

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

CHECKLIST 2 DEFAULT WITH AGREEMENT DISSOLUTION, LEGAL SEPARATION, NULLITY, DOMESTIC PARTNERSHIP

Clerks Notes:

Received:

Status End:

Court dates:

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 as appropriate.
- 6 Custody and Visitation/Parenting: Children born prior to marriage, 4e 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: a, b, c or d must be checked.
- 9 Separate Property: a or b must be checked.
- 10 Community/Quasi-Community: a or b must be checked.
- 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).

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 : If attachments are check, they must be attached.
- 3 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 PETITIONER'S Declaration Regarding Service of Preliminary and Final Declaration of Disclosure FC 2103, 2104 Note: Not required in Nullity

- Preliminary submitted
- Final submitted: A final declaration of disclosure may be mutually waived (not filed) per Family Code 2105. However, Box 5.b. must be checked on form FL-170. See FL-144.
- 1 Completed
- 2 Preliminary date of service party who served party that was served type of service
- 3 Final date of service party who served party that was served type of service.
- 4. Optional additional waiver of final declaration of disclosure – See FL-144.

FL-144 Stipulation and Waiver of Final Declaration of Disclosure FC 2105 Note: Not required in Nullity

- File if parties waiving service of final disclosure. As alternative, waiver may be included in Marital Settlement Agreement as long as all language from FL-2105(d) is used. Check box 5(c) on FL-170
- If not waiving final disclosure, complete FL-141 above as to service of final declarations of disclosures from both parties.

FL-170 Declaration for Default or Uncontested Dissolution FC 2336.

- 3, 4, 5 and 8 completed as applicable.
- 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

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 (dissolution only). 6 months and 1 day from jurisdiction date or longer. Date: _____ Upon Entry: FC 2339
- If requesting Reserving jurisdiction over termination of marital status (dissolution only), the status end date will be blank at the top and 4.a.2. must be marked. FC 2343

FOR NULLITY

- 4c grounds upon which Nullity was based.

FL-180 Judgment cont'd next page

FL-180 Judgment continued

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 – physical and legal. If including existing orders, those orders must be attached to and incorporated into the Judgment.
- Judgment must contain Family Code 3048 language. (see #3 on FL-341).

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 unless rebutted.

- 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 child support is rebutted, attach FL-342(A) Non-Guideline Child Support Findings Attachment and provide 4057 (b) rebuttal factors. If stipulating below GDL, include declaration under Family Code 4065. Child support can't be waived (can be zero). FC 4065, 4057(b), CRC 5.260
- If DCSS is intervened in the case:
 - If establishing or modifying any provision of existing support order, DCSS must sign judgment in approval.
 - If no change to existing order, attach copy of current support order, or reference it specifically.
- If Judgment refers to another child support agency case but they are not intervened in this case, they do not need to sign off. State the case number.
- 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 or Agreement disposing of, confirming, or reserving jurisdiction over property is required.
- A Property Order Attachment 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 Petitioner under 9(b)
- All property listed in the Petition must be disposed of in the Judgment or reserved for future determination

Signatures

- Both parties signatures
- Respondent's signature must be notarized. FC 2338.5
- Attorneys of Record must sign and approve as to form. CRC 5.411

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.
- Provide two envelopes, 1 addressed to each party/attorney of record, with postage, for return of FL-190 to each party or the 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: