

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 10
DEFAULT / WAIVER OF RIGHTS - RESPONDENT IN MILITARY WITH AGREEMENT
DISSOLUTION, LEGAL SEPARATION, NULLITY
MARRIAGE/DOMESTIC PARTNERSHIP

Clerk/Reviewer’s Notes:

Received:
Status End:
Hearing Dates:
Fees Due Pet:

Case Name:
Case Number:
Document Examiner:
Date:
Returned To:

- 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 Reviewer’s notes 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: 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. By Publication/Posting
Service Date: _____ By Substituted Service/Certified Mail

FL-130 Appearance, Stipulations and Waiver - no fee assessed – submitted by Service

Member/Respondent

- Item 1c only
- Forms dated and signed by Servicemember/Respondent only.

FL-130(A) Declaration and Conditional Waiver of Rights Under the Servicemembers Civil Relief Act of 2003 – MUST BE ATTACHED to FL-130

- Item 2a completed as applicable
- Attach **copy of parties' written agreement or proposed stipulated Judgment**. Waiver is conditioned upon the same agreement being entered as the default judgment – **save the agreement bearing original signatures for attachment to the Judgment FL-180** – see below

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. Use FL-144.
- 1 Completed
- 2 Preliminary: Date of service party who served party served type of service
- 3 Final, if served: Date of service party who served party served type of service.
- 4. Optional additional waiver of final declaration of disclosure – must still use FL-144.

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

- File if parties waiving service of final disclosure.
- If not, complete FL-141 above as to service of final declarations of disclosures from both parties.
- Waiver of final disclosure including all language under FC 2105(d) is contained in attached Marital Settlement Agreement.

FL-165 Request to Enter Default

- 2b completed:
- 3 completed (Provide address if 3.b. is checked). FC 2335.5, CRC 5.407, 5.415(c)
- 4 completed
- 5 modified to reflect military status, or leave blank – can modify in writing by hand.
- All four signature areas (front and back) dated with signatures
- Provide 1 stamped envelope addressed to Respondent at address in #3b. Use Court address for return address. Include enough postage for mailing.

FL-170 Declaration for Default or Uncontested Dissolution FC 2336. For Nullity, in lieu of FL 170, a declaration on pleading paper as to grounds and other requests for findings may be submitted.

- 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.

FL-180 continued

FOR DISSOLUTION / LEGAL SEPARATION

- Confirm jurisdiction date at no. 3
- Confirm date marital status ends. Date is 6 months and 1 day from jurisdiction date or longer.
Date: _____ Upon Entry: FC 2339
- If requesting reservation of jurisdiction over termination of marital status, 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.

If children:

- 4h must be checked.
- 4.i(1) must be checked.
- 4.i(2) must be checked if children born prior to marriage.

Custody/Visitation:

- 4.j completed as applicable.
- Terms of custody included – physical and legal. If including existing orders, those orders must be attached to the Judgment and incorporated therein.
- Judgment must contain Family Code 3048 language (see #3 of FL-314).

Child Support - Guideline child support is mandatory unless rebutted (by stipulation). Child support cannot be “reserved” or “waived” but can be agreed upon at “zero.”

- 4.k. completed as applicable.
- Terms: Start date End language Kids’ names Payor Payee Amount
- Mandatory child support add-ons included. FC 4062.

****Regardless of the age of minor children, minimally, 6b and 6c of FL-342 are required to be completed or add-on language included in the agreement**

- Attach Dissomaster or other court accepted support calculation. CRC 5.260

**** Child Support Services calculator can be found at: <https://childsupport.ca.gov/guideline-calculator/>**

- If guideline is rebutted, attach FL-342(A) Non-Guideline Child Support Findings Attachment and include declaration under Family Code 4065 if stipulating, or provide 4057(b) rebuttal factors. FC 4065, 4057(b), CRC 5.260.

- If Dept. of Child Support Services is a party to this case or if child support rights have been assigned (child receiving cash aid), DCSS must sign the judgment.

DCSS prefers the following signature block:

“The Department of Child Support Services has reviewed this Judgment and has no objection to the support-related provisions contained herein.

Signed by: _____, Attorney for DCSS. Dated: _____”

- If DCSS is a party to another case and child support orders were made in that case, do not include child support in this case, but reference the other case number. DCSS does not need to sign off.
- Attach form FL-192, as revised 9/1/2024

Spousal Support

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

Property Order Attachment or Marital Settlement Agreement:

- If item 10(a) in the Petition was checked, and item 9 was not 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 Petition under 9(b)
- All property listed in the Petition must be disposed of in the Judgment or reserved for future determination.

Signatures

- Attorneys of Record must sign and approve as to form. CR 5.411
- Respondent's signature must be notarized.

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 the form. If submitted after 6 month waiting period 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.
- Provide one large self-addressed envelope with enough postage for return mailing of all other file-endorsed copies. May be combined with FL-190 envelope if addressed to party/attorney of record. Must be a separate envelope if addressed to someone other than party/attorney of record (e.g. paralegal, legal document assistant, etc.).

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 Number:

REVIEWER'S NOTES: