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STATE OF CALIFORNIA

REGULAR DISSOLUTION PACKAGE

MINOR CHILDREN

With or Without Property

Control Number CA-006-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 minor children of the marriage.
 - (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. **CUSTODY/VISITATION:** The court will determine the issue of custody based upon the best interests of the child. In determining the best interests of the child, the courts will consider the following:

- (a) The health, safety and welfare of the child;
- (b) Any history of abuse by a parent;
- (c) The nature and amount of contact by both parents;
- (d) Any history of substance abuse;
- (e) The wishes of the child.

There is a presumption that joint custody is in the best interests of the child. If the court awards joint custody, the court shall specify the rights of each parent to physical control of the child. The court shall grant reasonable visitation to the non-custodial parent unless it can be shown that such visitation is not in the child's best interests. Each parent shall also have equal access to records of the child, including, but not limited to, medical, dental, and schooling.

11. **CHILD SUPPORT:** Either or both parties may be ordered to pay an amount reasonable and necessary for the support of any minor children of the marriage. The State of California has enacted child support guidelines which establish the presumptive correct amount of child support due. Deviation from the guidelines requires the court to state in writing why the application of the guidelines would be unreasonable or unjust, and:

- (a) The amount of support that would have been ordered under the guidelines;
- (b) The reasons for the deviation;
- (c) The reasons the support ordered is in the best interests of the child.

12. **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 (**CA-FL-100**)
2. Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (**CA-FL-105**)
3. Summons (**CA-FL-110**)
4. Property Declaration (**CA-FL-160**) (if needed)
5. Continuation of Property Declaration (**CA-FL-161**) (if needed)
6. Proof of Service of Summons (**CA-FL-115**)
7. Response (**CA-FL-120**)
8. Declaration of Disclosure (**CA-FL-140**)
9. Declaration Regarding Service of Declaration of Disclosure (**CA-FL-141**)
10. Schedule of Assets and Debts (**CA-FL-142**)
11. Income and Expense Declaration (**CA-FL-150**)
12. Separation and Property Settlement Agreement (**CA-DO-11A**)
13. Request to Enter Default (**CA-FL-165**) (if needed)
14. Appearance, Stipulations, and Waivers (**CA-FL-130**) (if needed)
15. Declaration for Default (**CA-FL-170**)
16. Judgment (**CA-FL-180**)
17. Notice of Entry of Judgment (**CA-FL-190**)
18. Notice of Rights and Responsibilities / Information Sheet on Changing a Child Support Order (**CA-FL-192**)
19. Child Support Registry (**CA-FL-191**)
20. Order / Notice to Withhold Income for Child Support (**CA-FL-195**)
21. Instructions to Complete Order / Notice to Withhold Income for Child Support (**CA-FL-196**)

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. **Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (CA-FL-105)** – This form is used to inform the Court where and with whom your child(ren) have lived in the past five years as well as to inform the Court of other custody or visitation cases affecting your child(ren).

3. **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.

4. **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.

5. **Continuation of Property Declaration (CA-FL-161)** – This form is used only if additional space is needed to complete the Property Declaration.

6. **Proof of Service of Summons (CA-FL-115)** – This form is used to provide the Court with proof that your spouse was served with the Petition for Dissolution of Marriage and Summons.

7. **Response (CA-FL-120)** – This form is provided to your spouse for the purpose of responding to the allegations contained in the Petition for Dissolution of Marriage. It does not have to be completed by your spouse.

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. This form is not filed with the Court, although a copy is given to your spouse. Each party will complete this form and exchange with the other party.

9. **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 Declaration of Disclosure, Income and Expense Declaration and Schedule of Assets and Debts. Each party will complete this form and file with the Court.

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 upon your spouse along with the Preliminary Declaration of Disclosure and Income and Expense Declaration. Each party will complete this form and exchange with the other party.
11. **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 upon your spouse along with the Declaration of Disclosure and Schedule of Assets and Debts. Each party will complete this form and exchange with the other party.
12. **Separation and Property Settlement Agreement (CA-DO-11A)** – 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.
14. **Appearance, Stipulations and Waivers (CA-FL-130)** – This form is used to inform the Court that the case is uncontested so the Judge may approve the agreement.
15. **Declaration for Default (CA-FL-170)** – This form is used to request that the Court grant the dissolution without the necessity of a court hearing.
16. **Judgment (CA-FL-180)** – This document grants the divorce and any other relief requested. The Marital Settlement Agreement must be attached to the Judgment.
17. **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.
18. **Notice of Rights and Responsibilities / Information Sheet on Changing a Child Support Order (CA-FL-192)** – This form is used to provide the parties with information regarding health care costs and reimbursement procedures, as well as information regarding procedures for changing child support orders.
19. **Child Support Registry (CA-FL-191)** – This form is used by the State of California to record child support orders.

20. **Order / Notice to Withhold Income for Child Support (CA-FL-195)**
– This form is used to order an employer to withhold income from the earnings of the person subject to a child support order.
21. **Instructions to Complete Order / Notice to Withhold Income for Child Support (CA-FL-196)** – This form is provided as an example to assist parties in completing the Order / Notice to Withhold Income for Child Support.

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 following forms:

- *Petition for Dissolution of Marriage (CA-FL-100)*
- *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (CA-FL-105)*
- *Summons (CA-FL-110)*

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)* and *Continuation of Property Declaration (CA-FL-161)* 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. The Clerk will return to you the original *Summons (CA-FL-110)*. This will be filed later after your spouse has been served and the *Proof of Service of Summons (CA-FL-115)* has been completed.

STEP 3: After the above listed documents have been filed with the Clerk of Court, you must now provide official notice to your spouse of the institution of the dissolution proceeding. To do so, have someone other than yourself either hand deliver (known as personal service) or mail (known as service by mail) the above listed documents to your spouse.

You should also at this time provide your spouse with the following forms:

- *Response (CA-FL-120)*
- *Declaration of Disclosure (CA-FL-140)*
- *Declaration Regarding Service of Declaration of Disclosure (CA-FL-141)*
- *Schedule of Assets and Debts (CA-FL-142)*
- *Income and Expense Declaration (CA-FL-150)*
- *Separation and Property Settlement Agreement (CA-DO-11A)*

Although it is required that your spouse be provided a *Response (CA-FL-120)*, it is not required that he or she complete or file it. If your spouse elects to complete

and file, care should be taken, as the case may become contested if he or she disagrees with provisions contained in the *Petition (CA-FL-100)*.

STEP 4: After your spouse has been served with these documents, the party who served your spouse should complete the *Proof of Service of Summons (CA-FL-115)*. The original Summons and the *Proof of Service of Summons (CA-FL-115)* should then be filed with the Clerk of Court.

STEP 5: Both you and your spouse must complete and exchange with each other the *Declaration of Disclosure (CA-FL-140)*, *Schedule of Assets and Debts (CA-FL-142)*, and *Income and Expense Declaration (CA-FL-150)*. These documents are not to be filed with the Clerk of Court. Once these documents have been completed and exchanged, each party should complete the *Declaration Regarding Service of Declaration of Disclosure (CA-FL-141)* and file this document with the Clerk of Court. The requirement of filing a Final Declaration of Disclosure may be dispensed with if both parties make certain to check the box indicating that they waive service of the Final Declaration of Disclosure.

STEP 6: The parties should jointly complete the *Separation and Property Settlement Agreement (CA-DO-11A)*, using the financial information supplied in the *Schedule of Assets and Debts (CA-FL-142)* and *Income and Expense Declaration (CA-FL-150)*. Each party should make certain to agree to all of the terms contained in the *Separation and Property Settlement Agreement (CA-DO-11A)*, as this agreement and all of its terms will be incorporated into the Judgment.

STEP 7: If your spouse did not complete and file the *Response (CA-FL-120)*, 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.

If your spouse elected to complete and file the *Response (CA-FL-120)*, both parties should sign the *Appearance, Stipulations, and Waivers (CA-FL-130)* and file with the Clerk of Court.

STEP 8: The following forms should next be completed:

- *Request to Enter Default (CA-FL-165)* – (If spouse did not file *Response (CA-FL-120)*)
- *Declaration for Default or Uncontested Dissolution or Legal Separation (CA-FL-170)*

- *Judgment (CA-FL-180) – (Separation and Property Settlement Agreement (CA-DO-11A) should be attached)*
- *Notice of Entry of Judgment (CA-FL-190)*
- *Notice of Rights and Responsibilities / Information Sheet on Changing a Child Support Order (CA-FL-192)*
- *Child Support Case Registry (CA-FL-191)*
- *Order / Notice to Withhold Income for Child Support (CA-FL-195)*
- *Instructions to Complete Order / Notice to Withhold Income for Child Support (CA-FL-196)*

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 9: Once the Court approves and signs the *Judgment (CA-FL-180)*, a copy of the *Judgment (CA-FL-180)* and *Notice of Entry of Judgment (CA-FL-190)* will be returned to you and your spouse.

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

- The filing party completes the following forms:
- *Petition for Dissolution of Marriage (CA-FL-100)*
 - *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (CA-FL-105)*
 - *Summons (CA-FL-110)*
- If not enough room in *Petition (CA-FL-100)* to list all assets and debts, *Property Declaration (CA-FL-160)* and *Continuation of Property Declaration (CA-FL-161)* used.
- Above listed documents filed with Clerk. Filing fee paid. *Civil Cover* may be required and should be obtained from clerk. Clerk will return original *Summons (CA-FL-110)* to be filed after spouse has been served and *Proof of Service of Summons (CA-FL-115)* has been completed.
- After above listed documents have been filed with Clerk, spouse served with notice of institution of dissolution suit. Spouse also provided with:
- *Response (CA-FL-120)*
 - *Declaration of Disclosure (CA-FL-140)*
 - *Declaration Regarding Service of Declaration of Disclosure (CA-FL-141)*
 - *Schedule of Assets and Debts (CA-FL-142)*
 - *Income and Expense Declaration (CA-FL-150)*
 - *Separation and Property Settlement Agreement (CA-DO-11A)*
- After spouse has been served, party who served spouse completes *Proof of Service of Summons (CA-FL-115)*. Original *Summons* and *Proof of Service of Summons (CA-FL-115)* then filed with Clerk.
- You and your spouse complete and exchange *Declaration of Disclosure (CA-FL-140)*, *Schedule of Assets and Debts (CA-FL-142)*, and *Income and Expense Declaration (CA-FL-150)*. These documents are not to be filed with the Clerk. Once these documents have been completed and exchanged, each party completes *Declaration Regarding Service of Declaration of Disclosure (CA-FL-141)* and files with Clerk.

Parties jointly complete *Separation and Property Settlement Agreement (CA-DO-11A)*, using financial information supplied in *Schedule of Assets and Debts (CA-FL-142)* and *Income and Expense Declaration (CA-FL-150)*.

If spouse did not complete and file *Response (CA-FL-120)*, *Request to Enter Default (CA-FL-165)* completed. After completing, Clerk provided with extra copy along with stamped envelope addressed to your spouse to mail filed copy of *Request to Enter Default (CA-FL-165)* to spouse.

If spouse completed and filed *Response (CA-FL-120)*, both parties sign *Appearance, Stipulations, and Waivers (CA-FL-130)* and file with Clerk.

The following forms then completed and filed with Clerk:

- *Request to Enter Default (CA-FL-165)* – (If spouse did not file *Response (CA-FL-120)*)
- *Declaration for Default or Uncontested Dissolution or Legal Separation (CA-FL-170)*
- *Judgment (CA-FL-180)* – (*Separation and Property Settlement Agreement (CA-DO-11A)* should be attached)
- *Notice of Entry of Judgment (CA-FL-190)*
- *Notice of Rights and Responsibilities / Information Sheet on Changing a Child Support Order (CA-FL-192)*
- *Child Support Case Registry (CA-FL-191)*
- *Order / Notice to Withhold Income for Child Support (CA-FL-195)*
- *Instructions to Complete Order / Notice to Withhold Income for Child Support (CA-FL-196)*

Once Court approves and signs *Judgment (CA-FL-180)*, copy of *Judgment (CA-FL-180)* and *Notice of Entry of Judgment (CA-FL-190)* returned to you and your spouse

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.

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 to “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-006-D.htm>

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