

How to File a Response to a Case for Divorce, Legal Separation or Nullity

Step 1	<p>Complete the following forms in blue or black ink:</p> <p><input checked="" type="checkbox"/> FL-120 Response—Marriage</p> <p><input type="checkbox"/> Other: _____</p> <p>Only fill out the following forms if you have children with your spouse/partner:</p> <p><input type="checkbox"/> FL-105 Declaration Under Uniform Child Custody Jurisdiction Enforcement Act (UCCJEA)</p> <p><input type="checkbox"/> FL-311 Child Custody and Visitation Application Attachment</p>
Step 2	<p>Copies: Make 2 copies, in addition to the original.</p>
<p>Step 3</p> <p>There is a filing fee unless the fee is waived.</p>	<p>File:</p> <p><input type="checkbox"/> If you are not asking for a fee waiver, turn your forms into the Clerk’s Office. You will pay the filing fee and get copies back with a file-stamp.</p> <p><input type="checkbox"/> If you are asking for a fee waiver, turn your forms into the “Document Examiner-Court Specialist” window. Your file-stamped copies may be returned immediately, OR you may be asked to return in up to 24 hours, OR your file stamped forms may be mailed to you. Please check with the clerk who takes your forms.</p> <p>File in the courthouse located at:</p> <p><input type="checkbox"/> 170 Park Avenue, San Jose, CA <input type="checkbox"/> 99 Notre Dame Ave., San Jose, CA</p> <p><input type="checkbox"/> 605 W. El Camino Real, Sunnyvale, CA <input type="checkbox"/> 301 Diana Ave., Morgan Hill, CA</p> <p>Monday-Friday from 8:30am to 4:00pm.</p>
Step 4	<p>Service: After the filed copies are returned to you:</p> <ul style="list-style-type: none"> • Keep for your records—1 filed copy • Serve 1 filed copy on the other party by mail. “<i>Service by mail</i>” means: someone, NOT YOU, who are at least 18 years old, must mail a filed copy to your husband/wife/partner. <p>Whoever does the service must complete the attached <i>Proof of Service by Mail</i> form (FL-335) and give it back to you. You must file the original and a copy of this form at the Clerk’s Office, the clerk will file stamp the copy and give it back to you. Keep this copy for your records.</p>
Step 5	<p>Court Date: When you are served with the divorce forms there is a form called Family Law Notice (Local Form FM-1050) that has a “Status Conference” court date on it. At this Status conference you will meet with court staff who will discuss the next steps in your case. If you file your Response after this date, filing the Response will generate a new date that will be mailed to you and the other party.</p>
NOTE	<p>YOU WILL NOT AUTOMATICALLY BE DIVORCED, YOU MUST COMPLETE OTHER STEPS TO FINISH YOUR DIVORCE AND GET A JUDGMENT.</p>

Please turn over for important information



WHY SHOULD I FILE A RESPONSE?

You should complete and file the *Response* form so that you can take part in the case. Filing a *Response* will allow you to ask for or oppose requests for a custody and visitation schedule, a monthly child and/or spousal support amount, and property and other orders. If you do not file the *Response* within 30 days of being served, the petitioner can get a default *Judgment* against you. This means that the court enters a judgment where the petitioner gets everything asked for in their *Petition*.

WHAT ARE THE IMPORTANT DEADLINES?

The court has important things you should do to keep your case on track. The first is to **file and serve your “Preliminary Declaration of Disclosure” within 60 days** of filing your *Response*. For help with these forms, you can pick-up the packet and sample from the Self-Help Center (address below) and fill it out on your own or come to the Center’s drop-in help session every Friday at 1:45 pm at the Self-Help Center. There are additional deadlines you can read about in the court’s Local Rules and the California Rules of Court. You can find both Rules on our website (www.scscourt.org) or at the Santa Clara County Law Library.

If you do not follow the Rules and deadlines your case may be dismissed.

HOW LONG DOES IT TAKE TO FINISH THE DIVORCE?

The earliest you can be divorced is 6 months and a day from the date you were served with the divorce forms or 6 months from the date you file a *Response*, if a *Proof of Service of Summons* was not filed. However, you will not automatically be divorced after 6 months. If you or your spouse/partner do not take the necessary steps to keep the divorce moving forward you will never be divorced.

HOW CAN I GET THE FORMS?

There are a few ways that you can get the forms:

- hire an attorney;
- contact a legal services agency (Read our Do-It-Yourself Resources flier for names and contact information)
- get the forms online at the state’s website, (<http://courts.ca.gov/forms.htm>);
- use legal self-help websites and books
- visit the Self-Help Center/Family Law Facilitator’s Office in person, Monday through Thursday, starting at 8:30 am. Please go to www.scscourt.org (and click on the self-help section of the site) for details on how to sign up for help at our office or at our workshops. We are now offering workshops for starting and responding to divorce cases. **Please note: we cannot help people who have attorneys.**

Self-Help Center/Family Law Facilitator’s Office
Superior Court, County of Santa Clara
99 Notre Dame Avenue, San Jose, CA 95113
(408) 882-2926

www.scscourt.org
Superior Court, County of Santa Clara

www.courts.ca.gov/selfhelp
State of California Courts Self-Help