# Divorce or Legal Separation – Mendocino County

**STEP 1: Start your case with the court.** Fill out and make copies:

- *Petition* (FL-100) (+1 copy) (You are the *Petitioner*. Your spouse is the *Respondent*)
- *Summons* (FL-110) (+1 copy)
- *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 (originals and copies) at the clerk's window. The clerk will give you back your documents, stamped, & a *Notice of Case Management Conference*. One set is yours. The other set is for the other side.

**Fill out the forms online!!**
Use a computer program to help you with all the forms. And you can e-file your forms after if you want.
➡Take me to Online Program

**STEP 2: Let the other side know, in person. This is called "service," and you can't do it yourself.**

- Have someone 18 or older give the other side in person copies of: FL-100, FL-110 (+ FL-105 if you used it); *Notice of Case Management Conference;* include a blank *Response* (FL-120) (+ a blank FL-105, if you used one)
- Have that person (the server) fill out Proof of Service of Summons (FL-115)
- Turn in the completed **Proof of Service** to the court clerk.

**STEP 3: Exchange financial information (can do at same time as Step 1). Petitioner: complete within 60 days of Step 1. Respondent: do within 60 days of Response. You may need to do these again close to the end of your case.**

- *Declaration of Disclosure* (FL-140)
- *Schedule of Assets and Debts* (FL-142) **or** *Property Declaration* (FL-160) (ask to see which to use if you don't know.
- *Income & Expense Declaration* (FL-150)
- Make a copy of all these forms. Serve the other side a copy & blank set
- 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:**

- 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, 1 addressed to you, 2 to spouse

*Wait at least 30 days after serving your spouse to turn in these forms.*
May need more forms.
More:

- http://www.courts.ca.gov/8409.htm

**B. No response / with written agreement**

- 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, 1 addressed to you, 2 to spouse

*Wait at least 30 days from serving your spouse to turn in these forms.*
May need more forms
More:

- http://www.courts.ca.gov/8410.htm

**C. Response / with written agreement:**

- Appearance, Stipulations, and Waivers (FL-130)
- Declaration re. Default or Uncontested Dissolution (FL-170)
- Judgment (FL-180)
- Notice of Entry of Judgment (FL-190)
- Stipulated Judgment (agreement)
- Declaration re. Service of Decl. of Disclosure (FL-141), *filled out by other side*
- empty envelopes with stamps, 1 addressed to you, 1 to spouse

May need more forms
More:

- http://www.courts.ca.gov/8411.htm

**D. Response with No agreement:**

- 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 your financial disclosures again.
- Go to trial.

May need more forms
More:

- http://www.courts.ca.gov/1238.htm

# Divorce or Legal Separation – Mendocino County

## ➔ For more info, go to California Courts Self-Help Center Portal:
## https://selfhelp.courts.ca.gov/divorce-california

### Do I have to pay court fees to get divorced?

The court fee is $435. If you ask for court dates along the way, there may be more fees.
If you're 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 your 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?

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

Hours: 8:30 a.m.-3:00 p.m

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

### Can my server mail the documents to my spouse?

**Very rarely.** Mail service is valid only in very few cases, and only if your server follows all of the required steps and uses all of the required forms. For example, if your spouse is willing to sign a form saying they received papers, or if your spouse lives out of state, service by mail may be an option. Ask for help.

**More information:** https://selfhelp.courts.ca.gov/divorce/start-divorce/serve

### What if I don't know where my spouse is?

You will have to complete extra steps. Ask at the Self-Help Center.

**More information:** https://selfhelp.courts.ca.gov/service-publication-or-posting

### 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 5-6 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) beforehand.