

PETITIONER: RESPONDENT:	CASE NUMBER:
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3. c.  Mail and acknowledgment service. I mailed the copies to the respondent, addressed as shown in item 2, by first-class mail, postage prepaid, on (date): \_\_\_\_\_ from (city): \_\_\_\_\_
- (1)  with two copies of the *Notice and Acknowledgment of Receipt* (form FL-117) and a postage-paid return envelope addressed to me. **(Attach completed *Notice and Acknowledgment of Receipt* (form FL-117).)**  
**(Code Civ. Proc., § 415.30.)**
- (2)  to an address outside California (by registered or certified mail with return receipt requested). **(Attach signed return receipt or other evidence of actual delivery to the respondent.)** (Code Civ. Proc., § 415.40.)
- d.  Other (specify code section): \_\_\_\_\_  
 Continued on Attachment 3d.

4. The "NOTICE TO THE PERSON SERVED" on the *Summons* was completed as follows (Code Civ. Proc., §§ 412.30, 415.10, 474):
- a.  As an individual **or**
- b.  On behalf of respondent who is a
- (1)  minor. (Code Civ. Proc., § 416.60.)
- (2)  ward or conservatee. (Code Civ. Proc., § 416.70.)
- (3)  other (specify): \_\_\_\_\_

5. **Person who served papers**

Name:  
Address:

Telephone number:

This person is

- a.  exempt from registration under Business and Professions Code section 22350(b).
- b.  not a registered California process server.
- c.  a registered California process server:  an employee or  an independent contractor
- (1) Registration no.: \_\_\_\_\_
- (2) County: \_\_\_\_\_
- d. **The fee** for service was (specify): \$ \_\_\_\_\_

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

—or—

7.  **I am a California sheriff, marshal, or constable**, and I certify that the foregoing is true and correct.

Date:

\_\_\_\_\_  
(NAME OF PERSON WHO SERVED PAPERS)

 \_\_\_\_\_  
(SIGNATURE OF PERSON WHO SERVED PAPERS)



ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):   TELEPHONE NO.: _____ FAX NO.: _____ E-MAIL ADDRESS: _____ ATTORNEY FOR (Name): _____	<b>FOR COURT USE ONLY</b>   <b>DRAFT</b>   <b>NOT APPROVED BY THE JUDICIAL COUNCIL</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER:  RESPONDENT:	
<b>RESPONSE</b> <input type="checkbox"/> <b>and REQUEST FOR</b> <input type="checkbox"/> <b>AMENDED</b> <input type="checkbox"/> Dissolution (Divorce) of: <input type="checkbox"/> Marriage <input type="checkbox"/> Domestic Partnership <input type="checkbox"/> Legal Separation of: <input type="checkbox"/> Marriage <input type="checkbox"/> Domestic Partnership <input type="checkbox"/> Nullity of: <input type="checkbox"/> Marriage <input type="checkbox"/> Domestic Partnership	CASE NUMBER:

1. **LEGAL RELATIONSHIP** (check all that apply)
  - a.  We are married.
  - b.  We are domestic partners and our domestic partnership was established in California.
  - c.  We are domestic partners and our domestic partnership was NOT established in California.
  
2. **RESIDENCE** (Complete this section if this is a divorce case and you checked either 1a or 1c)
  - a.  Petitioner  Respondent has been a resident of this state for at least six months and of this county for at least three months immediately preceding the filing of this *Petition*. (For a divorce, at least one person in the legal relationship described in 1a and 1c must comply with this requirement.)
  - b.  We are the same sex and were married in California but are not residents of California. Neither of us lives in a state or nation that will dissolve the marriage. This case is filed in the county in which we married.  
 Petitioner's residence (state or nation): \_\_\_\_\_ Respondent's residence (state or nation): \_\_\_\_\_
  
3. **STATISTICAL FACTS**
  - a.  (1) Date of marriage (specify): \_\_\_\_\_ (2) Date of separation (specify): \_\_\_\_\_  
 (3) Time from date of marriage to date of separation (specify): \_\_\_\_\_ Years \_\_\_\_\_ Months
  - b.  (1) Registration date of domestic partnership with the California Secretary of State or other state equivalent:  
 (2) Date of separation (specify): \_\_\_\_\_  
 (3) Time from date of registration of domestic partnership to date of separation (specify): \_\_\_\_\_ Years \_\_\_\_\_ Months
  
4. **LEGAL GROUNDS** (Family Code sections 2200–2210; 2310–2312)
  - a.  **Respondent contends** that the parties never legally married or registered a domestic partnership.
  - b.  **Respondent denies** the grounds set forth in item 4 of the petition.
  - c.  **Respondent requests**
    - (1)  divorce     legal separation    of the marriage or domestic partnership based on
      - (a)  irreconcilable differences.    (b)  incurable insanity.
    - (2)  nullity of void marriage or domestic partnership based on
      - (a)  incest.    (b)  bigamy.
    - (3)  nullity of voidable marriage or domestic partnership based on
      - (a)  respondent's age at time of registration of domestic partnership or marriage.    (d)  fraud.
      - (b)  prior existing marriage or domestic partnership.    (e)  force.
      - (c)  unsound mind.    (f)  physical incapacity.

PETITIONER: RESPONDENT:	CASE NUMBER:
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5. **I HAVE READ THE RESTRAINING ORDERS ON THE BACK OF THE SUMMONS, AND I UNDERSTAND THAT THEY APPLY TO ME WHEN THE PETITION IS SERVED.**

6. **MINOR CHILDREN** (include children of this relationship born or adopted before or during this marriage or domestic partnership):

- a.  There are no minor children.
- b.  The minor children are:

<u>Child's name</u>	<u>Birthdate</u>	<u>Age</u>	<u>Sex</u>
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Continued on Attachment 6b.

c. If there are minor children of the Petitioner and Respondent, a completed *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)* (form FL-105) must be attached.

d.  Petitioner and Respondent signed a voluntary declaration of paternity. A copy  is  is not attached.

e. **Respondent requests** that the court make the following orders regarding minor children:

(1)  Child custody and visitation (parenting time) as follows:

	Petitioner	Respondent	Joint	Other
(a) Legal custody of children to .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) Physical custody of children to .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(c) Child visitation (parenting time) be granted to .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
As requested in:	<input type="checkbox"/> form FL-311	<input type="checkbox"/> form FL-312	<input type="checkbox"/> form FL-341(C)	
	<input type="checkbox"/> form FL-341(D)	<input type="checkbox"/> form FL-341(E)	<input type="checkbox"/> Attachment 6e(1)	

(2)  Determine the parentage of any children born to the Petitioner and Respondent prior to the marriage or partnership.

7. **CHILD SUPPORT**

- a. If there are minor children born to or adopted by the Petitioner and Respondent before or during this marriage or domestic partnership, the court will make orders for the support of the children upon request and submission of financial forms by the requesting party.
- b. An earnings assignment may be issued without further notice.
- c. Any party required to pay support must pay interest on overdue amounts at the "legal" rate, which is currently 10 percent.

8. **SPOUSAL OR PARTNER SUPPORT**

- a.  Spousal or partner support payable to  Petitioner  Respondent
- b.  Terminate (end) the court's jurisdiction (ability) to award spousal or partner support to Petitioner.

9. **PROPERTY**

a.  Confirm as separate property the assets and debts in  *Property Declaration* (form FL-160)  Attachment 9a  the following list.

<u>Item</u>	<u>Confirm to</u>
-------------	-------------------

b.  There are no community or quasi-community property assets or debts that I know of to be divided by the court.

c.  All community and quasi-community assets and debts are listed in  *Property Declaration* (form FL-160)  in Attachment 9c. Respondent requests that property rights be determined by the court.

**NOTICE:** You may redact (black out) social security numbers from any written material filed with the court in this case other than a form used to collect child, spousal or partner support.

PETITIONER: RESPONDENT:	CASE NUMBER:
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**10. OTHER REQUESTS**

- a.  Attorney's fees and costs payable by  Petitioner  Respondent
- b.  Petitioner's former name be restored to (*specify*):
- c.  Other (*specify*):

Continued on Attachment 10c.

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)

Date:

\_\_\_\_\_  
(TYPE OR PRINT NAME)



\_\_\_\_\_  
(SIGNATURE OF ATTORNEY FOR RESPONDENT)

**When completed, this original *Response—Marriage/Domestic Partnership* (form FL-120) must be filed in the court with a proof of service of a copy on Petitioner. Service may be by mail.**

## Ways to resolve divorce or legal separation cases out of court

You may prefer to resolve some or all of the issues in your divorce or legal separation case without having the court decide for you. You and your spouse or domestic partner can put your agreement in writing and file it in your case. But your agreement must follow all legal requirements. There are several ways you can get help.

### Court services (free):

- **Family Court Services.** Provides mandatory mediation or child custody recommending counseling to parents who are unable to agree on child custody and parenting issues. They cannot help with financial issues.
- **Family Law Facilitators and Self-Help Centers.** Can provide samples of agreements and other information and, in some cases, help with mediation.
- **Settlement Conferences.** An informal process in which a judge or an experienced lawyer meets with the parties and their lawyers to discuss the case and their positions and suggests a resolution. The parties can either agree to the suggestions or use the suggestions to help in further settlement discussions.

### Private services

- **Lawyers.** A professional who can help work out agreements between the parties and represent you at court hearings and trials.
- **Mediators.** A lawyer or counselor who helps the parties communicate to explore options and reach a mutually acceptable resolution.

## Where can I get help?

This form provides only basic information about divorce or legal separation and is not legal advice. If you want legal advice, ask a lawyer for help. You may also:

- Contact the family law facilitator or self-help center in your court for information, court forms, and referrals to local legal resources.
- Find a lawyer through a certified lawyer referral service on the State Bar of California's website: <http://calbar.ca.gov/LRS> or by calling 866-442-2529.
- Hire a private mediator. For more information about court and private alternative dispute resolution services, see [www.courts.ca.gov/selfhelp-adr.htm](http://www.courts.ca.gov/selfhelp-adr.htm).
- Find information on the California Courts Online Self-Help Center website: [www.courts.ca.gov/selfhelp](http://www.courts.ca.gov/selfhelp).
- Find free and low-cost legal help (if you qualify) at [www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org).
- Find information at your local law library or public library.

## What if there is domestic violence?

If there is domestic violence or a protective or restraining order, talk to a lawyer, counselor, or mediator before making agreements.

For domestic violence help, call the National Domestic Violence Hotline: 800-799-7233; TDD: 800-787-3224; or 211 (if available in your area).

# Legal Steps for a Divorce or Legal Separation for Respondent

## STEP 1. Your Case Has Started

- The **petitioner** has served you (the **respondent**) with legal papers. Read the forms you have received carefully.
- See page 3 of this form for places to get help with your case.

## STEP 2. The Response

- **Decide whether to file a response.** You have 30 days from the day the *Petition* and *Summons* were served on you to file this *Response—Marriage/Domestic Partnership* (form FL-120) with the court and serve it on the **petitioner**. If you do not do so, the petitioner can take your default and the court will probably order whatever he or she is asking for in the *Petition* (FL-100).
- **Before you file with the court,** have your papers served on the **petitioner** (or the petitioner's attorney, if he or she has one). Have the person who served the papers fill out a proof of service form (Use *Proof of Personal Service* (form FL-330) if the papers were served on your spouse or domestic partner. Or, use *Proof of Service by Mail* (form FL-335) if the papers were served by mail.)
- **Forms and information.** See <http://www.courts.ca.gov/1233> for the forms needed to respond in your case. The link includes information about filing fees and fee waivers, as well as information about how to prepare, file, and serve a *Response*.

## STEP 3. Disclose Financial Information

- At the same time as Step 1 or within 60 days of filing the *Petition*, the **petitioner** must fill out and have these documents served on the **respondent**: *Declaration of Disclosure* (form FL-140), *Income and Expense Declaration* (form FL-150), *Schedule of Assets and Debts* (form FL-142), or *Property Declaration* (form FL-160), and all tax returns filed by the party in the two years before serving the disclosure documents. These disclosure documents must not be filed with the court.
- If the **respondent** files a *Response*, he or she must also complete and serve the same disclosure documents on the **petitioner** within 60 days of filing the *Response*.
- The 60-day time frame for serving the disclosures may be changed by written agreement between the parties or by court order.
- The **petitioner** and **respondent** each file a *Declaration Regarding Service* (form FL-141) with the court saying disclosures were served. If the **respondent** does not serve disclosures, the **petitioner** can still finish the case without them. For more information, see “Fill Out Your Financial Declaration of Disclosure Forms” at <http://courts.ca.gov/1229.htm> (click on Step 4).

## STEP 4. Finish the Divorce or Legal Separation Case in One of Four Ways

### Respondent does not file a *Response* (called “default”)

**No *Response* and NO written agreement:**  
Petitioner waits 30 days after Step 2 is complete and prepares a proposed *Judgment* (form FL-180), together with all other needed forms. See “True Default Case” at <http://courts.ca.gov/8409.htm>.

**No *Response* BUT written agreement:** Petitioner attaches the signed and notarized agreement to the proposed *Judgment* (form FL-180), together with all other needed forms. See “Default Case with Written Agreement” at <http://courts.ca.gov/8410.htm>.

### Respondent files a *Response*

***Response* AND written agreement:** Either party files *Appearance, Stipulations, and Waivers* (form FL-130) and the proposed *Judgment* with written agreement attached and other needed forms. See “Uncontested Case” at <http://courts.ca.gov/8411.htm>.

***Response* and NO agreement:** Parties must go to trial to have a judge resolve the issues. See “Contested Case” at <http://courts.ca.gov/1238.htm>.

## IMPORTANT NOTICES

- The earliest you can be divorced is six months and one day from the date the respondent (1) was served with the summons and petition, (2) filed a *Response*, or (3) filed an *Appearance, Stipulations, and Waivers*. Legal separation has no waiting period. You are NOT divorced or legally separated until the court enters a *Judgment* in your case.
- If you need court orders for child support, custody, parenting time (visitation), spousal or partner support, restraining orders, or other issues, file a *Request for Order* (form FL-300) asking for temporary orders. See “Request for Order Information” at <http://courts.ca.gov/selfhelp-divorcerequests.htm> for more information.
- Legal separations: You will NOT get a *Judgment* (form FL-180) for legal separation unless both parties agree to a legal separation OR if the respondent has not filed a *Response*. AFTER the court enters a judgment, if you decide you want a divorce, you must start a new case to request a divorce and pay another filing fee. For more information, see “Legal Separation” at <http://courts.ca.gov/1224.htm>.
- Annulments: See <http://courts.ca.gov/1224.htm#tab8687> for information about annulments.
- You must keep the court and the other party informed of any change in your mailing address or other contact information. File and serve a *Notice of Change of Address or Other Contact Information* (form MC-040) on the other party or his or her attorney to let them know about the change in your contact information.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):  TELEPHONE NO. : _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	<b>FOR COURT USE ONLY</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF _____</b> STREET ADDRESS: _____ MAILING ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____	
<input type="checkbox"/> <b>DOMESTIC PARTNERSHIP OF</b> <input type="checkbox"/> <b>MARRIAGE OF</b> PETITIONER: _____ RESPONDENT: _____	
<b>PETITION FOR</b> <input type="checkbox"/> <b>AMENDED</b> <input type="checkbox"/> <b>Dissolution of</b> <input type="checkbox"/> <b>Domestic Partnership</b> <input type="checkbox"/> <b>Marriage</b> <input type="checkbox"/> <b>Legal Separation of</b> <input type="checkbox"/> <b>Domestic Partnership</b> <input type="checkbox"/> <b>Marriage</b> <input type="checkbox"/> <b>Nullity of</b> <input type="checkbox"/> <b>Domestic Partnership</b> <input type="checkbox"/> <b>Marriage</b>	CASE NUMBER: _____

**NOTICE: If petitioner and respondent are of the same sex, use this form. If petitioner and respondent are of the opposite sex and are *not* also domestic partners, use form FL-100.**

REVOKE

1. STATISTICAL FACTS

- a.  (1) Registration date of domestic partnership with the California Secretary of State or other state equivalent:  
 (2) Date of separation: \_\_\_\_\_  
 (3) Time from date of registration of domestic partnership to date of separation (*specify*): \_\_\_\_\_ Years \_\_\_\_\_ Months
- b.  (1) Date of marriage: \_\_\_\_\_ (2) Date of separation: \_\_\_\_\_  
 (3) Time from date of marriage to date of separation (*specify*): \_\_\_\_\_ Years \_\_\_\_\_ Months

2. RESIDENCE (*check all that apply*)

- a.  Our domestic partnership was established in California. Neither of us has to be a resident or have a domicile in California to dissolve our partnership here.
- b.  Our domestic partnership was established in a place other than California.  Petitioner  Respondent has been a resident of the state of California for at least six months and of this county for at least three months immediately preceding the filing of this *Petition*.
- c.  We are the same sex and are married.  We are the opposite sex and are married. We are also domestic partners.  Petitioner  Respondent has been a resident of the state of California for at least six months and of this county for at least three months immediately preceding the filing of this *Petition*.
- d.  We are the same sex and were married in California but are not residents of California. Neither of us lives in a state or nation that will dissolve the marriage. This case is filed in the county in which we married.  
 Petitioner's residence (*state or nation*): \_\_\_\_\_ Respondent's residence (*state or nation*): \_\_\_\_\_

3. DECLARATION REGARDING MINOR CHILDREN (*include children of this relationship born or adopted prior to or during this domestic partnership or marriage*)

- a.  There are no minor children.  
 The minor children are
- | <u>Child's name</u> | <u>Birthdate</u> | <u>Age</u> | <u>Sex</u> |
|---------------------|------------------|------------|------------|
|                     |                  |            |            |

Continued on Attachment 3b.

- c. If there are minor children of the petitioner and respondent, a completed *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)* (form FL-105) must be attached.

**NOTICE: You may redact (black out) social security numbers from any written material filed with the court in this case other than a form used to collect child or partner support.**

Petitioner:	CASE NUMBER:
Respondent:	

4. **DECLARATION REGARDING SEPARATE PROPERTY AS CURRENTLY KNOWN**
- a.  There are no such assets or debts subject to disposition by the court in this proceeding.
- b.  All such assets and debts listed are listed in  *Property Declaration* (form FL-160)  Attachment 4b and should be confirmed as petitioner's or respondent's separate property as indicated in form FL-160 or Attachment 4b.
5. **DECLARATION REGARDING COMMUNITY AND QUASI-COMMUNITY ASSETS AND DEBTS AS CURRENTLY KNOWN**
- a.  There are no such assets or debts subject to disposition by the court in this proceeding.
- b.  All such assets and debts are listed in  *Property Declaration* (form FL-160)  Attachment 5b and should be divided between petitioner and respondent as indicated in form FL-160 or Attachment 5b.

6. **Petitioner requests**
- a.  dissolution of the  domestic partnership  marriage based on  
 (1)  irreconcilable differences. (Fam. Code, § 2310(a).) (2)  incurable insanity. (Fam. Code, § 2310(b).)
- b.  legal separation of the  domestic partnership  marriage based on  
 (1)  irreconcilable differences. (Fam. Code, § 2310(a).) (2)  incurable insanity. (Fam. Code, § 2310(b).)
- c.  nullity of void  domestic partnership  marriage based on  
 (1)  incest. (Fam. Code, § 2200.) (2)  bigamy. (Fam. Code, § 2201.)
- d.  nullity of voidable  domestic partnership  marriage based on  
 (1)  petitioner's age at time of registration of domestic partnership or marriage. (Fam. Code, § 2210(a).) (3)  unsound mind. (Fam. Code, § 2210(c).)  
 (2)  prior existing marriage or domestic partnership. (Fam. Code, § 2210(b).) (4)  fraud. (Fam. Code, § 2210(d).)  
 (5)  force. (Fam. Code, § 2210(e).) (6)  physical incapacity. (Fam. Code, § 2210(f).)

REVOKE

7. **Petitioner requests** that the court grant the above relief and make **unitive** (including restraining) and other orders as follows:
- |  | Petitioner               | Respondent               | Joint                    | Other                    |
|--|--------------------------|--------------------------|--------------------------|--------------------------|
| a. Legal custody of children to .....  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Physical custody of children to .....   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Child visitation granted to .....   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| As requested in form: <input type="checkbox"/> FL-311 <input type="checkbox"/> FL-312 <input type="checkbox"/> FL-341(C) <input type="checkbox"/> FL-341(D) <input type="checkbox"/> FL-341(E) <input type="checkbox"/> Attachment 7c. |                          |                          |                          |                          |
| d. <input type="checkbox"/> Determination of parentage of any children born to the petitioner and respondent prior to the domestic partnership or marriage.  |                          |                          |                          |                          |
| e. Attorney fees and costs payable by .....  | <input type="checkbox"/> | <input type="checkbox"/> |                          |                          |
| f. Partner or spousal support payable to .....   | <input type="checkbox"/> | <input type="checkbox"/> |                          |                          |
| g. <input type="checkbox"/> Terminate the court's jurisdiction (ability) to award partner or spousal support to respondent.  |                          |                          |                          |                          |
| h. <input type="checkbox"/> Determine property rights.   |                          |                          |                          |                          |
| i. <input type="checkbox"/> Restore petitioner's former name ( <i>specify</i> ):   |                          |                          |                          |                          |
| j. <input type="checkbox"/> Other ( <i>specify</i> ):  |                          |                          |                          |                          |
| <input type="checkbox"/> Continued on Attachment 7j.   |                          |                          |                          |                          |

8. **Child support:** If there are minor children who were born to or adopted by the petitioner and respondent before or during this domestic partnership or marriage, the court will make orders for the support of the children on request and submission of financial forms by the requesting party. An earnings assignment may be issued without further notice. Any party required to pay support must pay interest on overdue amounts at the "legal" rate, which is currently 10 percent.

9. **I HAVE READ THE RESTRAINING ORDERS ON THE BACK OF THE SUMMONS, AND I UNDERSTAND THAT THEY APPLY 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: \_\_\_\_\_

(TYPE OR PRINT NAME)

\_\_\_\_\_  
(SIGNATURE OF PETITIONER)

Date: \_\_\_\_\_

(TYPE OR PRINT NAME)

\_\_\_\_\_  
(SIGNATURE OF ATTORNEY FOR PETITIONER)

**NOTICE:** Dissolution or legal separation may automatically cancel the rights of a domestic partner or spouse under the other domestic partner's or spouse's will, trust, retirement plan, power of attorney, pay-on-death bank account, survivorship rights to any property owned in joint tenancy, and any other similar thing. It does not automatically cancel the right of a domestic partner or spouse as beneficiary of the other partner's or spouse's life insurance policy. You should review these matters, as well as any credit cards, other credit accounts, insurance policies, retirement plans, and credit reports, to determine whether they should be changed or whether you should take any other actions. However, some changes may require the agreement of your partner or spouse or a court order (see Fam. Code, §§ 231–235).

# FL-107-INFO Legal Steps for a Divorce or Legal Separation

## STEP 1. File Forms

- The **petitioner** (the person who files the first divorce or legal separation forms with the court) fills out and files with the court clerk at least a *Petition–Marriage* (form FL-100) and a *Summons* (form FL-110) and, if there are children of the marriage, form FL-105. If you are in a same sex marriage or are registered domestic partners, read the top of page 2.
- The forms needed to start your case and information about filing fees and fee waivers are available at “Filing Your Case,” at <http://courts.ca.gov/1229.htm> (click on Step 2).
- The court clerk will stamp and return copies of the filed forms to the petitioner.

## STEP 2. Serve the Forms

- **Someone 18 or older**—not the petitioner—serves the spouse (called *the respondent*) with all the forms from Step 1 plus a blank *Response–Marriage* (form FL-120) and files with the court a proof-of-service form, such as *Proof of Service of Summons* (form FL-115), telling when and how the respondent was served. (To *serve* means “to give in the proper legal way.”) For more information, see “Serving Your First Set of Court Forms” at <http://courts.ca.gov/1229.htm> (click on Step 3).
- The **respondent** has 30 days to file and serve a *Response*. Therefore, **petitioner** must wait 30 days before starting Step 4.

## STEP 3. Disclose Financial Information

- At the same time as Step 1 or within 60 days of filing the *Petition*, **petitioner** must fill out and have these documents served on the **respondent**: *Declaration of Disclosure* (form FL-140), *Income and Expense Declaration* (form FL-150), *Schedule of Assets and Debts* (form FL-142), or *Property Declaration* (form FL-160), and all tax returns filed by the party in the two years before serving the disclosure documents. These disclosure documents must not be filed with the court.
- If **respondent** files a *Response*, he or she must also complete and serve the same disclosure documents on the petitioner within 60 days of filing the *Response*.
- The 60-day time frame for serving the disclosures may be changed by written agreement between the parties or by court order.
- The **petitioner** and **respondent** each file a *Declaration Regarding Service* (form FL-141) with the court saying disclosures were served. If respondent does not serve disclosures, petitioner can still finish the case without them. For more information, see “Fill Out Your Financial Declaration of Disclosure Forms” at <http://courts.ca.gov/1229.htm> (click on Step 4).

**REVOKE**

## STEP 4. Finish the Divorce or Legal Separation Case in One of Four Ways

### Respondent does not file a *Response* (called “default”)

#### No *Response* and NO written agreement:

Petitioner waits 30 days after Step 2 is complete and prepares a proposed *Judgment* (form FL-180), together with all other needed forms. See “True Default Case” at <http://courts.ca.gov/8409.htm>.

#### No *Response* BUT written agreement:

Petitioner attaches the signed and notarized agreement to the proposed *Judgment* (form FL-180), together with all other needed forms. See “Default Case with Written Agreement” at <http://courts.ca.gov/8410.htm>.

### Respondent files a *Response*

#### *Response* AND written agreement:

Either party files *Appearance, Stipulations, and Waivers* (FL-130) and the proposed *Judgment* with written agreement attached and other needed forms. See “Uncontested Case” at <http://courts.ca.gov/8411.htm>.

#### *Response* and NO agreement:

For divorces, parties must go to trial to have a judge resolve the issues. See “Contested Case” at <http://courts.ca.gov/1238.htm>. For legal separations, see page 2 of this form.

## IMPORTANT NOTICES

- The earliest you can be divorced is six months and one day from the date the respondent (1) was served with the summons and petition, (2) filed a *Response*, or (3) filed an *Appearance, Stipulations, and Waivers*. Legal separation has no waiting period. You **MUST** complete Step 4 for both types of cases. You are **NOT** divorced or legally separated until the court enters a *Judgment* in your case.
- If you need court orders for child support, custody, parenting time (visitation), spousal or partner support, restraining orders, or other issues before the case is final, you can file a *Request for Order* (form FL-300) asking for temporary orders. See “Request for Order Information” at <http://courts.ca.gov/selfhelp-divorcerequests.htm> for more information.
- After you file your first paper with the court, you must keep the court and the other party informed of any change in your mailing address or other contact information. To comply, you may file and have a *Notice of Change of Address or Other Contact Information* (form MC-040) served on the other party or his or her attorney.



**Do you have a same-sex marriage or a registered domestic partnership?** The process for a divorce or legal separation of a same-sex marriage, domestic partnership, or both is the same as on page 1. There may be differences in taxes and other issues for domestic partnerships. For more information, see <http://courts.ca.gov/1229.htm> (click on the topic that describes your situation).

**What if you want a legal separation?** The process on page 1 is the same, except you will **NOT** get a *Judgment* for legal separation unless both parties agree to a legal separation **OR** if **respondent** has not filed a *Response*. If both parties agree to be legally separated but do not agree on other issues, the parties must go to trial to have a judge resolve those issues. You are **NOT** legally separated until you receive a *Judgment* signed by the court. For more information, see “Legal Separation” at <http://courts.ca.gov/1224.htm>. **AFTER** the court enters a judgment for legal separation, if you decide you want a divorce, you must start a new case to request a divorce and pay another filing fee.

## Ways to resolve divorce or legal separation cases out of court

You may prefer to resolve some or all of the issues in your divorce or legal separation case without having the court decide for you. You and your spouse or domestic partner can put your agreement in writing and file it in your case. But your agreement must follow all legal requirements. There are several ways you can get help.

### Court Services (free):

- **Family Court Services.** Provide mandatory mediation or child custody recommending counseling to parents who are unable to agree on child custody and parenting issues. They cannot help with financial issues.
- **Family Law Facilitators and Self-Help Centers.** Can provide samples of agreements and other information and, in some cases, help with mediation.
- **Settlement Conferences.** An informal process in which a judge or an experienced lawyer meets with the parties and their lawyers to discuss the case and their positions and suggests a resolution. The parties can either agree to the suggestions or use the suggestions to help in further settlement discussions.

### Private services (which you can hire to help you resolve your case):

- **Lawyers.** A professional who can help work out agreements between the parties and represent you at court hearings and trials.
- **Collaborative Lawyers.** Lawyers who represent each party but do not go to court. They try to reach an agreement. If court is necessary, the parties must hire new lawyers.
- **Mediators.** A lawyer or counselor who helps the parties communicate to explore options and reach a mutually acceptable resolution.

For more information about court and private services, see [www.courts.ca.gov/selfhelp-adr.htm](http://www.courts.ca.gov/selfhelp-adr.htm).

### Where can I get help?

This information sheet gives you only basic information on the divorce or legal separation and is not legal advice. If you want legal advice, ask a lawyer for help. You may also:

- Contact the family law facilitator or self-help center in your court for information, court forms, and referrals to local legal resources.
- Find a lawyer through a certified lawyer referral service on the State Bar of California's website: <http://calbar.ca.gov/LRS> or by calling 866-442-2529 (toll-free).
- Hire a private mediator. Contact your local bar association or court Alternative Dispute Resolution (ADR) program for more information.
- Find information on the California Courts Online Self-Help Center website: [www.courts.ca.gov/selfhelp](http://www.courts.ca.gov/selfhelp).
- Find free and low-cost legal help (if you qualify) at [www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org).
- Find information at your local law library or public library.

### What if there is domestic violence restraining order?

If there is domestic violence or a protective or restraining order, talk to a lawyer, counselor, or mediator before making agreements.

For domestic violence help, call the National Domestic Violence Hotline: 800-799-7233; TDD: 800-787-3224; or 211 (if available in your area).

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):  TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	<b>FOR COURT USE ONLY</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
<input type="checkbox"/> <b>DOMESTIC PARTNERSHIP OF</b> <input type="checkbox"/> <b>MARRIAGE OF</b> PETITIONER:  RESPONDENT:	
<b>RESPONSE</b> <input type="checkbox"/> <b>and REQUEST FOR</b> <input type="checkbox"/> <b>AMENDED</b> <input type="checkbox"/> <b>Dissolution of</b> <input type="checkbox"/> <b>Domestic Partnership</b> <input type="checkbox"/> <b>Marriage</b> <input type="checkbox"/> <b>Legal Separation of</b> <input type="checkbox"/> <b>Domestic Partnership</b> <input type="checkbox"/> <b>Marriage</b> <input type="checkbox"/> <b>Nullity of</b> <input type="checkbox"/> <b>Domestic Partnership</b> <input type="checkbox"/> <b>Marriage</b>	CASE NUMBER:

**NOTICE: Use this form to respond to *Petition—Domestic Partnership/Marriage* (form FL-103).**

REVOKE

1. STATISTICAL FACTS
  - a.  (1) Registration date of domestic partnership with the California Secretary of State or other state equivalent:  
 (2) Date of separation:  
 (3) Time from date of registration of domestic partnership to date of separation (*specify*):                      Years                      Months
  - b.  (1) Date of marriage:                      (2) Date of separation:  
 (3) Time from date of marriage to date of separation (*specify*):                      Years                      Months
2. RESIDENCE (*check all that apply*)
  - a.  Our domestic partnership was established in California. Neither of us has to be a resident or have a domicile in California to dissolve our partnership here.
  - b.  Our domestic partnership was established in a place other than California.  Petitioner  Respondent has been a resident of the state of California for at least six months and of this county for at least three months immediately preceding the filing of this *Petition*.
  - c.  We are the same sex and are married.  We are the opposite sex and are married. We are also domestic partners.  Petitioner  Respondent has been a resident of the state of California for at least six months and of this county for at least three months immediately preceding the filing of this *Petition*.
  - d.  We are the same sex and were married in California but are not residents of California. Neither of us lives in a state or nation that will dissolve the marriage. This case is filed in the county in which we married.  
 Petitioner's residence (*state or nation*):                      Respondent's residence (*state or nation*):
3. DECLARATION REGARDING MINOR CHILDREN (*include children of this relationship born or adopted prior to or during this domestic partnership or marriage*)
  - a.  There are no minor children.
  - b.  The minor children are  

<u>Child's name</u>	<u>Birthdate</u>	<u>Age</u>	<u>Sex</u>
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Continued on Attachment 3b.
- c. If there are minor children of the petitioner and the respondent, a completed *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)* (form FL-105) must be attached.

**NOTICE: You may redact (black out) social security numbers from any written material filed with the court in this case other than a form used to collect child or partner support.**

Petitioner: Respondent:	CASE NUMBER:
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4. **DECLARATION REGARDING SEPARATE PROPERTY AS CURRENTLY KNOWN**
- a.  There are no such assets or debts subject to disposition by the court in this proceeding.
- b.  All such assets and debts listed are listed in  *Property Declaration* (form FL-160)  Attachment 4b and should be confirmed as petitioner's or respondent's separate property as indicated in form FL-160 or Attachment 4b.
5. **DECLARATION REGARDING COMMUNITY AND QUASI-COMMUNITY ASSETS AND DEBTS AS CURRENTLY KNOWN**
- a.  There are no such assets or debts subject to disposition by the court in this proceeding.
- b.  All such assets and debts are listed in  *Property Declaration* (form FL-160)  Attachment 5b and should be divided between petitioner or respondent as indicated in form FL-160 or Attachment 5b.
6.  **Respondent contends** that there is not a valid domestic partnership, marriage, or equivalent.
7.  **Respondent denies** the grounds stated in item 6 of the petition.

8. **Respondent requests**
- a.  dissolution of the  domestic partnership  marriage based on  
 (1)  irreconcilable differences. (Fam. Code, § 2310(a).) (2)  incurable insanity. (Fam. Code, § 2310(b).)
- b.  legal separation of the  domestic partnership  marriage based on  
 (1)  irreconcilable differences. (Fam. Code, § 2310(a).) (2)  incurable insanity. (Fam. Code, § 2310(b).)
- c.  nullity of void  domestic partnership  marriage based on  
 (1)  incest. (Fam. Code, § 2200.) (2)  bigamy. (Fam. Code, § 2201.)
- d.  nullity of voidable  domestic partnership  marriage based on  
 (1)  respondent's age at time of registration of domestic partnership or marriage. (Fam. Code, § 2210(a).) (3)  unsound mind. (Fam. Code, § 2210(c).)  
 (2)  prior existing marriage or domestic partnership. (Fam. Code, § 2210(b).) (4)  fraud. (Fam. Code, § 2210(d).)  
 (5)  force. (Fam. Code, § 2210(e).) (6)  physical incapacity. (Fam. Code, § 2210(f).)

REVOKE

9. **Respondent requests** that the court grant the above relief and make injunctive (including restraining) and other orders as follows:
- |  | Petitioner               | Respondent               | Joint                    | Other                    |
|--|--------------------------|--------------------------|--------------------------|--------------------------|
| a. Legal custody of children to .....  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Physical custody of children to .....   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Child visitation granted to .....   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| As requested in form: <input type="checkbox"/> FL-311 <input type="checkbox"/> FL-312 <input type="checkbox"/> FL-341(C) <input type="checkbox"/> FL-341(D) <input type="checkbox"/> FL-341(E) <input type="checkbox"/> Attachment 9c. |                          |                          |                          |                          |
| d. <input type="checkbox"/> Determination of parentage of any children born to the petitioner and respondent prior to the domestic partnership or marriage.  |                          |                          |                          |                          |
| e. Attorney fees and costs payable by .....  | <input type="checkbox"/> | <input type="checkbox"/> |                          |                          |
| f. Partner or spousal support payable to .....   | <input type="checkbox"/> | <input type="checkbox"/> |                          |                          |
| g. <input type="checkbox"/> Terminate the court's jurisdiction (ability) to award partner or spousal support to the petitioner.  |                          |                          |                          |                          |
| h. <input type="checkbox"/> Determine property rights.   |                          |                          |                          |                          |
| i. <input type="checkbox"/> Restore respondent's former name ( <i>specify</i> ):   |                          |                          |                          |                          |
| j. <input type="checkbox"/> Other ( <i>specify</i> ):  |                          |                          |                          |                          |
| <input type="checkbox"/> Continued on Attachment 9j.   |                          |                          |                          |                          |

10. **Child support:** If there are minor children who were born to or adopted by the petitioner and respondent before or during this domestic partnership or marriage, the court will make orders for the support of the children on request and submission of financial forms by the requesting party. An earnings assignment may be issued without further notice. Any party required to pay support must pay interest on overdue amounts at the "legal" rate, which is currently 10 percent.

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)
(TYPE OR PRINT NAME)	(SIGNATURE OF ATTORNEY FOR RESPONDENT)

**The original response must be filed in the court with proof of service of a copy on petitioner.**