

We The People

California - Dissolution of Marriage (or Legal Separation) without Minor Children Questionnaire

You may use this workbook to ask the court for a dissolution of marriage (or legal separation) when there are NO MINOR children born of, or adopted during, the marriage (including children born to you and your spouse prior to the date of marriage) and the wife is not pregnant. This office can assist you with your uncontested divorce, but if your divorce is or becomes contested we can assist only to a limited extent. Please see your store representative for more information.

It is possible to amend a Petition after it has been filed with the court. The filing and serving of an amended Petition on your spouse may restart your six month mandatory waiting period and may allow your spouse additional time to respond. This office can assist you with your first amended Petition for an additional charge, but we cannot assist with any additional amendments to a Petition.

- Please read each question carefully and answer according to the instructions.
- If a question does not apply to your situation, please write "N/A" or draw a line above the answer blank.
- Please print clearly and legibly in blue or black ink only to avoid processing delays.
- Changes requested after your documents have been prepared may result in additional charges, so please answer every question as thoroughly as possible.

INFORMATION ABOUT YOU

1. Your full name: _____ Male Female
2. Your address: _____
3. City: _____ State: _____ Zip: _____
4. Home phone: (____) _____ Work phone: (____) _____
5. Date of birth: _____ County you reside in: _____

INFORMATION ABOUT YOUR SPOUSE

- Male Female
6. Full name: _____
 7. Address: _____
 8. City: _____ State: _____ Zip: _____
 9. Home phone: (____) _____ Work Phone: (____) _____
 10. Date of birth: _____ County he/she resides in: _____
 11. Is your spouse on active military duty? YES NO

INFORMATION FOR PETITION

12. **Complete the information about the court in which you will file your divorce.** You may use the Court Information Sheet to look up the information. Either fill in the Court Code from the Court Information Sheet or complete the Court/Branch/Address information.

Court Code: _____

OR

County of: _____

Branch name: _____

Street address: _____

Mailing address: _____

City and zip code: _____

13. **Mark all that apply regarding you and your spouse's residency:**

I have been a resident of California for at least the last 6 months and a resident of the county in which I intend to file the divorce for at least the last 3 months.

My spouse has been a resident of California for at least the last 6 months and a resident of the county in which I intend to file the divorce for at least the last 3 months.

Note: If neither of the above statements is true, this office will not be able to assist you with the divorce at this time; however, at your direction, we can assist you with a Legal Separation now, and with amending the petition to a divorce once the residency requirement has been established.

14. **Date of marriage** _____ **Date of separation** _____
(mm/dd/yyyy) (mm/dd/yyyy)

15. **Indicate how separate property assets and debts should be listed on the petition (see Separate Property Note below). Check one box only.**

We have no separate property assets or debts subject to disposition by the court.

The full extent of assets and debts are currently unknown at this time. **Note:** If you check this box and you and your spouse do not sign a marital settlement agreement, the court may not make orders regarding your property unless you first amend the petition to list the assets and debts.

Separate property assets and debts are listed on the Preliminary Disclosure workbook which is attached to this workbook.

Separate property assets and debts are listed on a separate sheet and I have indicated whether each item belongs to husband or wife. *Attach the separate sheet to this workbook.*

Separate Property Note: Separate property assets and debts generally include everything a husband or wife **owns or owes separately**. In most cases that includes:

- (A) Anything either spouse owned or owed before they were married;
- (B) Anything either spouse earned or received after separation;
- (C) Any debts either spouse incurred after separation; and
- (D) Anything either spouse received, as a gift or by inheritance, at any time.

STORE: _____

CUSTOMER: _____

I have reviewed this page for clarity and legibility with the customer.

The above answers were provided by me and I did not receive any legal advice from store personnel in completing my forms.

16. **Declaration regarding community assets and debts currently known** (see *Community Note* below).
Check one box only.

- We have no community assets or debts subject to disposition by the court in this proceeding.**
- The full extent of assets and debts are currently unknown at this time. Note:** If you check this box and you and your spouse do not sign a marital settlement agreement, the court may not make orders regarding your property unless you first amend the petition to list the assets and debts.
- Community assets and debts are listed on the Preliminary Disclosure questionnaire which is attached to this workbook.**
- Community assets and debts are listed on a separate sheet. Attach the separate sheet to this workbook.**

Community Note: Community assets and debts generally include everything a husband or wife accumulated during the marriage. In most cases that includes:

- (A) Money or benefits like pensions and stock options that either spouse earned between the dates of marriage and separation;
- (B) Anything either spouse bought with money earned during that period; and
- (C) Any community debts incurred by either spouse during that period.

Note: If your spouse does not file a response to your petition (known as a "default") and you proceed on your own, it is possible that the only items the court will consider in finalizing your divorce are the requests that you make on your petition. For example, if you do not list any debts on your petition, but you do have debts, the court may not be able to make any orders regarding who is responsible for paying the debts. Similarly, if you do not request spousal support on your petition, the court may not have the authority to order your spouse to pay support to you.

17. **Check all items you are requesting of the court in the petition. Check all that apply.**

- I would like spousal support paid to me.
- I would like to pay spousal support to my spouse.
- I would like the court to terminate its ability to award spousal support to my spouse (both now and in the future).
- I would like the court to divide property between me and my spouse.
- Restore my former name: _____

INFORMATION FOR SERVICE OF DOCUMENTS - Your spouse must be given a copy of all divorce papers before the divorce can proceed; this is known as "service." This office will prepare the proof of service documents based on your selection below; there may be an additional charge if documents have been prepared and you later change your method of service.

18. **How do you plan to serve the divorce papers on your spouse?** Check one box only.

- Notice and Acknowledgement by Mail** - Your spouse will accept service by mail and sign and return the Notice and Acknowledgment of Receipt (FL-117) form to this office.
- Personal Service at this office** - Your spouse will come into this office to be served.
- Personal Service by other third party** - Your spouse will be served by a third party over the age of 18 (e.g., friend, process server, sheriff).
- By Publication** - After diligently searching by speaking with friends, relatives, co-workers, looking in phone books, using the internet, DMV etc, you are unable to locate your spouse. **Note:** If you check this box, ask for a Petition to Publish workbook. You will be required to list the steps you have taken to locate your spouse. There will be an additional charge for that workbook plus costs for publishing in the newspaper.

Page 3 of 3

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CUSTOMER: _____
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