

STATE OF CALIFORNIA

REGULAR DISSOLUTION PACKAGE

ADULT CHILDREN

With or Without Property

Control Number CA-004-D

This packet contains the following:

1. Information about Divorce
2. Form List
3. Form Explanations
4. Instructions and Steps
5. Checklist
6. Access to Law Summary

You and your spouse must agree to all terms of the divorce to use this packet.

INFORMATION ABOUT DIVORCE

1. **WHO CAN USE THESE FORMS:** You may use this petition form for divorce only when all of the following facts are true;
 - (a) You and your spouse have irreconcilable differences;
 - (b) There are no minor children.
 - (c) You and your spouse agree on all terms of the divorce.
 - (d) You or your spouse has lived in California for 6 months and in the county of filing for ninety (90) days before filing the divorce.

2. **THE BASICS:** In a typical divorce, there are basic two requirements that must be met before you can file for a divorce. Those requirements are below:
 - (a) You must satisfy the *residency* requirements.
 - (b) You must satisfy *the no-fault procedures*.

3. **RESIDENCY REQUIREMENTS:** California law requires that at least one of the parties to the dissolution action in California must have been a resident of the state for at least six months prior to the filing of the action and a resident of the county in which the action is filed for at least three months prior to the action being filed. If you and your spouse have lived in California for at least six months but in different counties for at least three months, you can file your case in either county.

4. **GROUND FOR DISSOLUTION OF MARRIAGE:** California law permits a judgment of dissolution of marriage to be granted based upon irreconcilable differences and incurable insanity. Irreconcilable differences are statutorily defined as those differences determined by the court to be substantial reasons for not continuing the marriage and which make it appear that the marriage should be dissolved. For a decree of dissolution of marriage to be granted based upon incurable insanity, proof must be presented to the court that at the time the petition was filed, the insane spouse was, and still is, incurably insane.

5. **LEGAL SEPARATION:** A judgment of legal separation may be obtained in the State of California on the same grounds as those permitted for an action of dissolution of marriage.

This package does not contain forms for a legal separation.

6. **WAITING PERIOD:** No judgement of dissolution of marriage is final until six months have elapsed from the date the respondent was served with a copy of the summons and petition or the date of appearance of the respondent, whichever comes first.

7. **RECONCILIATION CONTINUANCE:** If upon filing of the dissolution action it appears that there is a reasonable chance that the parties may reconcile, the court shall order a continuance of the proceeding for a period not to exceed thirty days.

8. **ALIMONY/SUPPORT:** Since this is an agreed divorce you will decide issues of alimony. The forms assume that no alimony will be paid and is waived but you may add provisions for alimony if you desire. In a contested case, the courts may award alimony to either spouse without regard to marital misconduct. The goal in awarding spousal support is to help the spouse receiving alimony to become self-supporting within a reasonable time. Generally, the courts consider one-half the length of the marriage to be a reasonable time for a spouse to become self-supporting. Factors the court will consider in determining the length and amount of an award of spousal support include:
 - (a) The marketable skills of the supported spouse;
 - (b) The extent to which the supported spouse's present or future earning capacity has been impaired due to duties of the marriage;
 - (c) The extent that the supported spouse contributed to the earning capacity of the supporting spouse;
 - (d) The ability of the supporting spouse to pay;
 - (e) The needs of each party;
 - (f) The obligations and assets of each party;
 - (g) The duration of the marriage;
 - (h) The age and health of the parties;
 - (i) Any other factors the court deems are equitable and just.

9. **DISTRIBUTION OF PROPERTY:** Since this is an agreed divorce the parties will agreed to property distributions. California is a community property state. In a contested case, this means that the court will divide the community property of the parties equally after setting aside to each spouse that spouse's separate property. Community property is presumed to be all property acquired by the parties during the marriage and held in joint form. This presumption may be rebutted by a clear statement in the title by which property is acquired that the property is separate and not community property or by proof that the parties have a written agreement that the property is separate property.

10. **NAME CHANGE:** Upon request in a proceeding for dissolution of marriage, the court may restore a party to their former or birth name.

**For more information, see the California Divorce Law Summary.
FORMS LIST**

The forms included in this package are:

1. Petition for Dissolution of Marriage **(CA-FL-100)**
2. Property Declaration **(CA-FL-160)**
3. Notice and Acknowledgment of Receipt. **(CA-FL-117)**
4. Summons **(CA-FL-110)**
5. Response **(CA-FL-120)**
6. Proof of Service by Mail **(CA-FL-335)**
7. Proof of Service of Summons **(CA-FL-115)**
8. Declaration of Disclosure **(CA-FL-140)**
9. Income and Expense Declaration **(CA-FL-150)**
10. Schedule of Assets and Debts **(CA-FL-142)**
11. Declaration Regarding Service of Declaration of Disclosure **(CA-FL-141)**
12. Marital Settlement Agreement **(CA-DO-3A)**
13. Request to Enter Default **(CA-FL-165)**
14. Declaration for Default or Uncontested Dissolution or Legal Separation **(CA-FL-170)**
15. Judgment **(CA-FL-180)**
16. Notice of Entry of Judgment **(CA-FL-190)**

Notes: You may also be required to file a local form to choose the branch of the court in which you will be filing your case. Some counties have many branches of the superior court and require you to fill out and file a special form listing the court where you file your case.

FORM EXPLANATIONS

All forms included in this package are identified below.

1. **Petition for Dissolution of Marriage (CA-FL-100)** – The Petition for Dissolution of Marriage is the document in which you are asking the court to grant your divorce along with any other relief requested.

2. **Property Declaration (CA-FL-160)** – You will only need to use this form if you run out of room on the Petition to list community and separate property and debts. This form lists by category each item of property and debt that you contend is community or separate.

3. **Notice and Acknowledgment of Receipt (CA-FL-117)** – This form is provided to give notice of the dissolution proceeding to your spouse. To utilize this form, you must mail a copy of the Petition along with two copies of the Notice and Acknowledgment of Receipt to your spouse, along with an envelope with first class postage addressed to you. Your spouse must then sign, date, and return the form to you. If your spouse completes this form and returns it to you, file the completed Notice and Acknowledgment of Receipt together with the Proof of Service form with the Clerk of Court and formal personal service of the Summons will not be necessary.

4. **Summons (CA-FL-110)** – This document is used to inform the Respondent that a suit has been filed against him or her and orders the Respondent to appear before the court and file any pleadings necessary within 30 days after service of the summons. The summons is used if the defendant failed to return the Notice and Acknowledgment.

5. **Response (CA-FL-120)** – To be provided to Defendant with summons or Notice. It does not have to be completed by your spouse.

6. **Proof of Service by Mail (CA-FL-335)** – After serving your spouse with a copy of the Notice and Acknowledgment of Receipt, you must show the Court that your spouse was properly served. If your spouse signed and returned to you the Notice and Acknowledgment of Receipt form, complete and file the Proof of Service by Mail form along with the signed Notice and Acknowledgment of Receipt.

This form must also be used to verify service of the signed Judgment upon your spouse at the end of the dissolution proceeding.

In both cases, the proof of mailing is completed and attached to the pleading to show that it was served.

7. **Proof of Service by Summons (CA-FL-115)** – After serving your spouse with a copy of the Summons, you must show the Court that your spouse was properly served. If your spouse was served with the Summons, complete and file the Proof of Service of Summons form along with the original Summons.
8. **Declaration of Disclosure (CA-FL-140)** – This form is used to provide your spouse with information regarding all property each of you own and all debts owed so that the property and debts can be divided equally. On the form, check the appropriate box to identify the form as a Preliminary Disclosure form. This form is not filed with the Court, although a copy is given to your spouse along with the Income and Expense Statement and the Schedule of Assets and Debts. **NOTE: This form must be completed by each party and exchanged. Thus, each party will complete this form and provide to the other party.**
9. **Income and Expense Declaration (CA-FL-150)** – These forms list all income and expenses of the party completing the form. This form must be served must be served upon your spouse along with the Preliminary Declaration of Disclosure and Schedule of Assets and Debts. **NOTE: These forms must be completed by each party and exchanged. Thus, each party will complete this form and provide to the other party.**
10. **Schedule of Assets and Debts (CA-FL-142)** – This form is used to list all assets and debts of the parties. This form must be served must be served upon your spouse along with the Preliminary Declaration of Disclosure and Income and Expense Declaration. **NOTE: This form must be completed by each party and exchanged. Thus, each party will complete this form and provide to the other party.**
11. **Declaration Regarding Service of Declaration of Disclosure (CA-FL-141)** – This form is used to provide the Court with notice that your spouse has been served with the Preliminary Declaration of Disclosure, Income and Expense Declaration and Schedule of Assets and Debts. After serving your spouse with the Preliminary Declaration of Disclosure, Income and Expense Declaration and Schedule of Assets and Debts, complete this form and file with the Court. This form also contains language in which the parties waive or “skip” the Final Declaration of Disclosure. **NOTE: This form must be completed by each party. Thus, each party will complete this form, provide to the other party and file with the Clerk.**
12. **Marital Settlement Agreement (CA-DO-3A)** – This document provides for the final distribution of any assets and debts of the parties, provides for support of any children of the marriage and any other agreements reached between the parties. This form is attached to the Judgment.
13. **Request to Enter Default (CA-FL-165)** – This form is used to state to the Court that the parties have signed a Marital Settlement Agreement and there are no issues for the Court to decide and further requests that the Court enter a Default Judgment of Dissolution of Marriage. This form is mailed to your spouse by the Clerk of Court to

inform him or her that a Default Judgment has been requested. When filing this form, it is necessary to provide the Clerk with an extra copy of this form along with a stamped envelope addressed to your spouse so that the Clerk may mail a copy to your spouse.

14. **Declaration for Default or Uncontested Dissolution or Legal Separation (CA-FL-170)** – This form is used to request that the Court grant the dissolution without the necessity of a court hearing. This form must be submitted to the Court with the completed Judgment.

15. **Judgment (CA-FL-180)** – This document grants the divorce and any other relief requested. It must be submitted to the Court with the Declaration for Default or Uncontested Dissolution or Legal Separation. The Marital Settlement Agreement must be attached to the Judgment.

16. **Notice of Entry of Judgment (CA-FL-190)** – This form is used to provide your spouse with notice that a Judgment of Dissolution of Marriage has been entered and provides him or her with the effective date of the dissolution.

INSTRUCTIONS AND STEPS

Note: If a form contains a space for the signature of a Notary Public, it must be signed by you (and if necessary by your spouse) in front of a Notary Public, who must notarize the document. Prepare an original and several copies of each of your completed documents. Your spouse should have a copy of everything you file, stamped “filed” by the clerk. You should keep copies and the court must have originals.

STEP 1: The filing party should complete the *Petition for Dissolution of Marriage (CA-FL-100)*. If there is not enough room in the *Petition (CA-FL-100)* to list all of the parties’ assets and debts, the *Property Declaration (CA-FL-160)* may be used for this purpose.

STEP 2: The above listed documents are then filed with the Clerk of the Circuit court in your County. A filing fee is paid. A *Civil Cover* may be required and should be available from the clerk.

STEP 3: After the *Petition (CA-FL-100)* has been filed, the other party must be provided notice of the dissolution proceeding by serving him or her. Having your spouse properly served means that someone other than you who is at least 18 years old either hands the forms to your spouse (known as personal service) or mails them (known as service by mail) to your spouse. You have two service options. One is the *Summons (CA-FL-110)* and the other is a *Notice and Acknowledgment (CA-FL-117)*. The easiest method if your spouse will work with you, is to have the qualified person (18 or older) mail your spouse a copy of the *Petition (CA-FL-100)*, all other forms you filed with the clerk, a blank *Response* form (*CA-FL-120*) (This form is required to be provided to your spouse even though he or she may not complete it), two copies of the *Notice and Acknowledgment of Receipt (CA-FL-117)* and an envelope with first class postage addressed to you. Your spouse should sign and date the *Notice and Acknowledgment of Receipt (CA-FL-117)* and mail the form to you. If your spouse completes this step, no official *Summons (CA-FL-110)* will be issued to him or her.

STEP 4: If your spouse does not complete the *Notice and Acknowledgment of Receipt (CA-FL-117)* and return it to you, a *Summons (CA-FL-110)* must be issued and served along with a copy of the same forms mentioned under step 3 to provide him or her with notice of the dissolution proceeding. Complete the provided *Summons (CA-FL-110)*. Anyone other than you can serve the forms, including friends, relatives, the county sheriff, or a process server over 18 years of age who is not a party to your family law case. You cannot be the one to serve these forms on your spouse. If you hire a professional "process

server," it helps to give him or her a picture of your spouse and a list of times and places when it will be easiest to find your spouse. You should also try to find a process server who is close to where your spouse lives or works since a process server's fee is often based on how far he or she has to travel to serve your forms.

Remember, whether you are serving the defendant by mail, or by personal service you must include with the service a copy of the filed Petition and other forms you filed with the Court and a blank *Response (CA-FL-120)*, even though it does not have to be completed and filed.

STEP 5: After your spouse has been notified of the dissolution proceeding, you must provide the Court with proof that your spouse was properly served. If your spouse completed the *Notice and Acknowledgment of Receipt (CA-FL-117)* and returned it to you, the person who served the notice must complete the *Proof of Service by Mail (CA-FL-335)* form. It must then be filed with the Clerk of Court.

If your spouse was served personally with a copy of the *Summons (CA-FL-110)* and *Petition (CA-FL-100)*, the person who served it must complete the *Proof of Service by Summons (CA-FL-115)* form and you file this with the Clerk of Court.

STEP 6: The *Declaration of Disclosure (CA-FL-140)*, *Income and Expense Declaration (CA-FL-150)*, and *Schedule of Assets and Debts (CA-FL-142)* should next be completed and all three forms should then be mailed to your spouse. These forms are not filed with the Court. Your spouse should also complete all these forms and provide them to you. Therefore, you must provide an original of these blank forms to your spouse. Note: If your spouse does not complete the forms you may or may not be able to proceed. Since there is no property or children you may be able to just file the disclosure yourself. You should ask the Clerk if you spouse must complete these forms in your case.

STEP 7: After each spouse provides the other spouse with copies of the *Declaration of Disclosure (CA-FL-140)*, *Income and Expense Declaration (CA-FL-150)*, and *Schedule of Assets and Debts (CA-FL-142)*, each spouse must complete and file with the Court the *Declaration Regarding Service of Declaration of Disclosure (CA-FL-141)*. This document is used to provide the Court with proof that the *Declaration of Disclosure (CA-FL-140)*, *Income and Expense Declaration (CA-FL-150)*, and *Schedule of Assets and Debts (CA-FL-142)* were completed and served upon each spouse.

STEP 8: The *Marital Settlement Agreement (CA-DO-3A)* should be completed by both

parties, making certain to agree to all of the terms contained therein. The completed *Marital Settlement Agreement (CA-DO-3A)* should then be attached to the completed *Judgment (CA-FL-180)* form. A stamped envelope addressed to you must be submitted with these forms so that the Clerk may mail a copy of the signed *Judgment (CA-FL-180)* back to you.

The *Request to Enter Default (CA-FL-165)* must next be completed. After completing this document, you must provide the Clerk with an extra copy along with a stamped envelope addressed to your spouse so that the Clerk may mail a filed copy of the *Request to Enter Default (CA-FL-165)* to your spouse.

The *Declaration for Default or Uncontested Dissolution or Legal Separation (CA-FL-170)* must then be completed and filed. This document requests that the Court grant a dissolution of marriage decree without the necessity of a Court hearing.

The *Notice of Entry of Judgment (CA-FL-190)* should next be completed

STEP 9: The *Judgment (CA-FL-180)* with attached *Marital Settlement Agreement (CA-DO-3A)*, the *Request to Enter Default (CA-FL-165)*, *Declaration for Default or Uncontested Dissolution or Legal Separation (CA-FL-170)*, and *Notice of Entry of Judgment (CA-FL-190)* should then be filed with the Clerk of Court. When providing these forms to the Clerk of Court, you will need at least two copies of all of the documents with the exception of the *Judgment (CA-FL-180)* – you will need four copies of that form.

STEP 10: Once the Court approves and signs the *Judgment (CA-FL-180)*, a copy of the *Judgment (CA-FL-180)* will be returned to you. You must serve your spouse with a signed copy of the *Judgment (CA-FL-180)* and file with the Court a *Proof of Service by Mail (CA-FL-335)* form verifying service of the *Judgment (CA-FL-180)* on your spouse with the Clerk before your dissolution proceeding is completed.

No Divorce may be final until six months have elapsed between the date the Petition is filed and the date the Judgment is signed and filed with the Clerk.

Notes: When presenting Pleadings to the Clerk make sure you have at least 4 copies for the Clerk. The Clerk will return the copies to you that the Court does not need.

If a Certificate of Mailing is on any form, a copy of the form should be mailed to the person indicated.

CHECKLIST

- Petition (CA-FL-100)* completed. If there is not enough room on *Petition (CA-FL-100)* to include all of the parties' assets and debts, *Property Declaration (CA-FL-160)* also completed.

- Petition (CA-FL-100)*, and if necessary, *Property Declaration (CA-FL-160)* filed with Clerk of Court. Filing Fee Paid. A *Civil Cover* sheet may be required and may be obtained from the Clerk of Court.

- Copy of *Petition (CA-FL-100)*, two copies of *Notice and Acknowledgment of Receipt (CA-FL-117)* and stamped envelope addressed to you mailed to your spouse.

- Your spouse completes *Notice and Acknowledgment of Receipt (CA-FL-117)* and returns form to you in provided envelope. *Notice and Acknowledgment (CA-FL-117)* filed with Court.

If *Notice and Acknowledgment of Receipt (CA-FL-117)* is not returned to you by your spouse, service of *Summons (CA-FL-110)* and copy of *Petition (CA-FL-100)* made upon your spouse

- Declaration of Disclosure (CA-FL-140)*, *Income and Expense Declaration (CA-FL-150)* and *Schedule of Assets and Debts (CA-FL-142)* completed and copies of all three forms mailed to spouse. These forms are not filed with the Court.

- Declaration Regarding Service of Declaration of Disclosure (CA-FL-141)* completed and filed with the Court.

- Marital Settlement Agreement (CA-DO-3A)* completed by the parties and attached to completed *Judgment*.

- Request to Enter Default (CA-FL-165)* completed and stamped envelope addressed to your spouse attached.

- Declaration for Default or Uncontested Dissolution or Legal Separation (CA-FL-170) form completed.*

- Notice of Entry of Judgment (CA-FL-190) completed.*

- Marital Settlement Agreement (CA-DO-3A), Judgment (CA-FL-180), Request to Enter Default (CA-FL-165) (with stamped addressed envelope), Declaration for Default or Uncontested Dissolution or Legal Separation (CA-FL-170), Notice of Entry of Judgment (CA-FL-190) filed with Clerk of Court.*

- Documents reviewed by Court and approved.

- Copy of signed and dated *Judgment (CA-FL-180)* mailed to spouse.

NOTE ABOUT COMPLETING THE FORMS

The forms in this packet contain “form fields” created using Microsoft Word. “Form fields” facilitate completion of the forms using your computer. They do not limit your ability to print the form “in blank” and complete with a typewriter or by hand.

If you do not see the gray shaded form fields, go to the View menu, click on Toolbars, and then select Forms. This will open the forms toolbar. Look for the button on the forms toolbar that resembles a shaded letter “a”. Click in this button and the form fields will be visible.

To complete the forms click on the gray shaded areas and type the information. For the separation agreement complete the gray shaded areas and also make any other changes or additions to resolve all issues.

Some forms are locked which means that the content of the forms cannot be changed unless the form is unlocked. You can only fill in the information in the fields. If you need to make any changes in the body of the form, it is necessary for you “unlock” or “unprotect” the form. **IF YOU INTEND TO MAKE CHANGES TO THE CONTENT, DO SO BEFORE YOU BEGIN TO FILL IN THE FIELDS. IF YOU UNLOCK THE DOCUMENT AFTER YOU HAVE BEGUN TO COMPLETE THE FIELDS, WHEN YOU RELOCK, ALL INFORMATION YOU ENTERED WILL BE LOST.** To unlock click on “Tools” in the Menu bar and then selecting “unprotect document”. You may then be prompted to enter a password. If so, the password is “uslf”. That is uslf **in lower case letters without the quotation marks**. After you make the changes relock the document before you begin to complete the fields. After any required changes relock the form, then click on the first form field and enter the required information. You will be able to navigate through the document from form field to form field using your tab key. Tab to a form field and insert your data. If you experience problems, please let us know.

LAW SUMMARY

You may access the law summary for your State by using the link below:

<http://secure.uslegalforms.com/lawsummary/CA/CA-004-D.htm>

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