

## INSTRUCTIONS FOR FILING AND SERVICE OF PETITION

**STEP ONE – FILE DOCUMENTS:** Take an original and two copies of each document to Family Law Clerk for filing. See page two for list of documents required for Divorce, Legal Separation, Nullity, or Parentage. See [www.courts.ca.gov](http://www.courts.ca.gov) for forms and legal information.

\$435 Filing Fee unless eligible for Fee Waiver (FW-001 and FW-003)

Automatic Eligibility: Clerk will accept your papers

Discretionary Eligibility: The clerk will accept your papers BUT the court may deny your application and send you an order to appear and explain your financial situation. You must prove you cannot afford the fees, or else be prepared to pay the fee. If you pay in advance of the hearing, the clerk may be able to drop the hearing. Submit a return envelope with postage.

The clerk will stamp your papers, keep the originals, and give two (2) copies of the completed documents back to you. One copy is for your records. The original proof of service will be in this packet for you to use. The other copy is to serve on the other party. This will contain the blank responsive papers.

**STEP TWO – PROOF OF SERVICE:** Have your server (anyone over the age of 18, not you) hand-deliver the other party's packet to them. The date of service starts the countdown of 30 days in which to contest the Petition; and in a divorce, six months and one day before you can become single.

Once your server delivers the other party's packet to them, the PROOF OF SERVICE OF SUMMONS (FL-115) must be completed, dated and sign by the server, then it must be filed with the clerk.

***WARNING: Failure to file a Proof of Service of Summons may result in your case being dismissed after 3 years. If it is a divorce case, you will not be divorced.***

**STEP THREE – DISCLOSURE IN DIVORCE:** If this is a divorce, before completing STEP FOUR, complete your Declaration of Disclosure packet - forms FL-140, FL-142, and FL-150, deliver them to the other party, then file form FL-141 as proof that you completed your disclosure process. The Respondent must also complete this step if they file a Response or sign an agreement resolving your divorce.

**STEP FOUR – ENTER JUDGMENT:** If, 30 days after service, no Response has been filed by the other party, you may seek a Default Judgment. If a Response is filed, the Family Law Facilitator/Self Help Center can help you understand procedures for resolving the disputed issues and getting a court Judgment. If you and the other party cooperate in entering an agreement, we may be able to help you with a Stipulated Judgment if your agreement is not complicated. You and the other party may also seek alternative dispute resolution services, such as private mediation, a collaborative process, or other means to help you reach an agreement.

***WARNING: You are responsible for finalizing your case by bringing it to Judgment. Failure to bring your case to Judgment within 5 years may, in some cases, result in your case being dismissed. NOTE: In a divorce case, your divorce will not be final if you do not enter a Judgment.***

See [www.courts.ca.gov](http://www.courts.ca.gov) for legal information, and forms for finalization of step 4. See [www.sonoma.courts.ca.gov](http://www.sonoma.courts.ca.gov) under Divisions, Family, Quick Links, for Judgment Checklists. Call the Family Law Facilitator / Self Help Center for assistance with your finalization paperwork at 707-521-6545

MINIMUM DOCUMENTS REQUIRED TO OPEN A DIVORCE, LEGAL SEPARATION OR NULLITY:

1. FL-110 Summons (Family Law)
2. FL-100 Petition - Marriage
3. FL-105 Declaration under UCCJEA (if there are minor children of the marriage) stapled to the Petition.
4. FL-115 Proof of Service of Summons – to be completed and filed after service.
5. FL-120, FL-105, FL-335 blank forms Response to Dissolution of Marriage, Declaration under UCCJEA and Proof of Service by Mail to be included in the Respondent's service packet.

MINIMUM DOCUMENTS REQUIRED TO OPEN A PARENTAGE or CUSTODY ONLY CASE

1. FL-210 Summons (Uniform Parentage – Petition for Custody and Support)
2. FL-200 Petition to Establish Parental Relationship or FL-260 Petition for Custody and Support
3. FL-105 Declaration under UCCJEA stapled to the Petition
4. FL-115 Proof of Service of Summons – to be completed and filed after service.
5. FL-220 or FL-270, FL-105, FL-335 blank forms Response to Petition to Establish Parental Relationship or Response to Petition for Custody and Support, Declaration under UCCJEA, and Proof of Service by Mail to be included in Respondent's service packet.