

LASSEN SUPERIOR COURT, HALL OF JUSTICE  
ACCESS TO JUSTICE CENTER

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2610 Riverside Drive, Susanville, CA 96130 ~ (530)251-8205

***CHECK LIST FOR FILING A DIVORCE***

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***PRINT CLEARLY ON ALL DOCUMENTS***

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If you want legal advice, contact a lawyer. You can get information about finding lawyers and download Judicial Council Forms at the California Courts Online Self-Help Center [www.courts.ca.gov/forms.htm](http://www.courts.ca.gov/forms.htm)

ORIGINAL

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

**Step 1:** \_\_\_ Complete the following forms (**SAMPLE FORMS ATTACHED**):

- \_\_\_ Petition (**FL-100**)
- \_\_\_ Summons (Family Law) (**FL-110**)
- \_\_\_ Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (**FL-105**) (If you have children)
- \_\_\_ Property Declaration (**FL-160**)
- \_\_\_ Proof of Service of Summons (**FL-115**)
- \_\_\_ Fee Waiver Application and Order (if applicable) (**FW-001 & FW-003**)
- \_\_\_ Response (**FL-120**) (DO NOT Complete)

**Step 2:** \_\_\_ Make **TWO** copies of the completed forms (excluding the Fee Waiver and Response). Take the original documents with the copies attached and file them with the clerk's office. Your copies will be returned to you. One copy is for your records and the other copies are to be served on the other party by someone over the age of 18 and not a party to the action.

**Step 3:** \_\_\_ Have the Respondent (other party) **PERSONALLY SERVED** with the above documents and a **BLANK** Response (**FL-120**). The person who serves the documents must complete the Proof of Service of Summons (**FL-115**).

**Step 4:** \_\_\_ File the completed Proof of Service of Summons (**FL-115**) 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, prepare the:**

- Step 6:** \_\_\_ Declaration of Disclosure (**DO NOT** file/only serve) (**FL-140**)
- \_\_\_ Income and Expense Declaration (**FL-150**)
  - \_\_\_ Schedule of Assets and Debts (**DO NOT** File/only serve) (**FL-142**)
  - \_\_\_ Declaration Regarding Service of Declaration of Disclosure (**FL-141**)

**Step 7:** \_\_\_ Serve the completed Declaration of Disclosure (**FL-140**), Income and Expense Declaration (**FL-150**) and Schedule of Assets and Debts (**FL-142**). File the Declaration Regarding Service of Declaration of Disclosure (**FL-141**) and Income and Expense Declaration (**FL-150**) with the clerk's office.

**REMEMBER . . . THIS DOES NOT FINALIZE YOUR DIVORCE. ADDITIONAL PAPERS WILL NEED TO BE COMPLETED, FILED AND SERVED. (SEE PAGE 3)**

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**IF YOU ARE THE PETITIONER, AND YOU ARE COMPLETING A DIVORCE:  
TRUE DEFAULT:**

If **NO RESPONSE** is filed and there is **NO AGREEMENT**, on the 31st day after serving the other party:

- Step 1:** \_\_\_ Complete the following forms:  
\_\_\_ Request to Enter Default (**FL-165**)  
\_\_\_ Request for Default for 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)  
\_\_\_ Child Custody (**FL-341**)  
\_\_\_ Spousal Support (**FL-343**)  
\_\_\_ Property and Debts (**FL-345**)  
\_\_\_ Notice of Entry of Judgment (**FL-190**)

**Step 2:** \_\_\_ Make two copies of all of the above.

**Step 3:** \_\_\_ Prepare three self-addressed, stamped envelopes. Two are to be addressed to the other party and one to you.

**Step 4:** \_\_\_ File all of the above with 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.** Your divorce will be final as of the date that is listed on the Judgment and Notice of Entry of Judgment.

**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 (Attachment to Judgment). You may use a pre-printed form. Sample forms are available at the Access to Justice Center.

**Step 3:** \_\_\_ Attach the Marital Settlement Agreement to the Judgment.

**Step 4:** \_\_\_ Follow steps 2 – 4 in the True Default section.

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**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 file a Response within thirty (30) days of receiving the Petition:

- Step 1:** \_\_\_ Complete the following forms  
\_\_\_ Response (**FL-120**)  
\_\_\_ UCCJEA Declaration (if you have children) (**FL-105**)  
\_\_\_ Fee Waiver Application and Order (if applicable) (**FW-001 & FW-003**)  
\_\_\_ Proof of Service (**FL-330 or FL-335**)
- Step 2:** \_\_\_ Serve a copy of the Response (**FL-120**) and UCCJEA (**FL-105**) on the other party with a Proof of Service (**FL-330 or FL-335**). This must be done by someone over 18 and not a party to the action. It can be done personally or by mail. Have the server complete the proof of service.
- Step 3:** \_\_\_ File the original Response, the completed Proof of Service and one copy of each at the clerk's office. The clerk will file the original and give you the copy.
- Step 4:** \_\_\_ Prepare the Declaration of Disclosure (**Do NOT** file/only serve) (**FL-140**)  
\_\_\_ Income and Expense Declaration (**FL-150**)  
\_\_\_ Schedule of Assets and Debts (**Do NOT** File/only serve) (**FL-142**)  
\_\_\_ Declaration Regarding Service of Declaration of Disclosure (**FL-141**)
- Step 5:** \_\_\_ Serve the completed Declaration of Disclosure (**FL-140**), Income and Expense Declaration (**FL-150**) and Schedule of Assets and Debts (**FL-142**). File the Declaration Regarding Service of Declaration of Disclosure (**FL-141**) and Income and Expense Declaration (**FL-150**) with the clerk's office.

**RESPONSE FILED, NO AGREEMENT:**

**IF**, after you file and serve your Response and Preliminary Declarations of Disclosure (Steps 4 and 5), you are **UNABLE** to reach an **agreement** with the Other Party, please seek the advice of an attorney or Self Help Attorney 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 a Request for Order (**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 (**FL-150**), if support is requested.

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- And** Child Custody and Visitation Attachment (if applicable) **(FL-311)**
- Proof of Personal Service **(FL-330)** (to be completed by server)

- Step 2:**  Make two copies and take to the clerk's office for signature by the judge.
- Step 3:**  After the judge has reviewed your Request for Order, the judge will (1) Sign the Order to Show Cause and assign a hearing date, (2) Reject it with additional instructions (3) Assign a hearing date without temporary orders or (4) Reject it with no additional instructions. It will be your responsibility to check with the court to see if the documents have been signed.
- Step 4:**  If the Request for Order is signed, you must have the OSC documents personally served on the other party (by someone over the age of 18 not a party to the action) at least **16 court days** prior to the hearing date. Have the server complete a Proof of Service **(FL-330)**.
- Step 5:**  After the Request for Order is personally served, take the completed Proof of Service and one copy to the filing office **immediately**.
- Step 6:**  If Child Custody and Visitation are in issue, immediately contact Family Court Services at 251-8205 to schedule Child Custody Recommending Counseling.
- Step 7:**  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 original and two copies of the Order and the Proof of Service **(FL-335)** 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 **(FL-335)** and one copy with the clerk's office.

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**LEGAL TERMS DEFINED**

**PETITIONER:** The Petitioner is the party who filed the initial action with the court.

**RESPONDENT:** The Respondent is the other party who is served with the initial court papers.

*\*\*The reference to Petitioner and Respondent does not change throughout the case even if you are the party who files the Notice of Motion/Order to Show Cause\*\**

**LEGAL CUSTODY** means that various parental rights are held by both parents no matter how the child(ren)'s time is shared with each parent. These rights include access to medical and education records.

**Joint Legal Custody** means that both parents make decisions together.

**Sole Legal Custody** gives one parent authority to make decisions.

**PHYSICAL CUSTODY** refers to the physical residence of the child(ren). Physical custody is the division of time with each parent.

**Joint Physical Custody** means that each parent has significant time with the child(ren).

**Sole Physical Custody** means that the child(ren) has a primary residence with one parent.

**CHILD CUSTODY RECOMMENDING COUNSELING** is a confidential process where a third person meets with both parents and assists them in reaching agreement on a parent plan that is best for their child(ren).

**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:** (1) California for the last six (6) months and (2) The county where you plan to file the divorce for the last three (3) months. If you or your spouse has 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: (1) Force, fraud, or physical or mental incapacity, (2) One of the spouses was too young to legally marry, and/or (3) One of the spouses was already married.

# FL-107-INFO Legal Steps for a Divorce (Dissolution)

## STEP 1. File Forms

- The **petitioner** (the person who files the first divorce forms with the court) fills out and files at least a *Petition—Marriage* (Form FL-100) and a *Summons* (Form FL-110) and, if there are children in the marriage, Form FL-105.
- The **clerk** will stamp and return copies to the petitioner.
- The forms needed to start a divorce, as well as information about filing fees and fee waivers, are available at “Filing Your Case,” at <http://courts.ca.gov/selfhelp-divorcesteps.htm>.

## 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.”) See “Serving Your First Set of Court Forms” at <http://courts.ca.gov/selfhelp-divorcesteps.htm> for more information.
- The **petitioner** must wait 30 days after Step 2 is complete before continuing the divorce.
- The **respondent** has these 30 days to file and serve a *Response*.

## STEP 3. Disclose Financial Information

- The **petitioner** must fill out a *Declaration of Disclosure* (Form FL-140), an *Income and Expense Declaration* (Form FL-150), and a *Schedule of Assets and Debts* (Form FL-142) and have them served on his or her spouse.
- If the **respondent** files a *Response*, he or she must also complete and serve the disclosure documents listed in step 3.
- The **petitioner** and the **respondent** each then file a *Declaration Regarding Service* (Form FL-141) with the court saying they did this. If the respondent does not give petitioner these papers, the petitioner can still finish the case without them. Read the information on “Fill Out Your Financial Declaration of Disclosure Forms” at <http://courts.ca.gov/selfhelp-divorcesteps.htm>.

## STEP 4. Finish the Divorce 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/selfhelp-divorcesteps.htm> for more information.

**No Response WITH 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/selfhelp-divorcesteps.htm> for more information.

### Respondent files a *Response*

**Response AND agreement:**  
Either party files *Appearance, Stipulations, and Waivers* (Form FL-130) and the proposed *Judgment* (Form FL-180) with written agreement attached and other needed forms. See “Uncontested Case” at <http://courts.ca.gov/selfhelp-divorcesteps.htm> for more information.

**Response and NO agreement:** The court may try to help the parties reach an agreement. Otherwise, parties must go to trial. See “Contested Case” at <http://courts.ca.gov/selfhelp-divorcesteps.htm> for more information.

## IMPORTANT NOTICES

- The earliest you can be divorced is six months and one day from the date the respondent (1) was served, (2) filed a *Response—Marriage* (Form FL-120), or (3) filed an *Appearance, Stipulations, and Waivers* (Form FL-130). You must complete step 4 to get your divorce. You are NOT divorced until you receive a *Judgment* signed by the court.
- If you need court orders for child support, custody, parenting time (visitation), spousal support, restraining orders, or other issues before the divorce 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.
- You must keep the court and the other party informed of your mailing address. File *Notice of Change of Address* (Form MC-040) to tell the court if you have moved.

### Ways to resolve divorce cases out of court

You may prefer to resolve some or all of the issues in your divorce without having the court decide for you. You and your spouse can put your agreement in writing and file it in your divorce 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 that suggestion or use it to help in further negotiations.

#### 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.
- **Mediators.** A lawyer or counselor who helps the parties communicate to explore options and reach a mutually acceptable resolution.
- **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.

For more information about these 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 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 your local bar association, the State Bar of California at <http://calbar.ca.gov>, or the State Bar's Lawyer Referral Services at 866-442-2529 (toll-free).
- Hire a private mediator. Contact your local bar association, court Alternative Dispute Resolution (ADR) program, or Family Court Services for a referral.
- 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 or a 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).

**Remember - The earliest you can be divorced is six months after you serve the divorce papers. AND, to be divorced, you MUST have a divorce judgment signed by a Judge. You have to finish Step 4 (see other side) to be divorced.**