

This sheet explains the steps to divorce. It also answers the most common questions about divorce, including:

- Where to get free, low-cost, and paid legal help for your divorce, and
- Ways to handle a divorce without going to court.

To get a divorce, you must:

- ① **File your court forms:** The person asking for a divorce (the Petitioner) files these forms:
 - Form FL-100, *Summons*
 - Form FL-110, *Petition for Dissolution*
 - Form FL-105, *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act* (**only if** the couple has children under 18)
- ② **Serve your court forms:** After the Petitioner files the forms at court, s/he must have someone over 18 serve (give) the other spouse or domestic partner (the Respondent):
 - a copy of the filed court papers, and
 - a blank *Response* (form FL-120).The person who served the Respondent then files form FL-115, *Proof of Service* with the court.

- ③ **Exchange financial forms:** Both spouses (or domestic partners) fill out and exchange:
 - Form FL-140, *Declarations of Disclosure*
 - Form FL-150, *Income and Expense Declaration*
 - Form FL-142, *Schedule of Assets and Debts*, and
 - Income Tax Returns for the last 2 years.

After exchanging these forms, each spouse/domestic partner fills out and files Form FL-141, *Declaration Regarding Service of Declaration of Disclosure*. Use the forms in the *Disclosure Package*: www.courts.ca.gov/selfhelp.

- ④ **Finish your divorce:** There are 4 ways to finish a divorce. Find the one that matches your situation:
If the Respondent does not file a *Response* within 30 days after being served, the Petitioner can ask the Court to finalize the divorce. (This is called default judgment.)

- If the Respondent agrees to a default judgment, the Petitioner files:
 - Form FL-180, *Judgment*, and
 - Their proposed agreement.
- If the Respondent does not agree to a default judgment, the Petitioner files:
 - Form FL-180, *Judgment*, and
 - Other forms in the Default Package.**Important!** To get a default judgment, the Petitioner can only ask for the orders requested in the *Petition*.

The court forms and instructions listed on this form are **free** and available at:

- www.courts.ca.gov/selfhelp
- Your Court's Family Law Facilitator, Self-Help Center, or Court Clerk's Office

If the Respondent files a *Response*, and...

- You have made an agreement together, either of you can file:
 - Form FL-180, *Judgment*, and
 - Your proposed agreement.Use the forms and instructions in the *Uncontested Package*: www.courts.ca.gov/selfhelp.
- You have not made an agreement, the court may help you come to an agreement. Use the forms and instructions in the *Trial Package*: www.courts.ca.gov/selfhelp.

- ⑤ **The court mails you the final Judgment.**

If your address changes, file Form MC-040, *Notice of Change of Address*.

Can I get divorced without going to court?

Yes. If you do not want the court to make all of the decisions in your case, you can write your own divorce agreement. If you need help to do this, you can get free help from the court, or pay for your own lawyer or mediator.

Here's how:

Use these **free** court services:

- **Family Court Services (FCS):** If you and your spouse/domestic partner cannot agree on child custody and parenting, the court will send you to FCS for **mediation**. (The mediator cannot help with financial or property decisions.)
- **Self-Help Centers and Family Law Facilitators (FLF):** They can give you sample agreements and other information that will help you make your own agreement. Some Centers and FLF offer mediation.
- **Settlement Talks:** A judge meets with you, your spouse/domestic partner, and the lawyers. The judge listens to your case and suggests solutions. You do not have to accept the judge's solutions, but they may help you get closer to an agreement.

Some lawyers and counselors are trained to help settle divorces out of court, including:

- **Lawyers** can help you and your spouse/domestic partner make an agreement.
- **Mediators** (lawyers or counselors) can help you and your spouse/domestic partner find options that work for both of you so you can make an agreement. Mediators do not decide for you.
- **Collaborative lawyers** can work together to make an out of court agreement that works for both of you. If you cannot make an agreement, and end up in court, you must hire new lawyers.

Learn more about ways to settle your divorce out of court at: www.courts.ca.gov/1004.htm.

How long does it take to get divorced?

The soonest you can get divorced is 6 months and 1 day from the date the Respondent:

- was served,
- filed a *Response* (Form FL-120), or
- filed an *Appearance Stipulation and Waivers* (Form FL-130).

What if I need other court orders?

File form FL-300, *Request for Order*, to ask for temporary orders, such as for:

- Child support or spousal support,
- Child custody or visitation, or
- Restraining orders.

To do this, download the *Request for Order Package* from: www.courts.ca.gov/selfhelp.

How can I find a lawyer or mediator?

To find a **lawyer**, contact:

- Your local bar association,
- State Bar of California at <http://calbar.ca.gov>, or
- Lawyer Referral Service at 866-442-2529.

To see if you qualify for free and low-cost legal help, go to www.lawhelpcalifornia.org.

To find a private **mediator** in your area, contact:

- Your local bar association,
- Your court ADR (Alternative Dispute Resolution) program, or
- Family Court Services.

If you are worried about domestic violence...

Talk to a lawyer, counselor, or mediator **before** you make your agreement.

If you need help, call the National Domestic Violence Hotline at:

- **800-799-7233**
- TDD: **800-787-3224**, or
- **211** (if available in your area).

Caution: The information on this sheet is not legal advice. If you need legal advice, talk to a lawyer.