

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 9 DEFAULT WITHOUT AGREEMENT - RESPONDENT IN MILITARY DISSOLUTION, LEGAL SEPARATION, NULLITY MARRIAGE/DOMESTIC PARTNERSHIP

Clerks Notes:

Received:

Status End:

Dates:

Fees Due Pet:

Fees Due Resp:

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.

- SPOUSAL SUPPORT REQUESTED
- 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: 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 property to be divided/confirmed. 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. By Publication/Posting
Service Date: _____ By Substituted Service/Certified Mail

FL-165 Request to Enter Default

- 2 completed :
 - Financial information documents (FL-150/155) must be attached if requesting spousal or child support or attorney fees. For child support, data must match the child support calculation attached to the Judgment. FC 2336,
 - Property Declarations: For community property, Property Declaration FL-160 or similar declaration setting forth values and proposed divisions required unless previously filed and no changes have been made. 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 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
- 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-300 Request for Order - Cannot default active members of military without Court hearing

- Request for Order check "Other" box: Appoint Attorney for Military Member, Stay Proceeding. 50 U.S.C. App. Sections 501-596.

NOTE: Include original & 2 copies of Order for Appointment/Stay (no form, use pleading paper) to be lodged in file for hearing. Attend hearing, bring extra copy of Order for Judge's signature if approved. If no defense raised and no Response filed within period of stay, after expiration of period of stay, proceed as follows below:

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

- Petitioner's submitted: Prelim Final (optional)
- 1. Completed.
- 2 Preliminary completed date of service party who served party that was served type of service.
- 3 Final, if served, completed. 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 as to grounds and other requests for 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

FL-170 continued on next page

FL-170 continued

- 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, 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 Item 3.
- Confirm date marital status ends (disso only) - 6 months and 1 day from jurisdiction date.
Date: _____ Upon Entry: FC 2339

FOR NULLITY

- 4c grounds upon which Nullity was based.

If children:

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

Custody/Visitation:

- 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
- Mandatory child support add-ons included. FC 4062.
- 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 the parties (see Checklist 10) but can be set at zero. FC 4057(b), CRC 5.260.

FL-180 continued on next page

FL-180 continued

- 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 Notices: Form FL-192 and FL-020.

Spousal Support

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

Property Order – May use FL-345 Property Order Attachment:

- If item 9(a) or 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 Petition under 9(b)
- 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 stated 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 Name and Number: _____ Document Examiner: _____

CLERK'S NOTES TO SUBMITTING PARTY OR JUDICIAL OFFICER:

JUDICIAL OFFICER'S NOTES TO CLERK OR SUBMITTING PARTY: