Respond to Divorce or Legal Separation Case – Mendocino County

If your spouse or domestic partner filed for divorce or legal separation, first decide if you want or need to respond. Go to page 2 to learn your options. **If you choose to respond:**

STEP 1: Fill out forms and make copies:

- *Response* (FL-120) (+1 copy) (you are the *Respondent*. Your spouse is the *Petitioner*)
- *UCCJEA Declaration* (FL-105) if you have minor children together (+1 copy)
- *Fee Waiver* forms if low income: FW-001 and FW-003

Turn in the forms at the clerk's window. You will get the forms back. One set of copies is for you. The other is for the other side.

If you were served with divorce documents (a *Petition* and *Summons*)

Read this:

STEP 2: Let the other side know. This is called "service." You can't do it yourself.

- Have someone 18 or older give the other side, in person or by mail, copies of FL-120 (and FL-105 if you used it).
- Have that person (the server) fill out a Proof of Personal Service (FL-330) or a Proof of Service by Mail (FL-335), depending on how they delivered the papers. Make a copy and turn in to clerk.

STEP 3: Exchange financial information (can do at same time as Step 1). Do this within 60 days of filing your Response. Petitioner must do it within 60 days of starting the case.

- *Declaration of Disclosure* (FL-140)
- *Schedule of Assets and Debts* (FL-142) **or** *Property Declaration* (FL-160)
- *Income & Expense Declaration* (FL-150)
- Make a copy of all these forms. Serve the other side the copy
- Tell the court you did this: *Decl. re. Service of Decl. of Disclosure* (FL-141)
  → **FL-141 is the only form you file at court for this step**, but keep the original of your disclosure forms in case you need them later.

STEP 4: Finish Your Case – 4 different ways, and forms vary for each:

A. No response/ no written agreement. Petitioner files:

- *Request to Enter Default* (FL-165)
- *Declaration re. Default or Uncontested Dissolution* (FL-170)
- *Judgment* (FL-180)
- If custody: *Custody Order Attachment* (FL-341)
- *Notice of Entry of Judgment* (FL-190)
- 3 empty envelopes with stamps: 2 addressed to spouse, 1 to you

May need more forms

➔ More Information

B. No response / with written agreement. Petitioner files:

- *Request to Enter Default* (FL-165)
- Declaration re. Default or Uncontested Dissolution (FL-170)
- *Judgment (*FL-180)
- *Notice of Entry of Judgment* (FL-190)
- Marital Settlement Agreement (MSA), notarized
- 3 empty envelopes with stamps: 2 addressed to spouse, 1 to you

May need more forms

➔ More Information

C. Response / with written agreement. Either side files:

- *Appearance, Stipulations, and Waivers* (FL-130)
- *Declaration re. Default or Uncontested Dissolution* (FL-170)
- *Judgment* (FL-180)
- Notice of Entry of Judgment (FL-190)
- Marital Settlement Agreement (MSA)
- Declaration re. Service of Decl. *of Disclosure* (FL-141) from the other side
- 2 envelopes with stamps: 1 to you, 1 to spouse

May need more forms

➔ More Information

D. Response with No agreement. Either side files

- Request for Trial (MFL-143)

→ *You have to complete Step 3 before you can request a trial.*

- Prepare for & attend Settlement Conference and child custody mediation (if you have children).
- At least 45 days before Trial, do and serve your financial disclosures again.
- Go to trial.

May need more forms

➔ More Information

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➔ For more info, go to California Courts Online Self-Help Center

https://selfhelp.courts.ca.gov/respond-divorce-papers

Do I have to respond to the case my spouse started? It depends. You have 4 options:

1. You can do nothing — which means that whatever your spouse or domestic partner is asking for in the *Petition* will probably be granted, as long as it's a fair division of your property and debts together. The judge will base their decision about property, support, and custody and visitation (if you have children together) only on what your spouse or domestic partner asked for in their paperwork.
2. You can do nothing because you and your spouse will be able to reach, and sign, an agreement on every part of your divorce case like property and debts, support, and custody and parenting time (if you have children together). If you want to do this, you will have to give your spouse your financial information (Step 3).
3. You can file a response with the court, but also reach an agreement with your spouse or domestic partner about all the issues.
4. You can file a response and disagree with what your spouse or domestic partner is asking for.

How much time do I have to respond?

You have 30 days from the day you were served with papers to respond.

After 30 days, your spouse can ask for a default judgment if you have not responded. That means that the judge may make orders without you having any say.

How much will it cost?

The court fee to respond is $435. If you ask for court dates along the way, there may be more fees.
If you are currently low income, or your expenses are very high compared to your income, you may not have to pay any fees. Use forms FW-001 and FW-003 to ask for a fee waiver.

How long does it take to get divorced?

At least 6 months and 1 day after the Respondent spouse is served. There is no waiting period of a legal separation. But you must turn in the final papers or ask for a trial to finish your case. The court will NOT finish it for you.

Where do I go to turn in my papers? Hours: 8:30 a.m.-3:00 p.m

Ukiah Courthouse, Room 107
100 N. State Street, Ukiah, CA 95482

Fort Bragg, Ten Mile Courthouse, lobby window
700 S. Franklin Street, Fort Bragg, CA 95437

You can also file online, called e-filing: Go to https://www.mendocino.courts.ca.gov/e-filing.

Will the court make orders about child custody, child support, or spousal support before the divorce is final?

Only if you ask for them. If you need temporary orders, use a *Request for Order* (FL-300). There is an additional fee for a Request for Order, but if you have a fee waiver, you do not have to pay it. The *Request for Order* form may not be the only form you need, and there are other steps you should know about. Get help.

➔ If you ask for a custody order, you & your spouse will be sent to mediation. If you can't agree in mediation, the judge will make the decision.

What is a Case Management Conference?

A *Case Management Conference* (or *CMC*) is a short hearing to check whether the people getting divorced are moving the case along. It is scheduled for 2-3 months after someone files for a divorce, then every 5-6 months until the case is finished. Turn in a *Family Law Case Status Report* (MFL-251) before each Conference.