



Starting a Dissolution, Legal Separation or Nullity Case

Purpose of the Packet

This packet will help you open a court case to end your marriage or domestic partnership through a divorce (dissolution), or annulment (nullity), or for you to become legally separated. This packet is step one of a multi-step process to guide you to the final judgment in your case. Another step of the process requires you to complete financial disclosures. You may also want to download the [How to Complete the Declarations of Disclosure](#) packet at this time. All of the steps are described in the [Divorce Roadmap](#), with links to the forms and instructions available for each step. 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 (a referral list is available at the Self Help Center) or contact the Family Law Facilitator for guidance before choosing which method to use to complete your case.

The Purpose of the Case

There are three types of marital actions: Dissolution of Marriage/Domestic Partnership, Legal Separation and Nullity.

1. Dissolution of Marriage/Domestic Partnership

A Dissolution of Marriage or Domestic Partnership (divorce) ends the marriage or domestic partnership and resolves related issues, including child custody, visitation, child support, spousal or partner support, asset and debt division, former name restoration and even restraining orders.

2. Legal Separation

A Legal Separation case is like a Dissolution of Marriage in terms of the range of issues that are resolved in the case, but is different in that the parties remain married or registered domestic partners.

3. Nullity

A Nullity case is more commonly known as an annulment. Once the Court grants a nullity, the marriage or domestic partnership ends and it is as if the parties were never married or domestic partners. A nullity will only be granted on one of the following grounds:

- a. Incest: This means the parties are close blood relatives, such as siblings.
- b. Bigamy: This means one party was married to another person at the time of marriage or in another domestic partnership at the time the domestic partnership was registered.



- c. **Underage:** This means a party was below age 18 at the time of marriage or registration and did not obtain parental consent and a court order permitting the marriage or domestic partnership.
- d. **Prior Existing Marriage or Domestic Partnership:** This means a party married or registered on the mistaken belief that his or her previous marriage or domestic partnership had ended in the death of the other spouse or partner, who in fact was still living.
- e. **Unsound Mind:** This means a party could not and has not formed the intent to enter into a marriage or domestic partnership due to a mental condition. These grounds may not be used if the party of unsound mind, after coming to reason, freely cohabitated with the other party as a spouse or domestic partner.
- f. **Fraud:** This means deception regarding a significant matter that led to the marriage or domestic partnership and continued until the breakup (you were tricked into marrying or registering).
- g. **Force:** This means threats or acts of harm were used to force one or both parties into the marriage or domestic partnership.
- h. **Physical Incapacity:** This means a party was and continues to be physically unable to consummate the marriage.

No matter which of these three case types you want to start, the same forms are used.

GETTING STARTED

Before completing the forms, there are 2 issues to be considered:

1. Starting Your Case in the Proper Place

You need to be sure that you start your case in the correct county and state. A dissolution action may be started in this county if one or both spouses have resided in this county for at least the last 3 months and in the state of California for at least the last 6 months. Cases involving legal separation or nullity have less strict residency requirements. For legal separation or nullity cases, one or both spouses need only be a resident of this county at the time this case is started. If you want a divorce, but neither spouse meets the residency requirements yet, you can start a Legal Separation and amend your Petition to request a Dissolution of Marriage once you meet the residency requirements and before the judgment has been entered.

California only has jurisdiction over domestic partnerships that were registered in the State of California or where at least one of the partners has been a California resident for at least six months and a resident of the county where the case is to be filed for the past three months. A dissolution action should be filed in the county where one or both partners reside. If neither partner resides in California, you may file in the California county in which the parties were married or where the domestic partnership was registered.



In addition to the residency requirements, there are some rules to consider if your spouse or partner resides outside California. Specifically, a spouse or partner who lives in another state or country can object to jurisdiction in California. In that event, this court may be prevented from making important orders in your case. You may want to seek legal advice about how to proceed if your spouse or partner lives outside California. If there is property located outside California, children of the parties that reside outside of California and/or any other complex issues, seek help from a private attorney.

2. Avoiding Multiple Case Filings

If either you or your spouse or partner has previously filed a case for this relationship, you may want to consult an attorney or contact the Family Law Facilitator to see if it is appropriate for you to proceed with a new case.

Completing the Initial Forms

To get started, you will need the following forms:

- Summons, form FL-110
- Petition, form FL-100
- Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (if there are minor children), form FL-105
- Family Law Case Participant Enrollment Form (Party), local form FL/E-LP-665
- Proof of Service of Summons, form FL-115

You will find the name of these and other documents at the bottom center of the document and the form number in the upper right hand corner of the document.

Parties To The Case

PETITIONER: You are filing the first document in the case, which is called the "Petition." Therefore, you will be called the Petitioner. You will remain the Petitioner for the life of the case.

RESPONDENT: If your spouse or partner wishes to respond to your Petition they will need to file a "Response". Therefore, they will be called the Respondent (even if they choose not to respond). They will remain the Respondent for the life of the case.

Completing the Summons, form FL-110

At the top of the page, print the full name (first, middle, and last name) of your spouse or partner next to the words "Notice to Respondent."

Below that, print your full name next to the words "Petitioner's Name Is."

Item 1. The name and address of the court may already appear here. If not, print the following information:

Superior Court of California, County of Sacramento
3341 Power Inn Road
Sacramento, CA 95826



Item 2. Print your full name, mailing address, telephone number, fax number and email address. This address will be used by the Court and all other parties to the case to send legal notices and copies of documents filed with the Court. If you would like to change the address where forms and notices are sent, you must file a Notice of Change of Address or Other Contact Information, form MC-040.

Do not date the form. The court will do so when you file your papers.

Take a moment to read the information in the boxes on the front and back of the Summons. These Restraining Orders are very important and apply to both parties. They apply to you when the forms are filed and they apply to your spouse or partner once they have been properly served.

Completing the Petition, form FL-100

In the top left box of the document print your full name, mailing address and telephone number. In the space next to "ATTORNEY FOR" print "Self." This lets the other party and the Court know that you are acting as your own attorney in this case.

In the second box down, the court's name and address may already appear. If not, print the following information:

County of Sacramento
3341 Power Inn Road
Sacramento, CA 95826
Family Relations Courthouse

In the third box down next to the word "Petitioner" print your full name and next to the word "Respondent" print your spouse or partner's full name. Throughout this case, you will be called the Petitioner and your spouse or partner will be called the Respondent.

In the fourth box down, you will see the words "Petition For." Check the box for the type of judgment you are seeking.

If you want a divorce but neither of you has met the 6-months-in-California and 3-months-in-the-county residency requirement, then you may request a Legal Separation and later amend your Petition to request a Dissolution of Marriage once you have satisfied the residency requirement.

Item 1: Legal Relationship. Read each statement and check all the boxes that apply to your situation.

Item 2: Residence Requirements. Read each statement and check all the boxes that apply to your situation.

Item 3: Statistical Facts. If you are married, you must complete section a, parts 1-3. If you are registered domestic partners, you must complete section b, parts 1-3. If you are trying to dissolve both a marriage and a domestic partnership with the same person, complete both sections.

Items 3a(2) and 3b(2) ask for the date of your separation, which is the date either party decided the marriage or partnership was over and acted accordingly. Consider this date carefully, as it can affect property division and spousal or partner support.



Items 3a(3) and 3b(3). Print the time period – expressed in years and months -- between the date of marriage or registration and the date of separation that you provided in *items (1) and (2)*. This is considered the length or “duration” of your marriage or partnership.

Item 4: Minor Children.

Check box 4a if there are no minor children born to or adopted by you and your spouse or partner during your marriage or partnership.

Check box 4b if there are minor children of the marriage or partnership, including biological and adopted children, but not including stepchildren. Print the children’s names, birth dates, ages and sex in the appropriate space. If there is an unborn child, check the box at 4b(2).

Item 4e, check the box if there is a minor child born before the date of the marriage or partnership and if both parents signed a Voluntary Declaration of Paternity form regarding that child. Also check the box to indicate whether the Voluntary Declaration of Paternity form is attached. A copy can be obtained from the Department of Child Support Services. The Voluntary Declaration of Paternity form is important because it establishes parentage, which is necessary before other orders can be made regarding a child born prior to the parents’ marriage or partnership.

In the bar at the top of page two, print the party names and case number where indicated.

Item 5: Legal Grounds. In this section, you will indicate again whether you are seeking a dissolution, legal separation or a nullity. Check box 5a, 5b, or 5c for the option that applies to you. You also need to check the appropriate box to indicate the grounds for your request in this section.

For Dissolution or Legal Separation in California, there are only 2 legal grounds. The first is “irreconcilable differences,” meaning the marriage or partnership cannot be saved. The other reason is “incurable insanity” which, unlike irreconcilable differences, must be proven. Only check the box for “incurable insanity” if you will be able to prove it in court.

If you are seeking a nullity, check the box in section 5c that identifies the grounds for your nullity. You will need to prove in a court hearing that your factual situation satisfies one of these grounds. The grounds are limited to the items listed. In addition, an action for nullity must be brought within 4 years after the basis for the nullity arose. If it has been more than 4 years since the grounds for nullity were discovered, you cannot file for nullity and will have to select either dissolution or legal separation.

If you qualify for a nullity based on one of these grounds and meet the time requirement, check the appropriate box. If you checked the box for nullity on the front page, but now realize that you do not qualify for nullity, be sure to change the box on the front page.

Section 6: Child Custody and Visitation (Parenting Time): If you do not have minor children with your spouse or partner, skip this section. If you have minor children with your spouse or partner, you must indicate what type of custody/parenting time you are seeking. Before you propose a custody arrangement, you may want to seek legal advice about the effects of the plan on the ability of the parents to relocate with the child, your tax filing status, exemptions and other important matters.



Item 6a, Legal custody. Legal custody determines which parent will make decisions concerning the child's health, safety, education and welfare. Joint legal custody means both parents should cooperate in decision-making, but that either parent has the power to make decisions alone, unless there is an agreement or order that some decisions must be made with consent of both parents. Sole legal custody means only one parent can make decisions. Check the appropriate box at 6(a) for your choice of legal custody to one parent or joint legal custody to both parents.

Item 6b, Physical custody. Physical custody determines where the child will reside. Sole physical custody means the child lives with one parent and may or may not visit the other parent. Joint physical custody means the child resides with both parents. Joint physical custody does not necessarily mean that the parents have equal time with the child, but it may. Be aware that the equal timeshare option may complicate your tax filing status and exemptions, so you should seek advice about how to handle your tax returns if you share equal physical custody with the other parent.

Item 6c, Child Visitation. Here you may propose a visitation or parenting plan describing when the child will be with either parent. The visitation plan is an extremely important part of this form and its completion should be handled with care.

If you wish to provide the Court additional information about your request, you may do so using form FL-311 (used to detail your proposed visitation schedule), FL-312 (used to prevent a possible child abduction), FL-341(C) (used to detail your proposed holiday visitation schedule), FL-341(D) (used to request parental communication on issues related to the child(ren)), FL-341(E) (used if you have requested joint legal custody) or a separate sheet of paper which you will label "Attachment 6c(1)." If you complete one of more of these forms, check the box after the words "As requested in" for the form that you used and attach that form to your Petition.

Item 7: Child Support. This item informs you about Child Support. In most cases, the court will make orders for support of the children and issue a wage assignment. If you want the court to do something different, check the box at 7d and print your request in the space provided.

Item 8: Spousal or partner support. This section deals with spousal or partner support, which means financial assistance for a spouse or partner – not children. There are many factors that affect whether spousal or partner support can be ordered, and for how long. Some factors include the length of the marriage or partnership, whether the supported spouse or partner has marketable skills and whether there have been periods of unemployment to raise the children of the marriage or partnership.

Spousal or partner support may be payable now or reserved for later. If you would like to pay or receive spousal or partner support now, then check the box at 8a and also check the appropriate box for Petitioner or Respondent to indicate which party should receive the support. If you do not want spousal or partner support now or later, then check the box at 8b and indicate which party will never receive or request support by checking the appropriate box for Petitioner or Respondent. If instead you want to reserve the option of spousal or partner support for later, then check the box at 8c and indicate the party who should have the right to request support at a later date, if needed, by checking the box for Petitioner or Respondent. You may request different support orders for each party.



Item 9: Separate Property. Separate property is defined as any assets or debts acquired before the date of the marriage or partnership and after the date of separation, or acquired by gift or inheritance. If there is no separate property to confirm to either spouse or partner, check box 9a. If you want any items of property confirmed as the separate asset or debt of either you or your spouse or partner, check *item 9b*, list each item and indicate to whom it is to be confirmed. Do not list here any joint assets or debts that you and your spouse or partner have divided between you informally. Until you receive the final judgment confirming your division, the items acquired during marriage or partnership continue to be “community property,” and should be listed under *Item 10*. If you need additional space to list separate assets and debts, you may attach a page and label it “Attachment 9b.” You may also use form FL-160, Property Declaration, as your separate property declaration. If you use either of these attachments, check the appropriate box and attach the form to your Petition.

Item 10: Community and Quasi-Community Property. Community property is defined as assets or debts acquired between the date of marriage or partnership and the date of separation, except for gifts or inheritances to one spouse or partner. Community property can be acquired in either or both spouse or partner’s names. So, for example, even if you kept separate bank accounts during marriage or partnership, any earnings from employment during marriage or partnership that were deposited into those accounts are community property. If you signed a pre- or post-nuptial agreement with your spouse or partner regarding your property rights, you will need to look at that agreement to see how your rights may have been altered. Quasi-community property is community property that is located outside of California.

Check box 10a if there are no community assets or debts for the court to divide. Be aware that the court can only issue orders regarding assets or debts that you list. If an asset or debt is not included, your spouse or partner may be able to have your judgment set aside later so the court can divide the item in question.

Check box 10b if you have community assets or debts, then list the community assets and debts in the space provided or on an attachment. At this stage you need only list the community property. You do not need to propose a division of property now. Some items like houses may have both community and separate property components. In that case, you may list the item as both separate and community property. Be sure to list all major items individually, including: cars, bank accounts, 401k, pension plans, stocks, and things of special importance to you. If you need additional space, you may attach an additional page labeled “Attachment 10b.” You may also use form FL-160 Property Declaration as your attachment for community property. If you are using an attachment, check the appropriate box.

Also be aware that you should list all assets and debts that both you and your spouse or partner should be awarded. If you list only the items that you want awarded to you, then the court may have no choice but to divide those items equally between both of you.

Before you submit your Petition to the court for filing, you may wish to seek legal advice about your property rights. The law regarding community and separate property is very complex, and what you put on your Petition now may affect your rights later. The Family Law Facilitator’s Office is not permitted to advise you about what you should claim as community or separate property. A consultation with a private attorney is recommended if you have any questions about your rights.



Item 11: Other Requests. This item is used for anything else you would like included in your judgment which was not covered elsewhere in the Petition.

Item 11a: Attorney's Fees and Costs. Attorney fees are applicable if you plan to hire an Attorney. When you file your Petition, you will be asked to pay a filing fee. If you want the other party to pay or share these expenses, you may check the box for Respondent at *Item 11a*.

Item 11b: Name Restoration. If you want to have your former name restored, check *Box 11b*. Print the name you want restored after the word "specify." Print the full name -- first, middle and last name -- that you want restored. You may not ask to restore the former name of your spouse or partner. That is only for your spouse or partner to request.

Item 12: Standard Family Law Restraining Orders, confirms that you have read the restraining orders on the back of the Summons, and understand they apply to you when this Petition is filed.

In the space marked "Date" below Item 9, print today's date. Print your name on the line that says "Type or Print Name," and sign on the line to the right, where it says "Signature of Petitioner." Please note that you are signing under penalty of perjury, which means that everything on your Petition is true and correct.

Completing the Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA), form FL-105/GC-120

Do not complete this form if you have no minor children with your spouse or partner. If there are no minor children involved in your case, then you may skip this form and pick up again with the Proof of Service of Summons form.

The purpose of the Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act is to inform the court where the child has lived in the last 5 years or since the birth (if your child is under 5 years old), and whether the child has been the subject of other court cases concerning custody. It also requests information as to other people who seek custody or visitation rights with the children. If after completing and filing this form, you become aware of additional information regarding a custody proceeding in another court, you must complete and file an amended UCCJEA declaration.

At the top of the page, print your name, mailing address, and telephone number.

In the second box down, the court's name and address should be typed. If not, please print the name and address of the court in the space provided.

County of Sacramento
3341 Power Inn Road
Sacramento 95826
Family Relations Courthouse

In the third box down next to the word "Petitioner" print your full name and next to the word "Respondent" print your spouse or partner's full name.

The fourth box down applies to guardianship cases only. Leave it blank.



Item 1 states that you are a party in this case.

Item 2. Check the box if your address is confidential if there are allegations of domestic violence or child abuse and you are using a mailing address other than your physical address.

Item 3. Print the number of minor children of this marriage or partnership. Include any children of this relationship that were born prior to the marriage or partnership or were adopted by you and your spouse or partner.

Box (a). If there is more than one child of this marriage or partnership, start with the oldest child. Print the child's full name, city and state of birth, date of birth and sex.

Under "period of residence", provide the time period the child lived at each address during the last 5 years, or to the child's date of birth if less than 5 years old. The first line is for the current information, so print the date that the child moved into the home where your child now resides.

In the next box to the right, print the address where the child resides – or as much of it as you know, such as the city, county and/or state. If you do not know the street address, you may print "unknown." If the address is confidential, check the box provided. You must include at least a city and state for each period of residence or the Court will be unable to make custody or visitation orders.

In the next box to the right, print the name of the person with whom the child is living, followed by the relationship of that person to the child -- for example, "mother" "father" or "parents." If the child is living with someone other than a parent, be sure to provide that person's name and address.

In the last box to your right print the relationship of that person to the child – "mother," "father," "parents," or "grandmother."

On the next line down, provide all of the information requested relating to the child's previous residence(s). Be sure to indicate the dates the child moved into and out of that address. Continue on separate lines for each address. If there are more addresses than will fit on the form, check *box c* at the bottom of the page and continue on a separate sheet of paper.

To better understand how to fill in the Period of Residence portion of the form, you may find the following example helpful. Suppose your child moved to his current residence in January 1999. You would fill in that date on the first line so that it reads "January 2007 to present". Then you would go to the second line and fill in "January 2007" after the word "to," because this is also the last date the child resided at his previous address. Then you would back up and fill in the date the child moved into that address so that the second line reads, "May 2006 to January 2007."

This form can also be confusing when the child has lived with both parents. It is acceptable to list both parents' names in the section for "Person Child Lived With" for periods of time you lived together as a family. Also, when both parents share custody of the child in two different homes, you can show this by completing two lines for the same periods of residency and by listing the parents' names and the different address of each parent in the address box.



Box b further down the page needs to be completed if there is more than one child. If the residence information is the same as the first child, check the box below the child's name that says, "Residence information is the same as given above for child a." If the information is not the same, provide the new information.

If there have been more addresses for the child(ren) than will fit in the boxes provided, check *box c* and attach an additional page labeled "Additional Residence Information." Use this additional page to list all other addresses for the past five years in the same way you listed the most recent addresses.

If there are more than two children *check Box d* located at the bottom of the form and complete and attach form FL-105(A). Use this form to list the same information for the additional children as was included for the first two children.

In the bar at the top of page two where it says "Short Title," print your last name followed by your first name and your spouse or partner's first name. If your spouse or partner's last name is different than yours simply print it like you did your name.

Item 4 asks whether you have information about, or have you been a party or witness in a case in California or elsewhere, concerning custody of the child(ren) involved in this case? This includes family law, guardianships and juvenile dependency cases. If not, check the box for No. If you do know of a case, check the box for Yes, and provide the information requested about that case under the appropriate case type.

Item 5 asks if one or more domestic violence restraining/protective orders are now in effect. If not, leave this item blank. If you do know that such orders are in effect, check the box next to 5., check the box next to the type of case in which the restraining order was issued and provide the information requested. If you have a copy of the orders, attach them.

Item 6 asks if there is anyone who is not a party to the case who has physical custody or claims to have custody or visitation rights with any child in this case. If not, check the box for No. If you do know of a non-parent seeking custody or visitation rights, check the box for Yes and provide the information requested about that person in *items a, b* and *c*.

At the bottom left of the form, print today's date next to the word "Date." Print your name on the line below the date and sign your name on the line to the right.

Item 7: If you completed any additional pages or form FL-105(A), check the box next to 7 and print the number of pages you are attaching on the line.

Family Law Case Participant Enrollment Form (Party), local form FL/E-LP-665

In Sacramento County, family law documents prepared by the Court are published to a secure web site where only parties to the case who have created an online account can view and download them. The Family Law Case Participant Enrollment Form is used to register an email address that will be used to access the online account. Within twenty-four (24) hours of filing your forms, you should receive an email advising you that an account has been created for you to access any documents posted in your new case. Follow the link in the email to confirm your account and create your unique password. This account will be used for the life of your case. If your email address changes, you will be required to



file a new Family Law Case Participant Enrollment Form in order to continue to have access to documents posted by the Court.

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

The proof of service of summons 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 will 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 1a and 1d, if appropriate. At item 1d, check any additional boxes (from item 1d(1) to item 1d(8)) that apply in your case. If you have minor children of the marriage or partnership you should check box 1d(1) and include a completed Declaration Under Uniform Child Custody Jurisdiction and Enforcement (form FL-105) and provide a blank form for the respondent. If any of the boxes do not apply in your case, leave them blank.

The remainder of the form, front and back, will need to be completed later by the person who serves your spouse or partner.

Filing the Forms

At this point you are ready to prepare your forms for filing with the court.

1. Making Copies

First, you will need two copies -- plus the originals -- of the documents you have just completed, including the:

- Summons
- Petition
- Declaration Under Uniform Child Custody Jurisdiction And Enforcement Act (if applicable)

Note that you should make an extra set of copies if you are going to ask a Sheriff or correctional facility to serve papers on your spouse or partner.

In addition, set aside the following additional forms to serve on your spouse or partner:

- Response (leave blank), form FL-120
- Declaration Under Uniform Child Custody Jurisdiction And Enforcement Act (if you completed one; leave blank), form FL-105
- Proof of Service by Mail (leave blank), form FL-335

These forms do not need to be filed by you, but you are required to have them served on your spouse or partner. You will find the Response forms packet at the following link:

<http://www.saccourt.ca.gov/family/docs/fl-serve-file-response-packet.pdf>

2. Filing Forms with the Family Law Filing Clerk



When you are ready to file your forms, you may mail them to the Court, drop them in the Drop Box inside the lobby of the courthouse or file them in person. If you file by mail, send your forms, copies, a self-addressed stamped envelope and filing fee to the following address:

Sacramento Superior Court
Family Relations Courthouse
3341 Power Inn Road, Room 100
Sacramento, CA 95826

If you file in person, take all of the forms you have completed and the copies to Reception near the front entrance of the Family Relations Courthouse and get a service ticket before 4:00 pm.

3. Paying Filing Fees or Requesting A Fee Waiver

When you file your forms, you must pay an initial filing fee. If you cannot afford the filing fee, and you qualify, you may submit a fee waiver application to ask that you not be required to pay filing fees for a period of time. In order to qualify for a fee waiver you must receive a qualifying type of public assistance or fall within the low-income guidelines, which are described in the fee waiver packet.

You may download the guidelines, forms and instructions at the following web address:

http://www.saccourt.ca.gov/fees/fee_waiver.asp

4. Filing Forms with the Family Law Filing Clerk

When your forms are filed, the clerk will issue you a case number, stamp this number on your forms and place your original Summons, Petition and Declaration Under Uniform Child Custody Jurisdiction And Enforcement Act (if any) inside the new court file. The clerk will file stamp and return the copies to you.

You will receive two sets of copies of the forms you completed. Organize the copies so that you get one copy of all the completed forms and your spouse or partner gets a copy of the same forms. You will also need to serve your spouse or partner with blank response forms.

Serving the Forms on Your Spouse or partner

Now that your forms are filed, the next step is serving your spouse or partner. 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” will be 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 want to discuss your options for other service methods with a private attorney or contact the Family Law Facilitator.

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

Be sure to include a copy of all the completed forms as well as the blank forms.

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.

4. Server Completes the Proof of Service

Once hand-delivery 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 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.

5. File the Proof of Service of Summons

After the Proof of Service of Summons is completed by the server, make a copy of it. File the original and a copy with the Court. The Court will keep the original for the court file, and return the file-stamped copy to you. Keep this copy with your other court papers, as you will need it later to finish the case.

Service by Mail (Notice and Acknowledgment of Receipt – Family Law)

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

Be sure to include a copy of all the completed forms as well as the required blank forms. You will also need a Notice and Acknowledgment of Receipt – Family Law (FL-117), and a Proof of Service Summons (FL-115).

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



- A. 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."
- B. Your sender will complete items 2 and 3, then sign next to where he/she printed his/her name.
- C. In addition, your sender must check the boxes in the ACKNOWLEDGEMENT OF RECEIPT section, which correspond to the title of each document they are going to mail. Item (a) will always be checked. Item (e)(1) must also be checked if you completed and mailed the Declaration under UCCJEA.
- D. 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.

5. Sender Completes the Proof of Service

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

6. File the Proof of Service and Attached Copy of Notice and Acknowledgment of Receipt – Family Law (FL-117)

After the Proof of Service of Summons is completed by the server, attach the Notice and Acknowledgment of Receipt – Family Law and make a copy. File the original and one copy with the Court in the same manner as described earlier. The filing clerk will keep the original for the court file, and return the file-stamped copy to you. Keep this copy with your other court papers, as you will need it later to finish the case.

Preparing Financial Disclosures

The financial disclosure forms consist of the following documents:

- Declaration Regarding Service of Declaration of Disclosure, form FL-141
- Declaration of Disclosure, form FL-140
- Schedule of Assets and Debts (4 sides), form FL-142
- Income & Expense Declaration (4 sides), form FL-150

Even if you have no property issues in your marital action, you must complete and serve all of these forms on your spouse or partner to obtain a Judgment in your case. Your spouse or partner will also have to complete these forms if he or she responds in the case or enters into an agreement with you to finish the case. The forms are exchanged between the spouses or partners to ensure that each party has all the information needed to make informed decisions and to protect against fraud.



You may begin working on the forms right away. As soon as you complete them, be sure to send a copy to your spouse or partner. If you need help completing these forms, an instruction packet entitled *Completing the Declarations of Disclosures* is available on the Court's website. You have sixty (60) days from the date your Petition is filed to complete and serve the financial disclosure forms.

Finishing the Case

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. You may contact the Self Help Center if you are ready to proceed with this next step.

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.

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.

If you need court ordered support, child custody, visitation or other types of court intervention, you may contact the Self Help Center to learn more about the options available to you.