

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LASSEN
ACCESS TO JUSTICE CENTER
145 SOUTH LASSEN STREET
SUSANVILLE, CA 96130
530-251-8353**

**CHECK LIST FOR
FILING AN UNCONTESTED DISSOLUTION**

**PRINT CLEARLY AND USE
BLACK INK ONLY ON DISSOLUTION DOCUMENTS**

**If you want legal advice, contact a lawyer. You can get information
about finding lawyers at the California Courts Online Self-Help Center
www.courtinfo.ca.gov/selfhelp
Or at the California Legal Services Web site
www.lawhelpcalifornia.org
or you can contact the local bar association
530-257-6162**

IF YOU ARE THE PETITIONER, AND YOU ARE BEGINNING A DIVORCE:

Step 1: ___ Complete the following court forms:

- ___ Petition **(FL-100)** ___ Fee Waiver Application **(982(a)(17))**
- ___ Summons (Family Law) **(FL-110)**
- ___ Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act **(FL-105)** (If you have children)
- ___ Proof of Service of Summons **(FL-115)**
- ___ Response **(FL-120)** (DO NOT Complete)

Step 2: ___ Take TWO copies and the original and file with the Clerk's office.

Step 3: ___ Have the Respondent (other party) PERSONALLY SERVED with the above documents and a BLANK Response. The person who serves the documents must complete the Proof of Service.

Step 4: ___ File the complete Proof of Service with the Clerk's Office IMMEDIATELY.

Step 5: ___ WAIT 30 DAYS from the time the other party was served (for a Response). In the meantime:

Step 6: ___ Prepare the Preliminary Declaration of Disclosure (Do not file) **(FL-140)**
___ Income and Expense Declaration **(FL-150)**
___ Schedule of Assets and Debts (DO NOT File/only serve) **(FL-142)**
___ Financial Statement (Simplified) (If needed) **(FL-155)**

Step 7: ___ File the completed Declaration Regarding Service of Declaration of Disclosure **(FL-141)**, Income and Expense Declaration, And Financial Statement (Simplified), if needed, with the Clerk's office.

IF YOU ARE THE PETITIONER, AND YOU ARE COMPLETING A DIVORCE:

TRUE DEFAULT:

If **NO RESPONSE** is filed and there is **NO AGREEMENT**, within 31-45 days of serving the other party:

- Step 1:** ___ Complete the following forms:
___ Request to Enter Default – **(FL-165)**
___ Request for Default or Uncontested Dissolution or Legal Separation **(FL-170)**
___ Judgment (Family Law) **(FL-180)** – Attach the necessary forms for
___ Child Support **(FL-342)** (See Family Law Facilitator for Dissomaster print-out)
___ Child Custody **(FL-341)**
___ Spousal Support **(FL-343)**
___ Property and Debts **(FL-345)**
___ Notice of Entry of Judgment **(FL-190)**

Step 2: ___ Make three copies of all of the above.

Step 3: ___ Prepare three stamped envelopes. Two are to be addressed to the other party and one to you.

Step 4: ___ Present all of the above to the clerk of the court.

Your documents will be processed and you will receive the signed, filed copies in the mail. **You must submit a Final Judgment to be divorced.** The date your marriage ends will be entered on the Judgment by the clerk.

DEFAULT WITH AGREEMENT:

If **NO RESPONSE** is filed and you and the other party have come to an Agreement anytime after the 30 days from service of the Petition on the other party:

Step 1: ___ Complete all of the forms as specified in the True Default section except the attachments to the Judgment.

Step 2: ___ Prepare a Marital Settlement Agreement. You may use a pre-printed form.
Ask the Family Law Facilitator.

Step 3: ___ Attach the Marital Settlement Agreement to the Judgment.

Step 4: ___ Follow steps 2 – 4 in the True Default section.

NO AGREEMENT:

IF YOU ARE THE RESPONDENT AND HAVE BEEN SERVED WITH A PETITION:

If you do not agree with what the Petitioner has requested in his or her Petition, you must within thirty (30) days of receiving the Petition:

Step 1: ___ Prepare a Response **(FL-120)**
___ UCCJEA Declaration if there are children in the marriage. **(FL-105)**
___ Complete a Fee Waiver (Low Income) **(982(a)(17))**

Step 2: ___ Serve a copy of the Response and UCCJEA on the other party. This must be done by someone other than yourself, personally or by mail.

Step 3: ___ File the original Response, the completed Proof of Service and two copies of each at the clerk's office.

Step 4: ___ Prepare Preliminary Declaration of Disclosure (Do NOT file) **(FL-140)**
___ Income and Expense Declaration **(FL-150)**
___ Schedule of Assets and Debts (Do NOT File/only serve) **(FL-142)**
___ Financial Statement (Simplified) (If needed) **(FL-155)**

Step 7: ___ File the completed Declaration Regarding Service of Declaration of Disclosure, Income and Expense Declaration, And Financial Statement (Simplified), if needed, with the Clerk's office.

RESPONSE FILED, NO AGREEMENT:

IF, after you file and serve your Response and Preliminary Declarations of Disclosure (Step 4), you are **UNABLE** to reach an **agreement** with the Other Party, please seek the advice of an attorney or the Family Law Facilitator for education on how to proceed to trial and bring your divorce case to a final judgment.

IF YOU NEED CUSTODY, CHILD SUPPORT, SPOUSAL SUPPORT OR RESTRAINING ORDERS IMMEDIATELY:

- Step 1:** ___ Prepare an Order to Show Cause (**FL-300**)
And Application for Order and Supporting Declaration (**FL-310**)
And Temporary Orders (**FL-305**), if you want temporary orders
until the hearing date
And Income and Expense Declaration (**FI-150**) or Simplified
Financial Statement (**FL-155**), if you are requesting child or spousal
support.
- Step 2:** ___ Make three copies and take to the clerk's office for signature by the
judge.
- Step 3:** ___ After the judge has reviewed your Order to Show Cause, he will
either sign the Order to Show Cause and complete Items 4, 5, and
6, he will reject it with additional instructions or it may be rejected
with no additional instructions.
- Step 4:** ___ If the OSC is accepted, you must have the OSC documents
personally served on the other party (by a disinterested party in the
action) prior to the date indicated in Item 4 of the OSC.
- Step 5:** ___ After the OSC is personally served, take the completed Proof of
Service and one copy to the filing office immediately.
- Step 6:** ___ After the hearing, the judge may instruct you to prepare an Order
After Hearing (**FL-340**). Prepare the Order, per the judge's
instructions, serve a copy of it on the other party by mail, and
submit the three copies of the Order and the Proof of Service to
the clerk's office for the judge's signature. After the judge has
signed the Order, keep a copy for your records, serve a copy by
mail on the other party and file the completed Proof of Service and
one copy with the Clerk's office.

**EXPLANATION OF
LEGAL CUSTODY AND
PHYSICAL CUSTODY**

Legal Terms of Custody Defined

LEGAL CUSTODY

Which parent do you want to make decisions about
Passport, Drivers License
Medical
Education

PHYSICAL CUSTODY

Which parent do you want the children to live with most of the time?

VISITATION

What parent will have visitation? What specific days and hours do you want the parent that will have the visitation to have with the child.

**Petitioner = You Respondent = Other Parent
Joint = Both you and the other parent**

Documents Necessary to Begin a Divorce Proceeding

PETITION FOR DISSOLUTION OF MARRIAGE (FL-100)

This document is your request for a divorce. You will want to make sure this form is filled out completely and accurately to make sure the court knows exactly what you are requesting.

CHILD CUSTODY AND VISITATION APPLICATION (FL-311)

This attachment is used when you have child custody and/or visitation issues that require more information that is provided in the Petition.

CHILDREN'S HOLIDAY SCHEDULE ATTACHMENT (FL-341(C))

This attachment is mentioned in the Child Custody and Visitation Application Attachment and you MUST check the appropriate box on Form FL-311 to use this form. The attachment provides you with a detailed list of holidays so that you can determine who will have visitation for certain holidays.

**ADDITIONAL PROVISIONS –
PHYSICAL CUSTODY ATTACHMENT (FL-341(D))**

This attachment is mentioned in the Child Custody and Visitation Application Attachment and you **MUST** check the appropriate box on Form FL-311 to use this form. The attachment provides you with the ability to address additional issues about physical custody.

JOINT LEGAL CUSTODY ATTACHMENT (FL-341(E))

This attachment is mentioned in the Child Custody and Visitation Application Attachment and you **MUST** check the appropriate box on Form FL-311 to use this form. The attachment provides you with the opportunity to deal with specific issues about legal custody.

SUMMONS (FL-100)

This notifies the other party that he/she is being sued and also contains some standard restraining orders that apply **TO BOTH OF YOU**.

DECLARATION UNDER UCCJEA (FL-105)

This form provides the Court with where the child has been living for the past five years in addition to giving the Court information on any other cases or claims that may exist. This form only needs to be filled out by those parties who have children.

PROOF OF SERVICE OF SUMMONS (FL-115)

This form is very important because it decides the date when the Court has jurisdiction **over the other party**.

RESPONSE (FL-120)

DO NOT FILL THIS OUT AND DO NOT FILE THIS FORM. You are required to provide this form to the other party when you serve him/her with your other documents.

The filing fee for a Petition for Dissolution of Marriage is \$320.00. If you qualify, you can fill out and Application for Waiver of Court Fees and Costs.

FINANCIAL DISCLOSURE (FL-140, FL-141, FL-142, FL-150, FL-155, FL-160)

You will need to do a financial disclosure within 60 days of filing your Petition.

ORDER TO SHOW CAUSE (FL-300)

This form is used to file with the Court when you need immediate child custody, child support, spousal support, and/or restraining orders. You will need to attach an Application for Order and Supporting Declaration **FL-310** and an Income and Expense Declaration **FL-150**, if support is requested.

GENERAL INFORMATION

The difference between a divorce, a legal separation and an annulment:

DIVORCE: A divorce (also called “Dissolution of Marriage”) ends your marriage. After you get divorced, you will be single and marry again. If you get divorced, you can ask the judge for orders like child support, spousal support, custody and visitation, domestic violence restraining orders, division of property and other orders. To get a divorce, you **MUST** meet California’s Residency Requirements:

To file for a divorce in California, you or your spouse must have **LIVED IN:**
California for the last six (6) months and
The county where you plan to file the divorce for the last three (3) months

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

LEGAL SEPARATION: A legal separation does **NOT** end a marriage. You **CANNOT** marry 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. You can ask the judge for orders like child support, spousal support, custody and visitation, domestic violence restraining orders, or any other orders you can get with a divorce case.

You do not need to meet California’s Residency Requirements to file for a legal separation. If you file for a legal separation, you may later be able to file an “Amended Petition” to ask the court for a divorce-after you meet the residency requirements.

ANNULMENT: An annulment (or nullity of marriage) is when a court says your marriage is not legally valid. A marriage that is incestuous or bigamous is never valid. Other marriages can be declared “void” because:
Of force, fraud, or physical or mental incapacity;
One of the spouses was too young to legally marry; or
One of the spouses was already married.