

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

Clerk/Reviewer's Notes:

Received:
Status End:
Hearings Set:
Fees Due Pet:

Case Name:
Case Number:
Document Examiner:
Date:
Returned To:
Via: U.S. Mail (if sufficient postage provided)
 Document Pickup Box

- 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 need to be completed or corrected before resubmission.**

FL-100 Petition

- Dissolution Legal Separation Nullity Marriage Domestic Partnership checked in title box.
- 1. Legal Relationship: a, b or c completed.
- 2. Residency: a, b or c completed as appropriate for dissolution cases. [CFC § 2320]
- 3. Statistical Facts: a or b completed. [CFC § 2330]
- 4. Children: a or b completed.
- 5. Grounds: a, b or c marked as appropriate.
- 6. Custody and Visitation/Parenting: a, b and c marked as appropriate.
- 7. Child Support: Guideline child support is mandatory unless parties stipulate to a different amount. Child support may not be waived, but may be set at 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, and addressed as to both parties.
- 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. [CFC § 2321]
- If name restoration requested, state name. [Dissolution and Nullity only – CFC § 2080]

- FL-105 Declaration Under Uniform Child Custody Jurisdiction Act**
Required if parties have minor children. Update if children's residence changed since previous filing.
[CRC 5.52; CFC § 3429]

- FL-110 Summons**

FL-115 Proof of Service - Completed properly.

Service Date:

By Publication/Posting

By Substituted Service/Certified Mail

FL-141 PETITIONER'S Declaration Regarding Service of Preliminary and Final Declaration of Disclosure

[CFC § 2103, 2104] NOTE: Not required in nullity cases.

Preliminary submitted.

Final submitted: A final declaration of disclosure may be mutually waived per CFC § 2105.

1. Completed.

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

3. Final completed: date of service 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 [CFC § 2105]

NOTE: Not required in nullity cases.

File if parties waiving service of final disclosure. As alternative, waiver may be included in Marital Settlement Agreement so long as all language from CFC § 2105(d) is used.

If not waiving final disclosures, complete FL-141 above as to service of final declarations of disclosure from BOTH parties.

FL-165 Request to Enter Default

2. Completed: If attachments are checked, they must be attached.

3. Completed (Provide address if 3.b. is checked). [CFC § 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 3.b. Use Court address for return address. Include enough postage for mailing.

FL-170 Declaration for Default or Uncontested Dissolution [CFC § 2336]

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

6 and 7 completed, if children.

If minor child(ren)'s residence has changed since FL-105 was last filed, attach updated FL-105.

9 and applicable subsection(s) completed if children are born prior to marriage.

12 Completed if not previously requested in Petition. [CFC § 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. [Dissolution and Nullity only – CFC § 2080]

If requesting entry of 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) – minimum 6 months and 1 day from jurisdiction date. [CFC § 2339] If the judgment specifies a status termination date that has already passed and no declaration in support of entry nunc pro tunc was provided, the Court will strike the already passed date and status will terminate upon entry of judgment.

Date:

Upon Entry

If reserving jurisdiction over termination of marital status (dissolution only), must leave status termination date blank and 4.a.(2) must be checked. [CFC § 2343]

FL-180 continued on next page

FL-180 continued

FOR NULLITY

- 4.c. grounds for nullity.

If children:

- 4.h. 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) Order Attachment

- 4.j. completed as applicable.
- Terms of custody included. If including existing orders, those orders must be attached to the Judgment and incorporated therein by reference.
- Judgment must contain CFC § 3048 language. If using form FL-341, #3 must be marked.

Child Support – may use FL-342 Child Support Information and Order Attachment

NOTE: Child Support must be included and must be based on State Uniform Guideline.

- 4.k. completed as applicable.
- Terms: Start date End language Child(ren)'s name(s) Payor Payee Amount
- Mandatory child support add-ons included at 6.b. and 6.c. on FL-342 or in settlement agreement, regardless of child(ren)'s age(s). [CFC § 4062]
- Attach DissoMaster or other court-approved support calculation. [CRC 5.260]
A free guideline calculator from DCSS is available at: <https://childsupport.ca.gov/guideline-calculator/>
- If guideline child support is rebutted, attach FL-342(A) Non-Guideline Child Support Findings Attachment and include declaration regarding CFC § 4057(b) rebuttal factors. If stipulating below guideline, include declaration under CFC § 4065. Child support cannot be waived, but can be set at zero by stipulation of parties. [CFC §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 Notices: Form FL-192 and FL-020.

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

- 4.l. Spousal support must be an amount, reserved or terminated when appropriate, and must be addressed as to both spouses.

Property - may use FL-345 Property Order Attachment

- If item 9.a. and 10.a. were both checked in the Petition, 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.

FL-180 continued

Signatures

- Both parties' signatures required.
- Respondent's signature must be notarized. [CFC § 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. [CFC § 2339, 2340]
- Name and address of both parties listed.
- 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); CFC § 2338.5]
- Provide one large self-addressed envelope with sufficient 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. [CGC § 68637]

Case Number:

REVIEWER'S NOTES: