



# CALIFORNIA SELF-HELP DIVORCE GUIDE

California courts use the same standard divorce papers and family law forms. There is a form for nearly all divorce or child custody issues. You can download free family law forms at [StuckiLawFirm.com](http://StuckiLawFirm.com) that you can fill-out electronically, save, and print.

And if you need any help, guidance on the next steps, or an attorney to look over what you have, you can use our No Retainer, Flat Fee Online Case Review Services at [stuckilawfirm.com/services](http://stuckilawfirm.com/services)

## FILING THE INITIAL DIVORCE PAPERS

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### STEP 1

**Fill** out the following forms:

- FL-100 (marriage) or FL-103 (domestic partners)
- FL-110
- FL-105 (only if you have minor children from the relationship you are dissolving)

### STEP 2

**Make copies** of your forms.

### STEP 3

Go to the courthouse, and **file** your originals and copies with the clerk. The clerk will stamp all your papers and give you back the copies. The court fees are \$435.

## SERVE THE FORMS

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### STEP 4

**Gather** the following forms:

- The stamped copies of the forms you filed in Step 3.
- FL-120 (marriage) or FL-123 (partner). Leave it blank.
- FL-117 (Include **ONLY** if your spouse is served via mail.) Leave it blank.

## STEP 5



**Serve** your spouse or partner with the forms from step 4 (and optionally with the financial disclosure forms in Step 8.) by having another person who is over 18 give all the forms to your spouse in person or by substituted service. This person (not you) can also serve your spouse by mail, but your spouse will have to fill out FL-117 and return it to your server. If your spouse fails or refuses to return FL-117 they will still need to be served in person or by substituted service.

## STEP 6



The person who served the papers **MUST fill** out and **sign** form(s):

- FL-115
- FL-117 (ONLY if service by mail AND your spouse filled it out and returned it, otherwise, ignore this form)



## STEP 7

**File** the completed and signed form FL-115 (and FL-117 if service by mail) with the courthouse clerk. There will not be any charge for this filing.

# FINANCIAL DISCLOSURES

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## STEP 8



**Fill** out the following forms and **prepare** the following information:

- FL-140
- FL-142 -or- FL-160
- FL-150
- The last two years of your tax returns.
- Writing that contains accurate and complete information to update your spouse about financial opportunities which have occurred after you were separated (usually measured from the time you physically moved to different domiciles.)

## STEP 9



**Serve** your spouse or partner a COPY of all of the financial disclosure forms and information from Step 8. You can serve these along with the original petition (from Step 5 above) if you want to save service fees or for convenience. In any case, you must serve the financial disclosure forms within 60 days of the original filing (from Step 3).

## STEP 10



**Fill** out and **File** the following with the court clerk. There will be no fee.

- FL-141
- DO NOT FILE the financial disclosure forms (FL-140, FL-142, FL-160, or FL-150). Keep the originals. Only file FL-141.



# RESPONSE OR NO RESPONSE

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What happens next depends on if your spouse files a **response** within 30 days of service, and whether you have a Marital Settlement Agreement. The forms start to get a little more complicated at this point. There are basically four paths your case will take at this point:

- Path 1: Your Spouse DID NOT file a response and No Marital Settlement Agreement. Go to **PAGE 4**.
- Path 2: Your Spouse DID NOT file a response BUT there IS a Written Marital Settlement Agreement. Go to **PAGE 5**.
- Path 3: Your Spouse Filed Response AND You Have a Marital Settlement Agreement. Go to **PAGE 7**.
- Path 4: Your Spouse Filed a Response but you CANNOT come to an agreement. Go to **PAGE 9**.

# PATH 1: NO RESPONSE, NO AGREEMENT

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## STEP 11

Your spouse did not file a response and you don't have a Marital Settlement Agreement. This is called a "True Default Divorce." **Fill out** as applicable to your situation:

- For Judgment (these are mandatory)
  - FL-165
  - FL-170
  - FL-180
  - FL-190
- For Child Custody Orders (if applicable)
  - FL-341
  - FL-341(A), (B), (C), (D), (E) if needed. These forms add specificity to custody orders.
- For Child Support Orders (if applicable)
  - FL-342
  - FL-150 -or- FL-155 (lower income simplified version)
  - FL-191
  - FL-192 (You do not need to fill this out but it does need to be included)
  - FL-195 (ONLY if you want your spouse's wages garnished for child support)
- Spousal Support Orders (Alimony)(if applicable)
  - FL-157 (Optional)
  - FL-343
  - FL-150 (if you already filled out FL-150, you do not need another one)
  - FL-435 (ONLY if you want your spouse's wages garnished for spousal support. If you filled out FL-195 for child support wage garnishment, you do not need FL-435.)
- Division of Assets Orders (if applicable)
  - FL-345
  - FL-160
  - FL-348 (ONLY if you or your spouse has a pension plan)
  - Two large envelopes, postage prepaid. One with your address, and one with the address of your spouse.

## STEP 12

At this point you may want to have an attorney review your documents in a limited scope representation.

## STEP 13

Make **2 copies** of everything and **file** it with the court clerk. Note: you must wait at least 30 days after you served your spouse the initial petition before you can file this final set of documents.

## STEP 14

The judge will **sign** the judgment (FL-180) without you or your spouse having to appear in court. The court clerk will mail you and your spouse the judgment and the date your divorce will be automatically finalized. By law, the date must be at least 6 months and 1 day from the date you served your spouse the initial petition (Step 5).



# PATH 2: NO RESPONSE. WITH AGREEMENT

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## STEP 11

Your spouse did not file a response, but you do have an agreement about the terms of your divorce. This is called a “Default with Agreement”.

**Write, Sign, and Notarize** your Marital Settlement Agreement (MSA). Divorce Mediators specialize in helping divorcing couples develop MSAs that the courts will approve. Stucki Law Firm can provide this service. A Marital Settlement Agreement typically includes detailed agreements about:

- Child Custody
- Visitation Plans
- Child Support
- Spousal Support
- Division of all assets and/or debts

## STEP 12

Your spouse will also have to sign a copy of FL-141 declaring that they disclosed the PRELIMINARY financial disclosures to YOU.

## STEP 13

**Fill** out these forms for judgment order:

- FL-165
- FL-170
- FL-180
- FL-190

## STEP 14

**Refill** and **Update** Final Financial Disclosures

FL-144 (ONLY if both spouses agree to waive the final disclosure.) If you both agree, and both sign this form, you will not need to fill out and share any of the other financial disclosure forms. You will only need to file this waiver. If you choose not to waive FINAL financial disclosures, both you and your spouse must fill out and share the FINAL financial disclosure forms:

- FL-140
- FL-142 -or- FL-160
- FL-150
- Write your name and case number on a piece of paper. Then write a statement of how you estimated the value of the community property. Also write a list of investment opportunities occurring since your separation.



- Last two years of tax returns.

## STEP 15

**Serve** the Final Financial Disclosures on your Spouse (from step 13) and have your spouse serve you. Only serve these papers if you chose NOT to waive the final financial disclosure (FL-144). You do not file these forms, you keep them.



## STEP 16

Make **2 copies** of the following and **file** it with the court clerk. Note: you must wait at least 30 days after you served your spouse the initial petition before you can file this final set of documents.

- FL-141 and your Spouse's FL-141 (if you did NOT waive the final financial disclosure) -OR- FL-144 (if you did waive final financial disclosure.)
- Judgment Forms from step 12 (FL-165, FL-170, FL-180, and FL-190)
- Your written, signed, and notarized Marital Settlement Agreement.
- Two large envelopes, postage prepaid. One with your address, and one with the address of your spouse or partner.

## STEP 17

The judge will **sign** the judgment (FL-180) without you or your spouse having to appear in court. The court clerk will mail you and your spouse the judgment and the date your divorce will be automatically finalized. By law, the date must be at least 6 months and 1 day from the date you served your spouse the initial petition (Step 5).



Please remember that if you do not complete all of these steps, your divorce will not be finalized automatically after 6 months and 1 day. It is automatically finalized **ONLY** if you have completed **ALL** the filings required.

# PATH 3: RESPONSE, WITH AGREEMENT

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## STEP 11

This is called an “Uncontested Divorce.” Your spouse will have filed FL-120(marriage) or FL-123 (partnership) and would have had to pay a \$435 filing fee. The process is basically the same as if your spouse did not file, except your spouse now also has the opportunity to file the following paperwork for judgment. But only one of you need file for judgment.

**Write, Sign, and Notarize** your Marital Settlement Agreement (MSA). Divorce Mediators specialize in helping divorcing couples develop MSAs that the courts will approve. Stucki Law Firm can provide this service. A Marital Settlement Agreement typically includes detailed agreements about:

- Child Custody
- Visitation Plans
- Child Support
- Spousal Support
- Division of all assets and/or debts

## STEP 12

Your spouse will also have to sign a copy of FL-141 declaring that they disclosed the PRELIMINARY financial disclosures to YOU.

## STEP 13

**Fill** out these forms for judgment orders:

- FL-130
- FL-165
- FL-170
- FL-180
- FL-190

## STEP 14

**Re-fill** and **Update** Final Financial Disclosures. Both you and your spouse must exchange these forms:

- FL-144 (ONLY if both spouses agree to waive the final disclosure.) If you both agree, and both sign this form, you will not need to fill out and share any of the other financial disclosure forms. You will only need to file this waiver. If you choose not to waive FINAL financial disclosures, both you and your spouse must fill out and share the FINAL financial disclosure forms:
  - FL-140
  - FL-142 -or- FL-160
  - FL-150



- Write your name and case number on a piece of paper. Then write a statement of how you estimated the value of the community property. Also write a list of investment opportunities occurring since your separation.

## STEP 15

**Serve** the Final Financial Disclosures (from step 13) on your Spouse and they will need to serve them on you. You do not file these forms, you keep them. Only serve these papers if you chose NOT to waive the final financial disclosure (FL-144).

## STEP 16

Make **2 copies** of the following and **file** it with the court clerk.

- FL-141 and your Spouse's FL-141 (if you did NOT waive the final financial disclosure) -OR- FL-144 (if you did waive final financial disclosure.)
- Judgment Forms from step 12 (FL-165, FL-170, FL-180, and FL-190)
- Your written, signed, and notarized Marital Settlement Agreement
- Two large envelopes, postage prepaid. One with your address, and one with the address of your spouse or partner.

## STEP 17

The judge will **sign** the judgment (FL-180) without you or your spouse having to appear in court. The court clerk will mail you and your spouse the judgment and the date your divorce will be automatically finalized. By law, the date must be at least 6 months and 1 day from the date you served your spouse the initial petition (Step 5).

Remember that if you do not complete all of these steps, your divorce will not be finalized automatically after 6 months and 1 day. It is automatically finalized **ONLY** if you have completed **ALL** the filings required.

# PATH 4: RESPONSE, NO AGREEMENT

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## STEP 11

This is called a “Contested Divorce.” Your spouse will have filed FL-120 (marriage) or FL-123 (partnership) and would have had to pay a \$435 filing fee. You will have to go to court to have a judge decide the issues for which you and your spouse cannot agree.

The issues that typically must be resolved may include:

- Child Custody and Visitation Plans
- Child Support
- Spousal Support (Alimony)
- Division of Assets and/or debts

You might agree on some issues but not others. If this is the case, you can write up a marital settlement agreement on the issues you worked out and leave the other issues for a judge to decide.

The next steps to follow in a contested divorce case vary considerably and can be quite complex.

If you need help, guidance for the next steps, or an attorney to look over your forms and documents at any time in the process, you can use our No Retainer, Flat Fee ONLINE CASE REVIEW AND CONSULTATION at: **[stuckilawfirm.com/services](http://stuckilawfirm.com/services)**.



# STUCKI LAW FIRM

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