

Welcome to the class: “DIVORCE BASICS: PROCESS and the LAW”

While you are waiting for class to begin, please:

- ▶ **If possible, watch using a computer, laptop or tablet**
- ▶ **Mute your audio**
- ▶ **Print the documents** posted at the court’s website:

<https://www.santabarbara.courts.ca.gov/divisions/family-law/family-law-zoom-classes>

- ▶ **Print and complete the “Property Worksheet”**
- ▶ Have a **pen and paper** available
- ▶ Be ready to **start promptly at 8:30 a.m.**

Thank you!



DIVORCE BASICS: PROCESS and the LAW



SANTA BARBARA COUNTY SUPERIOR COURT
Office of the Family Law Facilitator
Deborah K Mullin, J.D.

FAMILY LAW FACILITATOR:

What can we do for
you?



- Court attorney who can help you better represent yourself
- Available to either side
- Nothing is confidential
- Can help you with legal papers
- Can help you with service of the legal papers
- Can help with the filing of papers
- FLF does *not* go to court with you
- FLF does *not* represent you

GOALS FOR THIS CLASS:

- Understand the divorce process—what steps you need to take and when
- Understand the basic law in the different issue areas, such as custody, support, property—so you understand your options
- Gain important pointers on how to fill out your forms correctly—so you can save time

Want to get divorced?



- ▶ One spouse must file the **correct** legal papers with the **correct** court
- ▶ The legal papers must be **correctly** served (given) to the other spouse
- ▶ One or both spouses must do their **correct** financial disclosures
- ▶ Resolve your issues: (Default, mutual agreement or trial?)
 - ▶ Custody and visitation
 - ▶ Child support
 - ▶ Spousal support
 - ▶ Property division: Both assets and debts
- ▶ File the **correct** documents in the **correct** manner to get your Judgment

Before I think about filing for divorce...



- ▶ Have we tried marriage counseling?
- ▶ Do I have copies of all our important legal and financial documents—in a safe place?
- ▶ Have I run a credit check?
www.annualcreditreport.com
- ▶ Do I need to make estate planning changes?



What's in YOUR refrigerator??

Do I need an attorney????



- ▶ Hire an attorney: “YOU do it!”
- ▶ Limited scope representation: “I can do part of it!”
- ▶ Mediation: “I want to work on the divorce amicably with my partner.”
- ▶ Self-represented: “I can do this!”







California Courts Self-Help Center: Lots of Information and the free forms available that you complete on your own



Guide and File: Answer online questions and automatically create the forms. File electronically or print and file on your own.



Law Help Interactive: Free forms that you complete yourself by answering written interview questions



Links: On the next page

OPTIONS FOR CREATING YOUR LEGAL PAPERS

Websites to create the legal forms:

California Courts Self-Help Center: Extensive information and free forms to complete on your own: <https://selfhelp.courts.ca.gov/divorce> **GREAT SITE!**

Law Help Interactive: By answering written interview questions, you complete legal forms for free: <https://www.butte.courts.ca.gov/self-help/online-resources>

Guide and File: Answer online questions on your own and your forms are created for free. You can then print the documents to serve and file or electronically file: www.guideandfile.com



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BASIC INFORMATION ABOUT YOUR POSSIBLE ISSUES--

- **Custody**
- **Visitation**
- **Child Support**
- **Spousal Support (alimony)**
- **Division of Property: Assets and Debts**

Custody and Visitation...It's all about who is RESPONSIBLE and when



This Photo by Unknown
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CUSTODY: There are 2 types of custody:

- ▶ **PHYSICAL CUSTODY:** With whom does your child live on a day-to-day basis?
- ▶ **LEGAL CUSTODY:** Who makes the decisions about your child's welfare?
 - ▶ Choice of daycare and school
 - ▶ Choice of medical and mental health providers
 - ▶ Choice of religion

VISITATION:

- ▶ When the parent who does not have physical custody is with the child

OTHER WAYS OF NAMING THE SAME THING:

- ▶ "Parenting plan"
- ▶ "Time share schedule"

PEACE CLASS is required! Online only and FREE:

<https://www.santabarbara.courts.ca.gov/divisions/family-law/peace-online>

Remember to file that Certificate of Attendance.

1. If you have a minor child or children of the marriage, there must be an order for child support.
2. If neither spouse receives Cal-Works (welfare), then you both are free to negotiate the amount of child support and the effective date of the order.
3. If you want to mediate the issue of child support, please call the (South County) Family Law Facilitator's Office to schedule an appointment—FREE.
4. Amount of child support in CA is based generally on:
 - ▶ Number of children
 - ▶ Percentage of time share for each parent
 - ▶ Gross income
 - ▶ Tax deductions
5. Contact the Dept of Child Support Services for help: (866) 901-3212





SPOUSAL SUPPORT??

- ▶ This is money that one spouse may pay to the other spouse to help support them. Must be in the form of a court order.
- ▶ **“Temporary Spousal Support”** for while the case is pending
 - ▶ Usually based on a formula
- ▶ **“Post-Judgment Spousal Support”** is based on the FC 4320 factors:
https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=4320.&lawCode=FAM
- ▶ Can be waived....bye-bye!

**FINANCIAL DISCLOSURES:
ARE THE ASSETS/DEBTS COMMUNITY OR SEPARATE?**

The goal of the financial disclosures step is to (1) identify all assets and debts connected with either you or the other spouse or both of you and (2) determine the value of each.

Assignment:

1. Start by brainstorming all your assets and your debts below. Do NOT think “mine or yours.” Just quickly list everything that you know.
2. Then put the dates of your marriage and separation at the top of p. 2.
3. Characterize each asset and debt as either separate or community property based on when the asset or debt was acquired (either before or during marriage or after separation). Then place each item in the appropriate column on p. 2. (Exceptions to community property rule: Property received by gift, inheritance or produced by separate property during marriage. These things are separate property.)

PROPERTY WORKSHEET

STEP 1: List all valuable property you can identify, such as: Vehicles/campers/trailers, real estate, bank accounts, pension or retirement plans, IRAs, computers, big screen TVs, smart phones, stocks and bonds, tax refunds, security deposit where you live, etc.

|

List all debts you can identify, such as: Credit card debts, medical/dental/orthodontia bills, back taxes, installment debts (such as to Ashley Furniture), personal loans from a friend or relative, student loans, etc.:

“Property Worksheet” p. 1

STEP 2: Now characterize your assets and debts as either separate property or community property by itemizing in the appropriate column (1, 2 or 3) below according to when the item was acquired.

DATE OF MARRIAGE

____/____/____
Month / Day / Year

DATE OF SEPARATION

____/____/____
Month / Day / Year

Marital Period

Column 1	Column 2	Column 3
Separate Property (SP)	<p>Community Property (CP) *</p> <p>* EXCEPTION TO CP RULE DURING MARRIAGE: Property received by gift, inheritance or produced by separate property during marriage. These things are considered to be separate property.)</p>	Separate Property (SP)

“Property Worksheet” p. 2

Let's check out the following legal forms:

▶ FORMS:

- ▶ FL-107 INFO SHEET
- ▶ FL-110 SUMMONS
- ▶ FL-100 PETITION
- ▶ FL-105 Declaration Under UCCJEA



▶ FILING FEE:

- ▶ \$435: Cash, check, money order or credit card
- ▶ FW-001 Request to Waive Court Fees
- ▶ FW-003 Order on Court Fee Waiver

▶ GET MORE INFORMATION:

<https://www.courts.ca.gov/1229.htm>

STEP 1. Start Your Case

- The **petitioner** (the person who files the first divorce or legal separation forms with the court) fills out and files with the court clerk at least a *Petition—Marriage/Domestic Partnership* (form FL-100) and a *Summons* (form FL-110) and, if there are children of the relationship, a *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act* (form FL-105).
- The forms needed to start your case and information about filing fees and fee waivers are available at “Filing Your Case,” at courts.ca.gov/filing.
- The court clerk will stamp and return copies of the filed forms to the **petitioner**.

STEP 2. Serve the Forms

- Someone 18 or older**—not the **petitioner**—serves the spouse or domestic partner (called the **respondent**) with all the forms from Step 1 plus a blank *Response—Marriage/Domestic Partnership* (form FL-120) and files with the court a proof-of-service form, such as *Proof of Service of Summons* (form FL-115), telling when and how the respondent was served. (To *serve* means “to give in the proper legal way.”) For more information, see “Serving Your First Set of Court Forms” at courts.ca.gov/filing.
- The **respondent** has 30 days to file and serve a *Response*. So, the **petitioner** must wait 30 days before starting Step 4.

STEP 3. Disclose Financial Information

- At the same time as Step 1 or within 60 days of filing the *Petition*, the **petitioner** must fill out and have these documents served on the **respondent**: *Declaration of Disclosure* (form FL-140), *Income and Expense Declaration* (form FL-150), *Schedule of Assets and Debts* (form FL-142) or *Property Declaration* (form FL-160), and all tax returns filed by the party in the two years before serving the disclosure documents. These disclosure documents are not filed with the court.
- If the **respondent** files a *Response*, he or she must also complete and serve the same disclosure documents on the **petitioner** within 60 days of filing the *Response*.
- The 60-day time frame for serving the disclosures may be changed by written agreement between the parties or by court order.
- The **petitioner** and **respondent** each file a *Declaration Regarding Service* (form FL-141) with the court saying disclosures were served. If the **respondent** does not serve disclosures, the **petitioner** can still finish the case without them. For more information, see “Fill Out and Serve Your Financial Declaration of Disclosure Forms” at courts.ca.gov/filing (click on Step 4).

STEP 4. Finish the Divorce or Legal Separation Case in One of Four Ways

Respondent does not file a *Response* (called “default”)

No *Response* and NO written agreement:
Petitioner waits 30 days after Step 2 is complete and prepares a proposed *Judgment* (form FL-180), together with all other needed forms. See “True Default Case” at courts.ca.gov/truedefault.

No *Response* BUT written agreement: Petitioner attaches the signed and notarized agreement to the proposed *Judgment* (form FL-180), together with all other needed forms. See “Default Case with Written Agreement” at courts.ca.gov/defaultagree.

***Response* AND written agreement:** Either party files *Appearance, Stipulations, and Waivers* (form FL-130) and the proposed *Judgment* with written agreement attached and other needed forms. See “Uncontested Case” at courts.ca.gov/uncontested.

***Response* and NO agreement:** Parties must go to trial to have a judge resolve the issues. See “Contested Case” at courts.ca.gov/contested.

IMPORTANT NOTICES

- The earliest you can be divorced is six months and one day from one of these three dates (whichever occurs first): (1) the date Respondent was served with the *Summons* (form FL-110) and *Petition* (form FL-100), (2) the date the *Response* (form FL-120) was filed, or (3) the date *Appearance, Stipulations, and Waivers* (form FL-130) was filed. Legal separation has no waiting period. You are NOT divorced or legally separated until the court enters a *Judgment* in your case.
- If you need court orders for child support, custody, parenting time (visitation), spousal or partner support, restraining orders, or other issues, file a *Request for Order* (form FL-300) asking for temporary orders. See “Request for Order Information” at courts.ca.gov/divorcerequests for more information.
- Annulments: See courts.ca.gov/annulment for information about annulments.
- You must keep the court and the other party informed of any change in your mailing address or other contact information. File and serve a *Notice of Change of Address or Other Contact Information* (form MC-040) on the other party or his or her attorney to let them know about the change in your contact information.

FL-107 INFO

STEP 3B: Identify and solve your issues:

- Child custody and visitation
- Child support
- Spousal support
- Division of property: Both assets and debts

For more information on ways to get orders regarding your issues, see the “Resolve Your Issues” handout from the Family Law Facilitator’s Office.

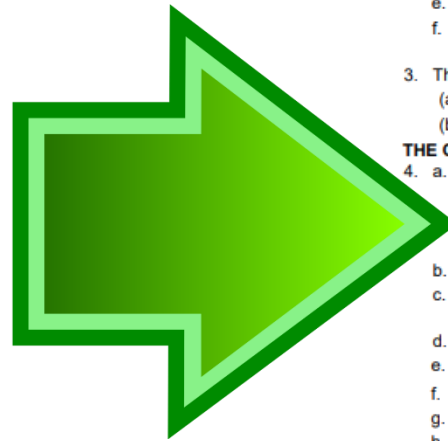
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***Pull that
wagon to
completion!***

Judgment FL-180 p. 1

- Your goal is to get this document
- When signed by the judge and filed with the court, it signals that your divorce is complete
- Page 1: Indicates the date that marital status is terminated (you've become single)



FL-180	
ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):	
TELEPHONE NO.: FAX NO. (Optional):	
E-MAIL ADDRESS (Optional):	
ATTORNEY FOR (Name):	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF	
STREET ADDRESS:	
MAILING ADDRESS:	
CITY AND ZIP CODE:	
BRANCH NAME:	
MARRIAGE OR PARTNERSHIP OF	
PETITIONER:	
RESPONDENT:	
JUDGMENT	
<input type="checkbox"/> DISSOLUTION <input type="checkbox"/> LEGAL SEPARATION <input type="checkbox"/> NULLITY	
<input type="checkbox"/> Status only	
<input type="checkbox"/> Reserving jurisdiction over termination of marital or domestic partnership status	
<input type="checkbox"/> Judgment on reserved issues	
Date marital or domestic partnership status ends:	
CASE NUMBER:	
1. <input type="checkbox"/> This judgment <input type="checkbox"/> contains personal conduct restraining orders <input type="checkbox"/> modifies existing restraining orders.	
The restraining orders are contained on page(s) of the attachment. They expire on (date):	
2. This proceeding was heard as follows: <input type="checkbox"/> Default or uncontested <input type="checkbox"/> By declaration under Family Code section 2336	
<input type="checkbox"/> Contested <input type="checkbox"/> Agreement in court	
a. Date: Dept.: Room:	
b. Judicial officer (name): Temporary judge	
c. <input type="checkbox"/> Petitioner present in court <input type="checkbox"/> Attorney present in court (name):	
d. <input type="checkbox"/> Respondent present in court <input type="checkbox"/> Attorney present in court (name):	
e. <input type="checkbox"/> Claimant present in court (name): <input type="checkbox"/> Attorney present in court (name):	
f. <input type="checkbox"/> Other (specify name):	
3. The court acquired jurisdiction of the respondent on (date):	
(a) <input type="checkbox"/> The respondent was served with process.	
(b) <input type="checkbox"/> The respondent appeared.	
THE COURT ORDERS, GOOD CAUSE APPEARING	
4. a. <input type="checkbox"/> Judgment of dissolution is entered. Marital or domestic partnership status is terminated and the parties are restored to the status of single persons	
(1) <input type="checkbox"/> on (specify date):	
(2) <input type="checkbox"/> on a date to be determined on noticed motion of either party or on stipulation.	
b. <input type="checkbox"/> Judgment of legal separation is entered.	
c. <input type="checkbox"/> Judgment of nullity is entered. The parties are declared to be single persons on the ground of (specify):	
d. <input type="checkbox"/> This judgment will be entered nunc pro tunc as of (date):	
e. <input type="checkbox"/> Judgment on reserved issues.	
f. The <input type="checkbox"/> petitioner's <input type="checkbox"/> respondent's former name is restored to (specify):	
g. <input type="checkbox"/> Jurisdiction is reserved over all other issues, and all present orders remain in effect except as provided below.	
h. <input type="checkbox"/> This judgment contains provisions for child support or family support. Each party must complete and file with the court a Child Support Case Registry Form (form FL-191) within 10 days of the date of this judgment. The parents must notify the court of any change in the information submitted within 10 days of the change, by filing an updated form. The Notice of Rights and Responsibilities—Health-Care Costs and Reimbursement Procedures and Information Sheet on Changing a Child Support Order (form FL-192) is attached.	

Form Adopted for Mandatory Use
Judicial Council of California
FL-180 (Rev. July 1, 2012)

JUDGMENT
(Family Law)

Page 1 of 2
Family Code, §§ 2024, 2340,
2343, 2346
www.courts.ca.gov

Judgment FL-180 p. 2

- The issues in your divorce are listed here. They are determined by what is requested in the Petition FL-100 and Response FL-120. Those issues must be resolved by the time of Judgment.
- For each issue: Either you both make a written agreement OR the judge makes orders.
- The final orders are attached to the Judgment. You can treat each issue as a “chapter” in your divorce “book.” Get each one resolved—one at a time.



CASE NAME (Last name, first name of each party):	CASE NUMBER:
--	--------------

4. i. ☐ The children of this marriage or domestic partnership are:

(1) ☐ Name _____ Birthdate _____

(2) ☐ Parentage is established for children of this relationship born prior to the marriage or domestic partnership

j. ☐ Child custody and visitation (parenting time) are ordered as set forth in the attached

(1) ☐ Settlement agreement, stipulation for judgment, or other written agreement which contains the information required by Family Code section 3048(a).

(2) ☐ *Child Custody and Visitation Order Attachment* (form FL-341).

(3) ☐ *Stipulation and Order for Custody and/or Visitation of Children* (form FL-355).

(4) ☐ Previously established in another case. Case number: _____ Court: _____

k. ☐ Child support is ordered as set forth in the attached

(1) ☐ Settlement agreement, stipulation for judgment, or other written agreement which contains the declarations required by Family Code section 4065(a).

(2) ☐ *Child Support Information and Order Attachment* (form FL-342).

(3) ☐ *Stipulation to Establish or Modify Child Support and Order* (form FL-350).

(4) ☐ Previously established in another case. Case number: _____ Court: _____

l. ☐ Spousal, domestic partner, or family support is ordered:

(1) ☐ Reserved for future determination as relates to ☐ petitioner ☐ respondent

(2) ☐ Jurisdiction terminated to order spousal or partner support to ☐ petitioner ☐ respondent

(3) ☐ As set forth in the attached *Spousal, Partner, or Family Support Order Attachment* (form FL-343).

(4) ☐ As set forth in the attached settlement agreement, stipulation for judgment, or other written agreement.

(5) ☐ Other (specify): _____

m. ☐ Property division is ordered as set forth in the attached

(1) ☐ Settlement agreement, stipulation for judgment, or other written agreement.

(2) ☐ *Property Order Attachment to Judgment* (form FL-345).

(3) ☐ Other (specify): _____

n. ☐ Attorney fees and costs are ordered as set forth in the attached

(1) ☐ Settlement agreement, stipulation for judgment, or other written agreement.

(2) ☐ *Attorney Fees and Costs Order* (form FL-346).

(3) ☐ Other (specify): _____

o. ☐ Other (specify): _____

Each attachment to this judgment is incorporated into this judgment, and the parties are ordered to comply with each attachment's provisions. Jurisdiction is reserved to make other orders necessary to carry out this judgment.

Date: _____

5. Number of pages attached: _____

JUDICIAL OFFICER
☐ SIGNATURE FOLLOWS LAST ATTACHMENT

NOTICE

Dissolution or legal separation may automatically cancel the rights of a spouse or domestic partner under the other spouse's or domestic partner's will, trust, retirement plan, power of attorney, pay-on-death bank account, transfer-on-death vehicle registration, survivorship rights to any property owned in joint tenancy, and any other similar property interest. It does not automatically cancel the rights of a spouse or domestic partner as beneficiary of the other spouse's or domestic partner's life insurance policy. You should review these matters, as well as any credit cards, other credit accounts, insurance policies, retirement plans, and credit reports, to determine whether they should be changed or whether you should take any other actions.

A debt or obligation may be assigned to one party as part of the dissolution of property and debts, but if that party does not pay the debt or obligation, the creditor may be able to collect from the other party.

An earnings assignment may be issued without additional proof if child, family, partner, or spousal support is ordered.

Any party required to pay support must pay interest on overdue amounts at the "legal rate," which is currently 10 percent.

Box #2 Couples:

“Petitioner,
don’t take
my default”
letter

AGREEMENT TO NOT TAKE RESPONDENT’S DEFAULT WITHOUT NOTICE

TO: Petitioner _____

FROM: Respondent _____

DATE: _____

RE: Marriage of _____

CASE NO: _____

You served me on _____ with a Summons and Petition. I would like to work with you amicably to resolve all our issues in this case. I therefore ask you to not take my default if I don’t respond within 30 days from the date of service. My response would cost me a first appearance fee, and this fee doesn’t need to be paid if we can make an agreement on all issues. I am hopeful that we can work together to resolve everything.

Please give me two (2) weeks written notice if you intend to proceed with taking my default. This will give me time to prepare, serve and file my Response to protect my legal rights.

Thank you.

DATED: _____

SIGNED: _____

NAME: _____
Respondent

AGREEMENT

I will not take your default without giving you two (2) weeks written notice. I understand that you might like to file a Response if our efforts to form agreement on all the issues of the case are not successful.

DATED: _____

SIGNED: _____

NAME: _____
Petitioner

(Original copy goes to Respondent and copy goes to Petitioner)

“Default”:

- The Respondent has a minimum of 30 days to file a Response FL-120.
- After 30 days if they *don’t* file the Response, then Petitioner may “take the Respondent’s default”—terminate Respondent’s ability to participate in the court case.
- This is done by Petitioner filing the Request to Enter Default FL-165.

YOU WEAR THE SAME HAT
FOR THE WHOLE CASE!



SUMMONS (Family Law)

CITACIÓN (Derecho familiar)

FL-110

NOTICE TO RESPONDENT (Name):
 AVO AL DEMANDADO (Nombre):

You have been sued. Read the information below and on the next page.
 Lo han demandado. Lea la información a continuación y en la página siguiente.

Petitioner's name is:
 Nombre del demandante:

CASE NUMBER (NÚMERO DE CASO):

You have **30 calendar days after this Summons and Petition** are served on you to file a **Response** (form **FL-120**) at the court and have a copy served on the petitioner. A letter, phone call, or court appearance will not protect you.

If you do not file your **Response** on time, the court may make orders affecting your marriage or domestic partnership, your property, and custody of your children. You may be ordered to pay support and attorney fees and costs.

For legal advice, contact a lawyer immediately. Get help finding a lawyer at the California Courts Online Self-Help Center (www.courts.ca.gov/selfhelp), at the California Legal Services website (www.lawhelpca.org), or by contacting your local county bar association.

NOTICE—RESTRaining ORDERS ARE ON PAGE 2: These restraining orders are effective against both spouses or domestic partners until the petition is dismissed, a judgment is entered, or the court makes further orders. They are enforceable anywhere in California by any law enforcement officer who has received or seen a copy of them.

FEE WAIVER: If you cannot pay the filing fee, ask the clerk for a fee waiver form. The court may order you to pay back all or part of the fees and costs that the court waived for you or the other party.

Tiene **30 días de calendario** después de haber recibido la entrega legal de esta Citación y Petición para presentar una Respuesta (formulario **FL-120**) ante la corte y efectuar la entrega legal de una copia al demandante. Una carta o llamada telefónica o una audiencia de la corte no basta para protegerlo.

Si no presenta su Respuesta a tiempo, la corte puede dar órdenes que afecten su matrimonio o pareja de hecho, sus bienes y la custodia de sus hijos. La corte también le puede ordenar que pague manutención, y honorarios y costos legales.

Para asesoramiento legal, póngase en contacto de inmediato con un abogado. Puede obtener información para encontrar un abogado en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en el sitio web de los Servicios Legales de California (www.lawhelpca.org) o poniéndose en contacto con el colegio de abogados de su condado.

AVISO—LAS ÓRDENES DE RESTRICCIÓN SE ENCUENTRAN EN LA PÁGINA 2: Las órdenes de restricción están en vigencia en cuanto a ambos cónyuges o miembros de la pareja de hecho hasta que se despidan la petición, se emita un fallo o la corte dé otras órdenes. Cualquier agencia del orden público que haya recibido o visto una copia de estas órdenes puede hacerlas acatar en cualquier lugar de California.

EXENCIÓN DE CUOTAS: Si no puede pagar la cuota de presentación, pida al secretario un formulario de exención de cuotas. La corte puede ordenar que usted pague, ya sea en parte o por completo, las cuotas y costos de la corte previamente exentos a petición de usted o de la otra parte.

[SEAL]

- The name and address of the court are (El nombre y dirección de la corte son):
 Santa Barbara County Superior Court
 1100 Anacapa Street
 Santa Barbara, CA 93101
- The name, address, and telephone number of the petitioner's attorney, or the petitioner without an attorney, are: (El nombre, dirección y número de teléfono del abogado del demandante, o del demandante si no tiene abogado, son):

Date (Fecha): _____ Clerk, by (Secretario, por) _____, Deputy (Asistente)

SUMMONS- FL-110

STANDARD FAMILY LAW RESTRAINING ORDERS

Starting immediately, you and your spouse or domestic partner are restrained from:

- removing the minor children of the parties from the state or applying for a new or replacement passport for those minor children without the prior written consent of the other party or an order of the court;
- cashing, borrowing against, canceling, transferring, disposing of, or changing the beneficiaries of any insurance or other coverage, including life, health, automobile, and disability, held for the benefit of the parties and their minor children;
- transferring, encumbering, hypothecating, concealing, or in any way disposing of any property, real or personal, whether community, quasi-community, or separate, without the written consent of the other party or an order of the court, except in the usual course of business or for the necessities of life; and
- creating a nonprobate transfer or modifying a nonprobate transfer in a manner that affects the disposition of property subject to the transfer, without the written consent of the other party or an order of the court. Before revocation of a nonprobate transfer can take effect or a right of survivorship to property can be eliminated, notice of the change must be filed and served on the other party.

You must notify each other of any proposed extraordinary expenditures at least five business days prior to incurring these extraordinary expenditures and account to the court for all extraordinary expenditures made after these restraining orders are effective. However, you may use community property, quasi-community property, or your own separate property to pay an attorney to help you or to pay court costs.

NOTICE—ACCESS TO AFFORDABLE HEALTH INSURANCE: Do you or someone in your household need affordable health insurance? If so, you should apply for Covered California. Covered California can help reduce the cost you pay towards high quality affordable health care. For more information, visit www.coveredca.com. Or call Covered California at 1-800-300-1506.

WARNING—IMPORTANT INFORMATION
 California law provides that, for purposes of division of property upon dissolution of a marriage or domestic partnership or upon legal separation, property acquired by the parties during marriage or domestic partnership in joint form is presumed to be community property. If either party to this action should die before the jointly held community property is divided, the language in the deed that characterizes how title is held (i.e., joint tenancy, tenants in common, or community property) will be controlling, and not the community property presumption. You should consult your attorney if you want the community property presumption to be written into the recorded title to the property.

ÓRDENES DE RESTRICCIÓN ESTÁNDAR DE DERECHO FAMILIAR

En forma inmediata, usted y su cónyuge o pareja de hecho tienen prohibido:

- llevarse del estado de California a los hijos menores de las partes, o solicitar un pasaporte nuevo o de repuesto para los hijos menores, sin el consentimiento previo por escrito de la otra parte o sin una orden de la corte;
- cobrar, pedir prestado, cancelar, transferir, deshacerse o cambiar el nombre de los beneficiarios de cualquier seguro u otro tipo de cobertura, como de vida, salud, vehículo y discapacidad, que tenga como beneficiario(s) a las partes y su(s) hijo(s) menor(es);
- transferir, gravar, hipotecar, ocultar o deshacerse de cualquier manera de cualquier propiedad, inmueble o personal, ya sea comunitaria, cuasicomunitaria o separada, sin el consentimiento escrito de la otra parte o una orden de la corte, excepto en el curso habitual de actividades personales y comerciales o para satisfacer las necesidades de la vida; y
- crear o modificar una transferencia no testamentaria de manera que afecte la asignación de una propiedad sujeta a transferencia, sin el consentimiento por escrito de la otra parte o una orden de la corte. Antes de que se pueda eliminar la revocación de una transferencia no testamentaria, se debe presentar ante la corte un aviso del cambio y hacer una entrega legal de dicho aviso a la otra parte.

Cada parte tiene que notificar a la otra sobre cualquier gasto extraordinario propuesto por lo menos cinco días hábiles antes de realizarlo, y rendir cuenta a la corte de todos los gastos extraordinarios realizados después de que estas órdenes de restricción hayan entrado en vigencia. No obstante, puede usar propiedad comunitaria, cuasicomunitaria o suya separada para pagar a un abogado que lo ayude o para pagar los costos de la corte.

AVISO—ACCESO A SEGURO DE SALUD MÁS ECONÓMICO: ¿Necesita seguro de salud a un costo asequible, ya sea para usted o alguien en su hogar? Si es así, puede presentar una solicitud con Covered California. Covered California lo puede ayudar a reducir el costo que paga por seguro de salud asequible y de alta calidad. Para obtener más información, visite www.coveredca.com. O llame a Covered California al 1-800-300-0213.

ADVERTENCIA—INFORMACIÓN IMPORTANTE
 De acuerdo a la ley de California, las propiedades adquiridas por las partes durante su matrimonio o pareja de hecho en forma conjunta se consideran propiedad comunitaria para fines de la división de bienes que ocurre cuando se produce una disolución o separación legal del matrimonio o pareja de hecho. Si cualquiera de las partes de este caso llega a fallecer antes de que se divida la propiedad comunitaria de tenencia conjunta, el destino de la misma quedará determinado por las cláusulas de la escritura correspondiente que describen su tenencia (por ej., tenencia conjunta, tenencia en común o propiedad comunitaria) y no por la presunción de propiedad comunitaria. Si quiere que la presunción comunitaria quede registrada en la escritura de la propiedad, debería consultar con un abogado.

1. LEGAL RELATIONSHIP (*check all that apply:*):
a. ☐ We are married.
b. ☐ We are domestic partners and our domestic partnership was established in California.
c. ☐ We are domestic partners and our domestic partnership was NOT established in California.

2. RESIDENCE REQUIREMENTS (*check all that apply:*):
a. ☐ Petitioner ☐ Respondent has been a resident of this state for at least six months and of this county for at least three months immediately preceding the filing of this *Petition*. (*For a divorce, unless you are in the legal relationship described in 1b., at least one of you must comply with this requirement.*)
b. ☐ Our domestic partnership was established in California. Neither of us has to be a resident or have a domicile in California to dissolve our partnership here.
c. ☐ We are the same sex, were married in California, but currently live in a jurisdiction that does not recognize, and will not dissolve, our marriage. This *Petition* is filed in the county where we married.

Petitioner lives in (*specify*): _____ Respondent lives in (*specify*): _____

3. STATISTICAL FACTS
a. ☐ (1) Date of marriage (*specify*): _____ (2) Date of separation (*specify*): _____
(3) Time from date of marriage to date of separation (*specify*): Years Months
b. ☐ (1) Registration date of domestic partnership with the California Secretary of State or other state equivalent (*specify below*): _____
(2) Date of separation (*specify*): _____
(3) Time from date of registration of domestic partnership to date of separation (*specify*): Years Months

4. MINOR CHILDREN
a. ☐ There are no minor children.
b. ☐ The minor children are:

<u>Child's name</u>	<u>Birthday</u>	<u>Age</u>

(1) ☐ continued on Attachment 4b. (2) ☐ a child who is not yet born.

c. If any children listed above were born before the marriage or domestic partnership, the court has the authority to determine those children to be children of the marriage or domestic partnership.
d. If there are minor children of Petitioner and Respondent, a completed Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) (form FL-105) must be attached.
e. ☐ Petitioner and Respondent signed a voluntary declaration of parentage or paternity. (*Attach a copy if available.*)

DATE OF SEPARATION

...hmmm

- ▶ When did I know in my heart of hearts that our marriage was over?
- ▶ When did I communicate this to my spouse?
- ▶ When did we physically separate?



PETITIONER:
RESPONDENT:

CASE NUMBER:

Petitioner requests that the court make the following orders:

5. LEGAL GROUNDS (Family Code sections 2200–2210, 2310–2312)

- ☐ Divorce or ☐ Legal separation of the marriage or domestic partnership based on (check one):
(1) ☐ irreconcilable differences. (2) ☐ permanent legal incapacity to make decisions.

☐ Nullity of void marriage or domestic partnership based on
(1) ☐ incest. (2) ☐ bigamy.

☐ Nullity of voidable marriage or domestic partnership based on
(1) ☐ petitioner’s age at time of registration of domestic partnership or marriage. (2) ☐ prior existing marriage or domestic partnership. (3) ☐ unsound mind.

☐ fraud.

☐ force.

☐ physical incapacity.

6. CHILD CUSTODY AND VISITATION (PARENTING TIME)

- a. Legal custody of children to.....

b. Physical custody of children to.....

c. Child visitation (parenting time) be granted to

As requested in ☐ form FL-311 ☐ form FL-312 ☐ form FL-341(D) ☐ form FL-341(E)

Petitioner Respondent Joint Other

☐ ☐ ☐ ☐

☐ ☐ ☐ ☐

☐ ☐ ☐ ☐

☐ form FL-341(C) ☐ Attachment 6c(1)
7. CHILD SUPPORT
- a. If there are minor children born to or adopted by Petitioner and Respondent before or during this marriage or domestic partnership, the court will make orders for the support of the children upon request and submission of financial forms by the requesting party.

b. An earnings assignment may be issued without further notice.

c. Any party required to pay support must pay interest on overdue amounts at the "legal" rate, which is currently 10 percent.

d. ☐ Other (specify):
8. SPOUSAL OR DOMESTIC PARTNER SUPPORT
- a. ☐ Spousal or domestic partner support payable to ☐ Petitioner ☐ Respondent

b. ☐ Terminate (end) the court’s ability to award support to ☐ Petitioner ☐ Respondent

c. ☐ Reserve for future determination the issue of support payable to ☐ Petitioner ☐ Respondent

d. ☐ Other (specify):
9. SEPARATE PROPERTY
- a. ☐ There are no such assets or debts that I know of to be confirmed by the court.

b. ☐ Confirm as separate property the assets and debts in ☐ Property Declaration (form FL-160). ☐ Attachment 9b.

☐ the following list.

Item

Confirm to
- PETITION
FL-100
- PETITIONER:
RESPONDENT:

CASE NUMBER:
10. COMMUNITY AND QUASI-COMMUNITY PROPERTY
- a. ☐ There are no such assets or debts that I know of to be divided by the court.

b. ☐ Determine rights to community and quasi-community assets and debts. All such assets and debts are listed ☐ in Property Declaration (form FL-160) ☐ in Attachment 10b. ☐ as follows (specify):
11. OTHER REQUESTS
- a. ☐ Attorney’s fees and costs payable by ☐ Petitioner ☐ Respondent

b. ☐ Petitioner’s former name be restored to (specify):

c. ☐ Other (specify):
- ☐ Continued on Attachment 11c.
12. I HAVE READ THE RESTRAINING ORDERS ON THE BACK OF THE SUMMONS, AND I UNDERSTAND THAT THEY APPLY TO ME WHEN THIS PETITION IS FILED.
- I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
- Date:
- (TYPE OR PRINT NAME)

(SIGNATURE OF PETITIONER)
- Date:
- (TYPE OR PRINT NAME)

(SIGNATURE OF ATTORNEY FOR PETITIONER)
- FOR MORE INFORMATION: Read Legal Steps for a Divorce or Legal Separation (form FL-107-INFO) and visit "Families Change" at www.familieschange.ca.gov — an online guide for parents and children going through divorce or separation.
- NOTICE: You may redact (black out) social security numbers from any written material filed with the court in this case other than a form used to collect child, spousal or partner support.
- NOTICE—CANCELLATION OF RIGHTS: Dissolution or legal separation may automatically cancel the rights of a domestic partner or spouse under the other domestic partner’s or spouse’s will, trust, retirement plan, power of attorney, pay-on-death bank account, survivorship rights to any property owned in joint tenancy, and any other similar thing. It does not automatically cancel the right of a domestic partner or spouse as beneficiary of the other partner’s or spouse’s life insurance policy. You should review these matters, as well as any credit cards, other credit accounts, insurance policies, retirement plans, and credit reports, to determine whether they should be changed or whether you should take any other actions. Some changes may require the agreement of your partner or spouse or a court order.
- FL-100 [Rev. January 1, 2020]
- CEB Essential
Forms
- PETITION—MARRIAGE/DOMESTIC PARTNERSHIP
(Family Law)
- Page 2 of 3
- FL-100 [Rev. January 1, 2020]
- CEB Essential
Forms
- PETITION—MARRIAGE/DOMESTIC PARTNERSHIP
(Family Law)
- Page 3 of 3

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):		FOR COURT USE ONLY
TELEPHONE NO.: FAX NO. (Optional):		
E-MAIL ADDRESS (Optional):		
ATTORNEY FOR (Name):		
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Santa Barbara STREET ADDRESS: 1100 Anacapa Street MAILING ADDRESS: CITY AND ZIP CODE: Santa Barbara, CA 93101 BRANCH NAME: ANACAPA DIVISION		
(This section applies only to family law cases.) PETITIONER: RESPONDENT: OTHER PARTY:		
(This section applies only to guardianship cases.) GUARDIANSHIP OF (Name): Minor		CASE NUMBER:
DECLARATION UNDER UNIFORM CHILD CUSTODY JURISDICTION AND ENFORCEMENT ACT (UCCJEA)		

1. I am a party to this proceeding to determine custody of a child.
2. ☐ My present address and the present address of each child residing with me is confidential under Family Code section 3429 as I have indicated in item 3.
3. There are (specify number): _____ minor children who are subject to this proceeding, as follows:
(Insert the information requested below. The residence information must be given for the last FIVE years.)

a. Child's name		Place of birth		Date of birth		Sex	
Period of residence		Address		Person child lived with <i>(name and complete current address)</i>		Relationship	
to present		<input type="checkbox"/> Confidential		<input type="checkbox"/> Confidential			
		Child's residence (City, State)		Person child lived with (name and complete current address)			
to							
		Child's residence (City, State)		Person child lived with (name and complete current address)			
to							
		Child's residence (City, State)		Person child lived with (name and complete current address)			
to							
b. Child's name		Place of birth		Date of birth		Sex	
<input type="checkbox"/> Residence information is the same as given above for child a. <i>(If NOT the same, provide the information below.)</i>							
Period of residence		Address		Person child lived with <i>(name and complete current address)</i>		Relationship	
to present		<input type="checkbox"/> Confidential		<input type="checkbox"/> Confidential			
		Child's residence (City, State)		Person child lived with (name and complete current address)			
to							
		Child's residence (City, State)		Person child lived with (name and complete current address)			
to							
		Child's residence (City, State)		Person child lived with (name and complete current address)			
to							

- d. ☐ Additional children are listed on form *FL-105(A)/GC-120(A)*. (Provide all requested information for additional children.)

UCCJEA
FL-105

SHORT TITLE:	CASE NUMBER:

4. Do you have information about, or have you participated as a party or as a witness or in some other capacity in, another court case or custody or visitation proceeding, in California or elsewhere, concerning a child subject to this proceeding?
- ☐ Yes ☐ No (If yes, attach a copy of the orders (if you have one) and provide the following information):

Proceeding	Case number	Court (name, state, location)	Court order or judgment (date)	Name of each child	Your connection to the case	Case status
a. <input type="checkbox"/> Family						
b. <input type="checkbox"/> Guardianship						
c. <input type="checkbox"/> Other						

Proceeding	Case Number	Court <i>(name, state, location)</i>
d. <input type="checkbox"/> Juvenile Delinquency/ Juvenile Dependency		
e. <input type="checkbox"/> Adoption		

5. ☐ One or more domestic violence restraining/protective orders are now in effect. (Attach a copy of the orders if you have one and provide the following information):

Court	County	State	Case number (if known)	Orders expire (date)
a. <input type="checkbox"/> Criminal				
b. <input type="checkbox"/> Family				
c. <input type="checkbox"/> Juvenile Delinquency/ Juvenile Dependency				
d. <input type="checkbox"/> Other				

6. Do you know of any person who is not a party to this proceeding who has physical custody or claims to have custody of or visitation rights with any child in this case? ☐ Yes ☐ No (If yes, provide the following information):

a. Name and address of person	b. Name and address of person	c. Name and address of person
<input type="checkbox"/> Has physical custody <input type="checkbox"/> Claims custody rights <input type="checkbox"/> Claims visitation rights	<input type="checkbox"/> Has physical custody <input type="checkbox"/> Claims custody rights <input type="checkbox"/> Claims visitation rights	<input type="checkbox"/> Has physical custody <input type="checkbox"/> Claims custody rights <input type="checkbox"/> Claims visitation rights
Name of each child	Name of each child	Name of each child

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

(TYPE OR PRINT NAME)

(SIGNATURE OF DECLARANT)

7. ☐ Number of pages attached: _____

NOTICE TO DECLARANT: You have a continuing duty to inform this court if you obtain any information about a custody proceeding in a California court or any other court concerning a child subject to this proceeding.

Response FL-120

FL-120	
<div style="display: flex; justify-content: space-between;"><div>PARTY WITHOUT ATTORNEY OR ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: TELEPHONE NO.: E-MAIL ADDRESS: ATTORNEY FOR (name):</div><div>STATE BAR NUMBER: STATE: ZIP CODE: FAX NO.: :</div></div> <div style="border: 1px solid black; padding: 5px; margin-top: 5px;">SUPERIOR COURT OF CALIFORNIA, COUNTY OF Santa Barbara STREET ADDRESS: 1100 Anacapa Street MAILING ADDRESS: CITY AND ZIP CODE: Santa Barbara, CA 93101 BRANCH NAME: ANACAPA DIVISION</div> <div style="border: 1px solid black; padding: 5px; margin-top: 5px;">PETITIONER: RESPONDENT:</div> <div style="display: flex; justify-content: space-between; margin-top: 5px;"><div>RESPONSE <input type="checkbox"/> Dissolution (Divorce) of: <input type="checkbox"/> Legal Separation of: <input type="checkbox"/> Nullity of:</div><div><input type="checkbox"/> AND REQUEST FOR <input type="checkbox"/> Marriage <input type="checkbox"/> Marriage <input type="checkbox"/> Marriage</div><div><input type="checkbox"/> AMENDED <input type="checkbox"/> Domestic Partnership <input type="checkbox"/> Domestic Partnership <input type="checkbox"/> Domestic Partnership</div></div>	<div style="border: 1px solid black; height: 100px; margin-bottom: 5px;"></div> <div style="border: 1px solid black; height: 100px;"></div>

1. **LEGAL RELATIONSHIP** (check all that apply):

a. ☐ We are married.

b. ☐ We are domestic partners and our domestic partnership was established in California.

c. ☐ We are domestic partners and our domestic partnership was NOT established in California.

2. **RESIDENCE REQUIREMENTS** (check all that apply):

a. ☐ Petitioner ☐ Respondent has been a resident of this state for at least six months and of this county for at least three months immediately preceding the filing of this *Petition*. (For a divorce, unless you are in the legal relationship described in 1b., at least one of you must comply with this requirement.)

b. ☐ Our domestic partnership was established in California. Neither of us has to be a resident or have a domicile in California to dissolve our partnership here.

c. ☐ We are the same sex, were married in California, but currently live in a jurisdiction that does not recognize, and will not dissolve, our marriage. This *Petition* is filed in the county where we married.
Petitioner lives in (specify): _____ Respondent lives in (specify): _____

3. **STATISTICAL FACTS**

a. ☐ (1) Date of marriage (specify): _____ (2) Date of separation (specify): _____
(3) Time from date of marriage to date of separation (specify): _____ Years _____ Months

b. ☐ (1) Registration date of domestic partnership with the California Secretary of State or other state equivalent (specify below): _____
(2) Date of separation (specify): _____
(3) Time from date of registration of domestic partnership to date of separation (specify): _____ Years _____ Months

4. **MINOR CHILDREN**

a. ☐ There are no minor children.

b. ☐ The minor children are:

Child's name	Birthdate	Age

(1) ☐ continued on Attachment 4b. (2) ☐ a child who is not yet born.

c. If any children were born before the marriage or domestic partnership, the court has the authority to determine those children to be children of the marriage or domestic partnership.

d. If there are minor children of Petitioner and Respondent, a completed *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)* (form FL-105) must be attached.

e. ☐ Petitioner and Respondent signed a voluntary declaration of parentage or paternity. (Attach a copy if available.)

Form Adopted for Mandatory Use
Judicial Council of California
FL-120 (Rev. January 1, 2020)

Essential
Forms

Page 1 of 3
Family Code, § 2020
www.courts.ca.gov

PETITIONER: RESPONDENT:	CASE NUMBER:
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Respondent requests that the court make the following orders:**5. LEGAL GROUNDS** (Family Code sections 2200–2210; 2310–2312)

- a. ☐ **Respondent contends** that the parties never legally married or registered a domestic partnership.
- b. ☐ **Respondent denies** the grounds set forth in item 5 of the petition.
- c. ☐ **Respondent requests**
- (1) ☐ Divorce ☐ Legal separation of the marriage or domestic partnership based on
(a) ☐ irreconcilable differences. (b) ☐ permanent legal incapacity to make decisions.
- (2) ☐ Nullity of void marriage or domestic partnership based on
(a) ☐ incest. (b) ☐ bigamy.
- (3) ☐ Nullity of voidable marriage or domestic partnership based on
(a) ☐ respondent's age at time of registration of domestic partnership or marriage. (d) ☐ fraud.
(b) ☐ prior existing marriage or domestic partnership. (e) ☐ force.
(c) ☐ unsound mind. (f) ☐ physical incapacity.

6. CHILD CUSTODY AND VISITATION (PARENTING TIME)

	Petitioner	Respondent	Joint	Other
a. Legal custody of children to	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Physical custody of children to	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Child visitation (parenting time) be granted to	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

- a. Legal custody of children to
- b. Physical custody of children to
- c. Child visitation (parenting time) be granted to

As requested in ☐ form FL-311 ☐ form FL-312 ☐ form FL-341(C)
☐ form FL-341(D) ☐ form FL-341(E) ☐ Attachment 6c(1)

7. CHILD SUPPORT

- a. If there are minor children born to or adopted by Petitioner and Respondent before or during this marriage or domestic partnership, the court will make orders for the support of the children upon request and submission of financial forms by the requesting party.
- b. An earnings assignment may be issued without further notice.
- c. Any party required to pay support must pay interest on overdue amounts at the "legal" rate, which is currently 10 percent.
- d. ☐ Other (specify):

8. SPOUSAL OR DOMESTIC PARTNER SUPPORT

- a. ☐ Spousal or domestic partner support payable to ☐ Petitioner ☐ Respondent
- b. ☐ Terminate (end) the court's ability to award support to ☐ Petitioner ☐ Respondent
- c. ☐ Reserve for future determination the issue of support payable to ☐ Petitioner ☐ Respondent
- d. ☐ Other (specify):

9. SEPARATE PROPERTY

- a. ☐ There are no such assets or debts that I know of to be confirmed by the court.
- b. ☐ Confirm as separate property the assets and debts in ☐ Property Declaration (form FL-160). ☐ Attachment 9b.
☐ the following list. Item Confirm to

PETITIONER: RESPONDENT:	CASE NUMBER:
----------------------------	--------------

10. COMMUNITY AND QUASI-COMMUNITY PROPERTY

- a. ☐ There are no such assets or debts that I know of to be divided by the court.
- b. ☐ Determine rights to community and quasi-community assets and debts. All such assets and debts are listed
☐ in Property Declaration (form FL-160). ☐ in Attachment 10b.
☐ as follows (specify):

11. OTHER REQUESTS

- a. ☐ Attorney's fees and costs payable by ☐ Petitioner ☐ Respondent
- b. ☐ Respondent's former name be restored to (specify):
- c. ☐ Other (specify):

☐ Continued on Attachment 11c.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

_____	▶	_____
(TYPE OR PRINT NAME)		(SIGNATURE OF RESPONDENT)

Date:

_____	▶	_____
(TYPE OR PRINT NAME)		(SIGNATURE OF ATTORNEY FOR RESPONDENT)

FOR MORE INFORMATION: Read *Legal Steps for a Divorce or Legal Separation* (form FL-107-INFO) and visit "Families Change" at www.familieschange.ca.gov — an online guide for parents and children going through divorce or separation.

NOTICE: You may redact (black out) social security numbers from any written material filed with the court in this case other than a form used to collect child, spousal or partner support.

NOTICE—CANCELLATION OF RIGHTS: Dissolution or legal separation may automatically cancel the rights of a domestic partner or spouse under the other domestic partner's or spouse's will, trust, retirement plan, power of attorney, pay-on-death bank account, survivorship rights to any property owned in joint tenancy, and any other similar thing. It does not automatically cancel the right of a domestic partner or spouse as beneficiary of the other partner's or spouse's life insurance policy. You should review these matters, as well as any credit cards, other credit accounts, insurance policies, retirement plans, and credit reports, to determine whether they should be changed or whether you should take any other actions. Some changes may require the agreement of your partner or spouse or a court order.

The original response must be filed in the court with proof of service of a copy on Petitioner.

FW-001

Request to Waive Court Fees

CONFIDENTIAL

If you are getting public benefits, are a low-income person, or do not have enough income to pay for your household's basic needs and your court fees, you may use this form to ask the court to waive your court fees. The court may order you to answer questions about your finances. If the court waives the fees, you may still have to pay later if:

- You cannot give the court proof of your eligibility,
- Your financial situation improves during this case, or
- You settle your civil case for \$10,000 or more. The trial court that waives your fees will have a lien on any such settlement in the amount of the waived fees and costs. The court may also charge you any collection costs.

1 Your Information (person asking the court to waive the fees):

Name: _____
Street or mailing address: _____
City: _____ State: _____ Zip: _____
Phone: _____

2 Your Job, if you have one (job title): _____

Name of employer: _____
Employer's address: _____

3 Your Lawyer, if you have one (name, firm or affiliation, address, phone number, and State Bar number): _____

a. The lawyer has agreed to advance all or a portion of your fees or costs (check one): Yes ☐ No ☐

b. (If yes, your lawyer must sign here) Lawyer's signature: _____

If your lawyer is not providing legal-aid type services based on your low income, you may have to go to a hearing to explain why you are asking the court to waive the fees.

4 What court's fees or costs are you asking to be waived?

- ☐ Superior Court (See Information Sheet on Waiver of Superior Court Fees and Costs (form FW-001-INFO).)
☐ Supreme Court, Court of Appeal, or Appellate Division of Superior Court (See Information Sheet on Waiver of Appellate Court Fees (form APP-015/FW-015-INFO).)

5 Why are you asking the court to waive your court fees?

- a. ☐ I receive (check all that apply; see form FW-001-INFO for definitions):
☐ Food Stamps ☐ Supp. Sec. Inc. ☐ SSP ☐ Medi-Cal ☐ County Relief/Gen. Assist. ☐ IHSS
☐ CalWORKS or Tribal TANF ☐ CAPI ☐ WIC ☐ Unemployment
- b. ☐ My gross monthly household income (before deductions for taxes) is less than the amount listed below. (If you check 5b, you must fill out 7, 8, and 9 on page 2 of this form.)

Family Size	Family Income	Family Size	Family Income	Family Size	Family Income	If more than 6 people at home, add \$396.67 for each extra person.
1	\$2,510.00	3	\$4,303.34	5	\$6,096.67	
2	\$3,406.67	4	\$5,200.00	6	\$6,993.34	

c. ☐ I do not have enough income to pay for my household's basic needs and the court fees. I ask the court to: (check one and you must fill out page 2):

☐ waive all court fees and costs ☐ waive some of the court fees ☐ let me make payments over time

6 ☐ Check here if you asked the court to waive your court fees for this case in the last six months.

(If your previous request is reasonably available, please attach it to this form and check here): ☐

I declare under penalty of perjury under the laws of the State of California that the information I have provided on this form and all attachments is true and correct.

Date: _____

Print your name here

Sign here

REQUEST
FW-001

Your name: _____

Case Number: _____

If you checked 5a on page 1, do not fill out below. If you checked 5b, fill out questions 7, 8, and 9 only.
If you checked 5c, you must fill out this entire page. If you need more space, attach form MC-025 or attach a sheet of paper and write Financial Information and your name and case number at the top.

7 ☐ Check here if your income changes a lot from month to month. If it does, complete the form based on your average income for the past 12 months.

8 Your Gross Monthly Income

a. List the source and amount of any income you get each month, including: wages or other income from work before deductions, spousal/child support, retirement, social security, disability, unemployment, military basic allowance for quarters (BAQ), veterans payments, dividends, interest, trust income, annuities, net business or rental income, reimbursement for job-related expenses, gambling or lottery winnings, etc.

(1) _____ \$ _____
(2) _____ \$ _____
(3) _____ \$ _____
(4) _____ \$ _____

b. Your total monthly income: \$ _____

9 Household Income

a. List the income of all other persons living in your home who depend in whole or in part on you for support, or on whom you depend in whole or in part for support.

Name	Age	Relationship	Gross Monthly Income
(1)	_____	_____	\$ _____
(2)	_____	_____	\$ _____
(3)	_____	_____	\$ _____
(4)	_____	_____	\$ _____

b. Total monthly income of persons above: \$ _____

Total monthly income and household income (8b plus 9b): \$ _____

To list any other facts you want the court to know, such as unusual medical expenses, etc., attach form MC-025 or attach a sheet of paper and write Financial Information and your name and case number at the top.

Check here if you attach another page. ☐

Important! If your financial situation or ability to pay court fees improves, you must notify the court within five days on form FW-010.

10 Your Money and Property

a. Cash \$ _____

b. All financial accounts (List bank name and amount):

(1) _____ \$ _____
(2) _____ \$ _____
(3) _____ \$ _____

c. Cars, boats, and other vehicles

Make / Year	Fair Market Value	How Much You Still Owe
(1)	\$ _____	\$ _____
(2)	\$ _____	\$ _____
(3)	\$ _____	\$ _____

d. Real estate

Address	Fair Market Value	How Much You Still Owe
(1)	\$ _____	\$ _____
(2)	\$ _____	\$ _____

e. Other personal property (jewelry, furniture, furs, stocks, bonds, etc.):

Describe	Fair Market Value	How Much You Still Owe
(1)	\$ _____	\$ _____
(2)	\$ _____	\$ _____

11 Your Monthly Deductions and Expenses

a. List any payroll deductions and the monthly amount below:

(1) _____ \$ _____
(2) _____ \$ _____
(3) _____ \$ _____
(4) _____ \$ _____

b. Rent or house payment & maintenance \$ _____

c. Food and household supplies \$ _____

d. Utilities and telephone \$ _____

e. Clothing \$ _____

f. Laundry and cleaning \$ _____

g. Medical and dental expenses \$ _____

h. Insurance (life, health, accident, etc.) \$ _____

i. School, child care \$ _____

j. Child, spousal support (another marriage) \$ _____

k. Transportation, gas, auto repair and insurance \$ _____

l. Installment payments (list each below):

Paid to: _____
(1) _____ \$ _____
(2) _____ \$ _____
(3) _____ \$ _____

m. Wages/earnings withheld by court order \$ _____

n. Any other monthly expenses (list each below):

Paid to: _____ How Much?
(1) _____ \$ _____
(2) _____ \$ _____
(3) _____ \$ _____

Total monthly expenses (add 11a – 11n above): \$ _____



NEXT STEP: Filing your documents

1. Filing fee = \$435 (payable to Santa Barbara Superior Court Clerk) or qualify for fee waiver
2. File in person M - F 9 a.m. - 1:30 p.m.
3. FAX file to Clerk's Office at 805.882.4519. \$1/page. Use MC-005.
4. E-File your documents through a private filing provider (eFile on the court's website); \$ to provider for e-filing
5. **Drop off** the original and 2 copies to the security guard at the Figueroa Division of the court. Include a self-addressed stamped envelope for return of copies.
6. **Mail** the original and 2 copies to the Clerk's Office. Include a self-addressed stamped envelope for return of copies.

MC-005
FAX
coversheet

INSERT: 3-digit
security code



ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):		MC-005	
TELEPHONE NO.: E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name):		FOR COURT USE ONLY	
FAX NO. (Optional):			
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Santa Barbara			
STREET ADDRESS: 1100 Anacapa Street			
MAILING ADDRESS:			
CITY AND ZIP CODE: Santa Barbara, CA 93101			
BRANCH NAME: ANACAPA DIVISION			
PLAINTIFF/PETITIONER:			
DEFENDANT/RESPONDENT:			
FACSIMILE TRANSMISSION COVER SHEET		CASE NUMBER:	

TO THE COURT:

1. Please file the following transmitted documents in the order listed below:

Document name

No. of pages

2. ☐ Processing instructions consisting of: _____ pages are also transmitted.

3. ☐ Fee required ☐ Filing fee ☐ Fax fee (Cal. Rules of Court, rule 10.815)

a. ☐ Credit card payment I authorize the above fees and any amount imposed by the card issuer or draft purchaser to be charged to the following account:

☐ VISA ☐ MASTERCARD Account No.:

Expiration date:

(TYPE OR PRINT NAME OF CARDHOLDER)

(SIGNATURE OF CARDHOLDER)

b. ☐ Attorney account (Cal. Rules of Court, rule 2.304). Please charge my account no.:



Service!

NEXT STEP: Serving your documents...

IMPORTANT:

YOU CANNOT SERVE your own documents. You need another adult to serve, who is not part of the case.

Serve by personal service, or

In CA: serve by mail with Notice and Acknowledgement of Receipt (NAR) FL-117

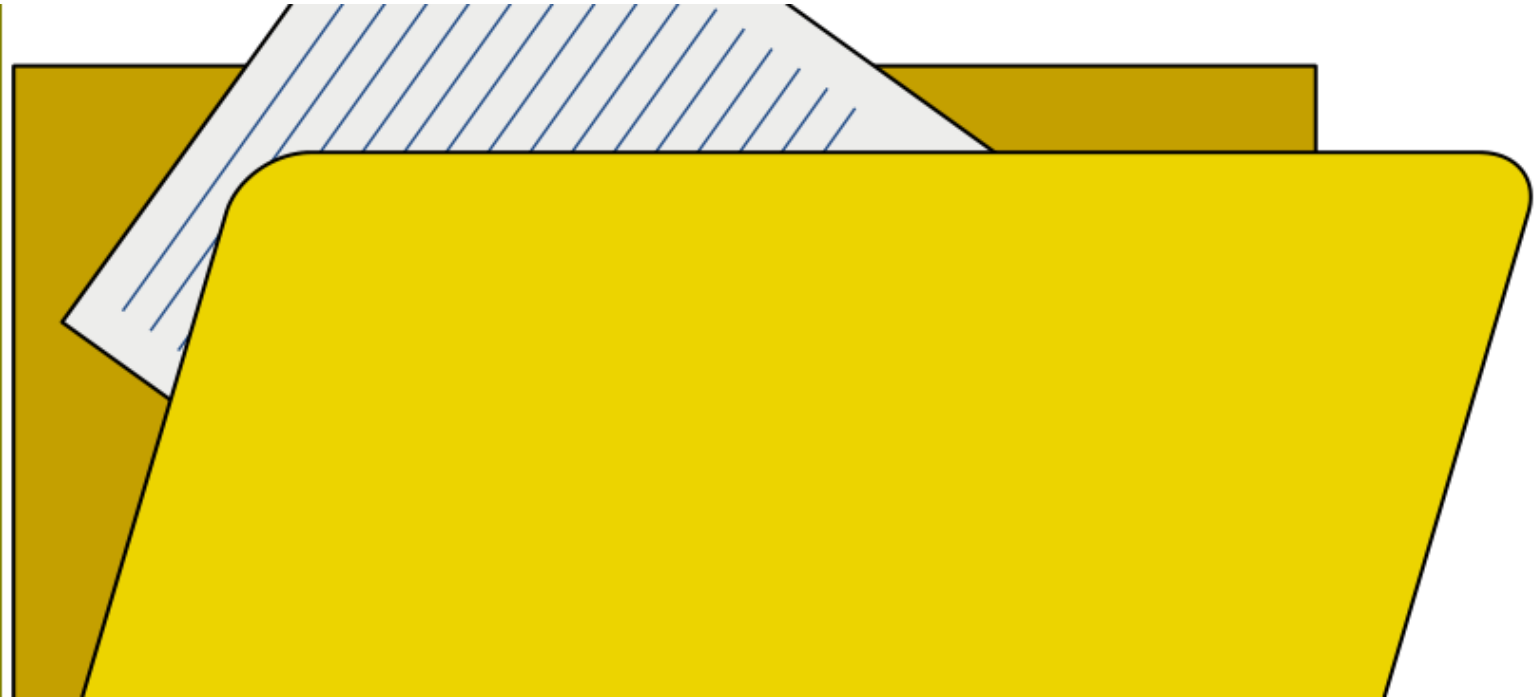
Outside CA in US: serve by certified mail, restricted delivery, return receipt requested or with NAR or by personal service

Outside the US: Very complicated.

General information:

<https://www.courts.ca.gov/1229.htm#panel8760>

Contact the Family Law Facilitator for help!



**DON'T FORGET TO FILE THAT PROOF OF
SERVICE!**

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):		FOR COURT USE ONLY	
TELEPHONE NO.: FAX NO.:			
E-MAIL ADDRESS:			
ATTORNEY FOR (Name):			
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Santa Barbara			
STREET ADDRESS: 1100 Anacapa Street			
MAILING ADDRESS:			
CITY AND ZIP CODE: Santa Barbara, CA 93101			
BRANCH NAME: ANACAPA DIVISION			
PETITIONER:			
RESPONDENT:			
PROOF OF SERVICE OF SUMMONS		CASE NUMBER:	

1. At the time of service I was at least 18 years of age and not a party to this action. I served the respondent with copies of:
- a. ☐ Family Law—Marriage/Domestic Partnership: *Petition—Marriage/Domestic Partnership* (form FL-100), *Summons* (form FL-110), and blank *Response—Marriage/Domestic Partnership* (form FL-120)
- or-
- b. ☐ Uniform Parentage: *Petition to Establish Parental Relationship* (form FL-200), *Summons* (form FL-210), and blank *Response to Petition to Establish Parental Relationship* (form FL-220)
- or-
- c. ☐ Custody and Support: *Petition for Custody and Support of Minor Children* (form FL-260), *Summons* (form FL-210), and blank *Response to Petition for Custody and Support of Minor Children* (form FL-270)
- and
- d. ☐ (1) ☐ Completed and blank *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act* (form FL-105)
- (2) ☐ Completed and blank *Declaration of Disclosure* (form FL-140)
- (3) ☐ Completed and blank *Schedule of Assets and Debts* (form FL-142)
- (4) ☐ Completed and blank *Income and Expense Declaration* (form FL-150)
- (5) ☐ Completed and blank *Financial Statement (Simplified)* (form FL-155)
- (6) ☐ Completed and blank *Property Declaration* (form FL-160)
- (7) ☐ *Request for Order* (form FL-300), and blank *Responsive Declaration to Request for Order* (form FL-320)
- (8) ☐ Other (specify):
2. Address where respondent was served:
3. I served the respondent by the following means (check proper boxes):
- a. ☐ **Personal service.** I personally delivered the copies to the respondent (Code Civ. Proc., § 415.10) on (date): at (time):
- b. ☐ **Substituted service.** I left the copies with or in the presence of (name): who is (specify title or relationship to respondent):
- (1) ☐ **(Business)** a person at least 18 years of age who was apparently in charge at the office or usual place of business of the respondent. I informed him or her of the general nature of the papers.
- (2) ☐ **(Home)** a competent member of the household (at least 18 years of age) at the home of the respondent. I informed him or her of the general nature of the papers.
- on (date): at (time):
- I thereafter mailed additional copies (by first class, postage prepaid) to the respondent at the place where the copies were left (Code Civ. Proc., § 415.20b) on (date):
- A declaration of diligence is attached, stating the actions taken to first attempt personal service.

PETITIONER:	CASE NUMBER:
RESPONDENT:	

3. c. ☐ **Mail and acknowledgment service.** I mailed the copies to the respondent, addressed as shown in item 2, by first-class mail, postage prepaid, on (date): from (city):
- (1) ☐ with two copies of the *Notice and Acknowledgment of Receipt* (form FL-117) and a postage-paid return envelope addressed to me. (**Attach completed Notice and Acknowledgment of Receipt** (form FL-117).) (Code Civ. Proc., § 415.30.)
- (2) ☐ to an address outside California (by registered or certified mail with return receipt requested). (**Attach signed return receipt or other evidence of actual delivery to the respondent.**) (Code Civ. Proc., §§ 415.40, 417.20.)
- d. ☐ **Other** (specify code section):
☐ Continued on Attachment 3d.
4. **Person who served papers**
Name:
Address:
- Telephone number:
- This person is
- a. ☐ exempt from registration under Business and Professions Code section 22350(b).
- b. ☐ not a registered California process server.
- c. ☐ a registered California process server: ☐ an employee or ☐ an independent contractor
- (1) Registration no.:
- (2) County:
- d. **The fee for service was (specify):** \$
5. ☐ **I declare** under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
- or-
6. ☐ **I am a California sheriff, marshal, or constable**, and I certify that the foregoing is true and correct.

Date:

(NAME OF PERSON WHO SERVED PAPERS)

(SIGNATURE OF PERSON WHO SERVED PAPERS)



Yay! You've completed Steps #1 and 2.

NEXT STEPS:

- ▶ **Do your Financial Disclosures:**
 - ▶ Class starts at 10:30 a.m. today!
- ▶ **Work on making an agreement regarding custody and visitation:**
 - ▶ Attend FLF custody/visitation classes.
 - ▶ Attend the PEACE class.
 - ▶ Make a mediation appointment with Family Court Services
- ▶ **Work on making an agreement regarding child support and spousal support:**
 - ▶ Make a mediation appointment with FLF
- ▶ **Work on making an agreement regarding property division:**
 - ▶ Simple cases: Make a mediation appointment with FLF



*Unsure of what
to do??*

*...Take the
High Road!*



You too can do it....

Thank you.

For further assistance, please:
call 805.882.4660
or email us at SBFLF@sbcourts.org

Check us out at
<https://www.santabarbara.courts.ca.gov>

*And remember...
It will get better.*

