



Serving a Dissolution, Legal Separation or Nullity Case (Step 2)

Purpose of the Packet

This packet will provide you with instructions and forms for the completion of the next step of your Dissolution, Legal Separation or Nullity case. Step 2 of the process requires you to have your spouse or partner served with a copy of your filed documents. There are several ways to obtain a judgment depending on what happens after you file and serve the first papers. There are self-help packets available to assist you in completing your case. This is a very complex area of law, and you may want to seek help from a private attorney for guidance before choosing which method to use to complete your case.

Serving Documents

Now that your forms are filed, the next step is serving your spouse or partner. You will need the “Documents to be Served on Your Spouse or Partner” packet. Generally, hand-delivery of the forms, which is called “personal service,” is required. However the Court encourages parties to cooperate in effecting service using a Notice and Acknowledgment of Receipt. Instructions on “personal service” and instructions on “service by mail with acknowledgment” are described below. Other methods of service are only allowed in special situations. If you anticipate problems getting your spouse or partner served by hand-delivery or if he or she lives outside of California, you may discuss your options for other service methods with a private attorney.

Personal Service

In order to have your spouse or partner personally served, follow these instructions:

1. Select Another Adult to Serve Your Spouse or Partner

You may not serve documents in your own case. Instead, select an adult friend, relative, Sheriff or professional process server to do the service of your forms on your spouse or partner. Both the Sheriff and a private process server charge a fee for the service. If your filing fees were waived by the court, the Sheriff may be able to serve your papers at no cost to you. If your spouse or partner is incarcerated, there should be someone at the facility who will serve him or her for you. You may contact the facility directly and ask to be connected to the person or department that serves legal documents on inmates. Follow carefully the instructions they give on how to obtain their help in serving your spouse or partner.

2. Provide Server with the Forms

The server will need all of the following forms to serve on your spouse or partner:



- A filed copy of the Summons, FL-110
- A filed copy of the Petition, FL-100
- A filed copy of the Declaration Under UCCJEA (if you have minor children), FL-105
- “Documents to Serve on Your Spouse or Partner” packet

3. Server Hand Delivers the Forms

The server must walk up to your spouse or partner and hand the documents to him or her. If your spouse or partner refuses to take the papers and the server is face-to-face with your spouse or partner, the server can say “you are now served with legal papers” and drop the papers at your spouse or partner’s feet. Your spouse or partner does not have to sign anything or agree to the service.

Service by Mail (Notice and Acknowledgment of Receipt, form FL-117)

California Code of Civil Procedure §415.30 permits service by mail with Notice and Acknowledgment of Receipt. If you would like to pursue this method of service you must do the following:

1. Select Any Adult Over the Age of 18 (Sender) to Mail the Forms to Your Spouse or partner

You may not mail the documents in your own case. Instead, select a friend or relative over the age of 18 to mail them for you.

2. Provide the Sender with the Forms

The server will need all of the following forms to serve on your spouse or partner:

- A filed copy of the Summons, FL-110
- A filed copy of the Petition, FL-100
- A filed copy of the Declaration Under UCCJEA (if you have minor children), FL-105
- “Documents to Serve on Your Spouse or Partner” packet

3. Preparing the Notice and Acknowledgment of Receipt (FL-117)

Complete the caption (top part of the form) only. Below the caption, print the name of your spouse or partner on the line next to the word “To.” Give the form to your server and he or she will complete the rest.

Your sender must complete items 2 and 3, then sign next to where he/she printed his/her name. In addition, your sender must check the boxes in the Acknowledgment of Receipt section, which correspond to the title of each document they are going to mail. Item (a) will always be checked. Item (d)(1) must also be checked if you completed and mailed the Declaration under UCCJEA. Make a copy of this form.

4. Sender Mails

Your sender may now mail all the forms for you. Your sender will mail the original Notice and Acknowledgment of Receipt – Family Law (FL-117) and copy along with all the forms you are serving on your spouse or partner. Your server must also include a stamped



envelope addressed to the server for return of the signed Notice and Acknowledgement of Receipt.

Once your sender receives the completed and signed (by your spouse or partner) Notice and Acknowledgment of Receipt (FL-117), he/she must complete the Proof of Service of Summons (FL-115). If your spouse or partner does not sign and return the FL-117, you must have him or her served personally as described above.

Completing the Proof of Service of Summons, form FL-115

The Proof of Service of Summons (FL-115) notifies the Court that the other party was properly served with the necessary documents by another person over the age of 18, who is not a party in the case. You can complete part of the form now, and have the server complete the rest later.

The boxes at the top of page are called the “caption.” Complete them exactly as you did on your Petition.

Item 1. Check boxes a. and d, if appropriate. At item 1d, check any additional boxes for items that apply in your case, including box (1) if you have minor children of the marriage. If any of the boxes do not apply in your case, leave them blank.

Once service is accomplished, the server must complete the remainder of the original Proof of Service of Summons. This includes when and where service occurred, how service was accomplished, the name and address of the person who did the service, the date the Proof of Service form was completed and the signature of the server. If a professional process server, the Sheriff or a Corrections Officer is the server, they may prepare a different form of Proof of Service than the one the court normally uses. This form, if completed properly, should be acceptable.

File the completed Proof of Service of Summons along with the Notice and Acknowledgment of Receipt (FL-117) if applicable, plus one (1) copy as soon as service is complete.

If service can not be accomplished by the means listed above, there are additional service options available; however, the court does not provide written instructions for each method.

Your spouse or partner has 30 days from the date of service to respond to your court forms, or longer if you do not return to court promptly to take the next step. On the 31st day after service, if you have not received a Response in the mail and your Declarations of Disclosures are completed and filed, you may be eligible to take your spouse or partner’s default.

If your spouse or partner chooses to respond, he or she will complete the blank Response and Declaration Under Uniform Child Custody Jurisdiction And Enforcement Act for minor children. These forms are in the group of blank documents served on your spouse or partner. These forms must be served on you by mail or hand-delivery before being filed with the court. You will know when your spouse or partner responds in the case because you will



receive a copy of the Response form. If you receive your spouse or partner's Response, you need not wait 30 days to take the next step.

Finishing the Case

There are several ways to obtain a judgment depending on what happens after you file and serve the first papers. There are self-help packets available to assist you in completing your case. This is a very complex area of law, and you may want to seek help from a private attorney for guidance before choosing which method to use to complete your case.

Regardless of how you finish your case, be aware that your marital action will not be complete until you have a Judgment signed by the Judge.