

## SUPERIOR COURT OF CALIFORNIA, COUNTY OF SONOMA

Civil and Family Law Courthouse  
3055 Cleveland Avenue  
Santa Rosa, CA 95403

Family Law Clerk 707 521 6630  
Family Law Facilitator 707 521 6545  
<http://sonoma.courts.ca.gov> <http://www.courts.ca.gov>

### CHECKLIST 1 DEFAULT WITHOUT AGREEMENT DISSOLUTION, LEGAL SEPARATION, NULLITY MARRIAGE/DOMESTIC PARTNERSHIP

#### Clerks Notes:

Received:

Status End:

FLCR:

Fees Due Pet:

Case Name:

Case Number:

Document Examiner:

Date:

Returned To: \_\_\_\_\_

Court Box: \_\_\_\_\_ or U.S. Mail:

- This checklist is not a complete list of all legal requirements. The clerk or the judicial officer may require additional information or documentation based on the case, issues, and orders requested.
- ***An Original and two (2) copies of all documents must be submitted. Any items listed in Clerk's notes to submitting party on the last page needs to be completed or corrected before resubmission.***

#### **FL-100 Petition : Disso, Legal Separation, Nullity; Marriage or Domestic Partnership box checked.**

- 1 Legal Relationship: a, b or c completed.
- 2 Residency: a, b. or c completed as appropriate, unless Legal Separation. Family Code 2320
- 3 Statistical Facts: a or b. Family Code 2330
- 4 Children: a or b.
- 5 Grounds: a b or c, marked as appropriate.
- 6 Custody and Visitation/Parenting: Children born prior to marriage, 6.d. must be checked.\*
- 7 Child Support: Guideline child support is mandatory unless parties stipulate to a different amount. Child support may not be waived, parties may stipulate to zero. "Other" may be used to attach proposed guideline child support calculation and supporting financial documents.\*
- 8 Spousal Support Request: Payment Termination Reservation No box checked
- 9 Separate Property: a or b must be checked. **Must list specific property.** \*
- 10 Community/Quasi-Community: a or b must be checked. **Must list specific property.** \*
- 11 Other: May be used for alternative pleading, providing notice requesting leave to amend from Legal Separation to Dissolution upon attaining residency requirements, etc. FC 2321
- If name restoration requested, state name. (Dissolution and nullity only – Family Code 2080).

**\*NOTE: The relief requested in Judgment must match (may not exceed) relief requested in Petition . The Petition must specify all community property to be divided and separate property to be confirmed. In Judgment, division of property must be equal or equalized. FC 4336; Code Civ Pro 580; Family Code 2330.5, 2550; California Rules of Ct 5.401(c) , 5.402(b), 5.415(c)**

- FL-105 Declaration Under Uniform Child Custody Jurisdiction Act** (Required with children. Update if children's residence changed since previous filing). CRC 5.52 FC 3429

**FL-110 Summons**

**FL-115 Proof of Service - Completed properly.**

**Service Date:**

By Publication/Posting

By Substituted Service/Certified Mail

**FL-165 Request to Enter Default**

2 completed :

Financial information documents (FL-150) must be provided when children are in the case and when requesting spousal support or attorney fees. Financial data must match data used in the child support calculation attached to the Judgment. FC 2336

Property Declarations: For community property, attach Property Declaration FL-160 or similar declaration setting forth values and proposed divisions **for property listed in Petition (do not add property not listed in Petition)**, unless previously filed and there are no changes. Property division must be equal or equalized and **cannot include property not in the Petition**. All property set forth in the Petition must be disposed of or reserved. FC 2336, 2550, CRC 5.401(c), 5.401(d),

3, 4 and 5 completed (Provide address if 3.b. is checked). FC 2335.5, CRC 5.407, 5.415(c),

All four signature areas (front and back) completed

Provide 1 stamped envelope addressed to Respondent at address in #3b. Use Court address for return address. Include enough postage for mailing.

**FL-141 Declaration Regarding Service of Preliminary and Final Declaration of Disclosure FC 2103, 2110**

Petitioner's submitted:  Prelim  Final

**NOTE: Not required in Nullity or Service by Publication/Posting**

1. Completed.

2 Preliminary completed  date of service  party who served  party that was served  type of service.

3 Final, if served, completed.  List date of service  party who served  party that was served  type of service. A final declaration of disclosure is not required per Family Code 2110. However, Box 5.b. must be checked on form FL-170, Declaration for Default.

4c. Matter proceeding by default, optional waiver of Respondent's preliminary and/or final declaration of disclosure.

**FL-170 Declaration for Default or Uncontested Dissolution FC 2336. Use FL-165 to attach Financial and Property Declarations.** For Nullity, in lieu of FL 170, a declaration on pleading paper establishing grounds or making requests for other findings may be submitted.

3, 4a, 5.b., and 8 completed. If seeking spousal support, FL-157 or other written declaration containing F.C. 4320 factors must be completed and attached – a spousal support calculation is not appropriate. CRC 5.260

6 and 7 completed, if children.

9 must be checked, if children are born prior to marriage.

12 completed if not previously requested in Petition. FC 2080

Note: Appearance at default hearing may be required if proposed orders appear not to be in child's best interests, child support is set lower than the capacity of the noncustodial parent to pay, community property division is not equal/equalized, or it appears to be in the best interests of justice. FC 2336

**FL-180 Judgment**

Confirm 4.f. restoration of name was requested in the Petition and/or Declaration for Default.

Restored name must be stated (applies to dissolution and nullity only). FC 2080.

If requesting Judgment Nunc Pro Tunc must submit Declaration in Support and mark 4.d.

**FOR DISSOLUTION / LEGAL SEPARATION**

- Confirm jurisdiction date at no. 3.
- Confirm date marital status ends (disso only)—minimum 6 mo's and 1 day from jurisdiction date.  
Date: \_\_\_\_\_ Upon Entry:  FC 2339

**FOR NULLITY**

- 4c grounds upon which Nullity was based.

**If children:**

- 4h if establishing or modifying child support
- 4.i(1) must be completed.
- 4.i(2) must be checked if children born prior to marriage.

**Custody/Visitation – may use FL-341 Child Custody and Visitation (Parenting Time) Attachment**

- 4.j completed as applicable.
- Terms of custody included. Terms of custody/visitation may not be more restrictive than those sought in the Petition, but may be more liberal. If including existing orders, those orders must be attached to the Judgment and incorporated therein.
- Judgment must contain Family Code 3048 language. If using form FL-341 Custody and Visitation Attachment #3 must be marked.
- Supervised visitation request may require a default hearing.

**Child Support – may use FL 342 Child Support Information and Order Attachment.****Child Support must be included and must be based on State Uniform Guideline.**

- 4.k. completed as applicable.
- Terms:  Start date  End language  Kids' names  Payor  Payee  Amount
- Attach Dissomaster or other court accepted support calculation. CRC 5.260
- If guideline child support is rebutted, attach FL-342(A) Non-Guideline Child Support Findings Attachment and include declaration providing 4057 (b) rebuttal factors. Child support cannot be "waived" except by stipulation of parties – see Checklists 2,3. FC 4057(b), CRC 5.260
- If Dept. of Child Support Services is a party in this case, or in another case and rights have been assigned (child is receiving cash aid);
  - If establishing or modifying any provision of existing support order, DCSS must sign judgment in approval.
  - If no change to existing order, attach a copy or reference the order specifically.
- If DCSS is a party in another case and child support rights have not been assigned:
  - If orders exist in the other case, do not include child support in this case, but reference the other case number. DCSS does not need to sign off.
  - If orders do not exist in the other case, it is optional whether to obtain orders in this case. Reference the other case. DCSS does not need to sign off.
- Attach Notices: Form FL-192 and FL-020.

**Spousal Support – may use FL-343 Spousal, Partner or Family Support Order Attachment**

- 4.l. Spousal support must be an amount, waived, terminated when appropriate, or reserved.

**Property – may use FL 345 Property Order Attachment**

- If item 9(a) and 10(a) in the Petition were both checked, no Property Order disposing of, confirming, or reserving jurisdiction over property is required.
- A Property Order Attachment (may use FL 345 or Marital Settlement Agreement) is required when:
  - Community property is listed in the Petition under 10(b)
  - A request to confirm separate property is listed in the Petition under 9(b)
- Community Property must be divided equally or equalized by an equalizing payment
- All property listed in the Petition must be disposed of in the Judgment or reserved for future determination

**Attachments**

- Number of pages attached listed at Item 5.

**FL-190 Notice of Entry of Judgment**

- 1, 3, 4, or 5 needs to be checked.
- If dissolution submitted prior to expiration of 6 month waiting period, insert date marital status ends in box in lower part of form. If submitted after 6 month waiting period has expired, leave blank. FC 2339, FC 2340
- Name and address of both parties listed. Respondent's must match that address listed on FL-165 at item 3(b).
- Provide two envelopes, 1 addressed to each party/attorney of record, with postage for mailing of FL-190 to each party, or their attorney of record.. Use Court's address for return address. CRC 5.415(c), FC 2338.5

**NOTE: ORDER TO PAY PREVIOUSLY WAIVED COURT FEES AND COSTS:**

Upon the submission of a Judgment, after considering information in the court file and other evidence, the Court may order a party to pay all or part of the previously waived fees and costs of either party. Gov. Code Section 68637

Case Name and Number:

Document Examiner:

CLERKS NOTES TO SUBMITTING PARTY OR JUDICIAL OFFICER: