



## DIVORCE WITH CHILDREN UNDER 18 YEARS OLD (Packet #3)

*The purpose of these forms is to provide instructions for filing for a divorce when the parties have minor children from the marriage.* This packet contains instructions and the blank forms you can use to file with the court.

### STEP 1: Complete the forms.

You **must** fill out the following attached forms:

- **Petition (FL-100):** To start a divorce or legal separation when you are married.
- **Summons (FL-110):** Tells your spouse or domestic partner that a court case has started and what will happen if he or she does not respond in 30 days.
- **Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) (FL-105/GC-120):** Tells the judge who the children have been living with for the past five years and if any other custody orders exist that involve this case.

**IMPORTANT: Filing the Petition and Summons will start your divorce case, but you will not become divorced just by filing these papers. The Petition and Summons are the first of many papers you will need to file to obtain your divorce.**

Who is the Petitioner and who is the Respondent?

If you file the Petition and Summons, you are the “Petitioner.”

If you were served with the Petition and Summons, you are the “Respondent.”

**Note:** *Once a person is the Petitioner or Respondent, they will always be the Petitioner or Respondent throughout the case.*

- All forms must be clear and legible and either typed (filled out online) or neatly written in **black or blue ink**.
- If you make a mistake simply mark a single line through the mistake, initial it and then enter the correct information.
- Complete the caption on **every** page of the form. Most forms have a caption box at the top where you will put your name, address, phone number, and a second box for the Court’s information and a third box where the names of the parties are written.

- If you have any questions regarding filling out these forms or would like someone to review your forms before you file them, please schedule a document check with the Self-Help Center. You can do this online at <https://processing.monterey.courts.ca.gov/SelfHelp/Default.aspx>

**How to fill out the forms.**

Complete the information on the caption (as pictured below), check the appropriate boxes to indicate what you are requesting, and fill in information where required.

<b>FL-100</b>																	
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On the **Petition (FL-100)**, at items 4 and 5, if there is not enough space to list all of your property, you can use the **Property Declaration (FL-160)** or attach a detailed list to the **Petition (FL-100)**. You must indicate at items 4 and 5 that you are attaching additional forms.

Don't forget to date, print your name, and sign the **Petition (FL-100)**.

**STEP 2: File the forms with the court.**

Once you have completed the Petition, and Summons, and the UCCJEA, make two copies of each form. Bring your original and the two copies of each document to the first floor Family Law filing window at the Monterey Courthouse, located at 1200 Aguajito Road, Monterey, CA 93940. You will need to bring \$435.00 (a mandatory first-time filing fee) to have your papers filed. (If you cannot afford the filing fee, you may qualify for a fee waiver. You will need to fill out the fee waiver forms ([FW-001](#) and [FW-003](#)), which are available on the court's website, the Clerk's office, or at the Self-Help Center (see Packet #1 for details). Your completed fee waiver forms must be submitted to the court at the same time as your Petition and Summons.)

If you need to mail your forms to the court for filing, be sure to include two copies of all forms, and a return envelope with sufficient postage for the clerk to mail back your endorsed copies.

The court will keep your original papers and return the two copies to you with file-stamps on them. Keep one copy for your records and the other copy will be served on the Respondent.

### STEP 3: Arrange to have the other party served.

A copy of these papers must be served on the other party after you file the forms with the court. You may not serve the papers on the other party, so find a friend, acquaintance, or a professional process server (look in the yellow pages under “process servers”) to serve the papers for you. These papers must be served in person. Once the papers have been served, have your process server fill out and sign the **Proof of Service of Summons (FL-115)**.

The other party must be served with the following papers:

- 1) A filed copy of the **Petition** and the **Declaration Under UCCJEA**
- 2) A filed copy of the **Summons**
- 3) A blank **Response (FL-120)**
- 4) A blank **Declaration Under UCCJEA**

### STEP 4: Complete and file the proof of service.

After the papers have been served and your process server has filled out the **Proof of Service of Summons (FL-115)**, make a copy and bring both the original and the copy to the first floor Family Law filing window at the Monterey Courthouse. The court will keep the original and will file-stamp your copy for you. Keep the copy for your records.

### STEP 5: What’s next?

- Exchange information about assets, debts and income. (See Packet #7 for details.)
- If a Response is NOT filed by the other party, file for a default divorce and final judgment. (See Packet #8 for details.)
- If a Response is filed by the other party, or for additional assistance, come to a Dissolution Workshop at the Self-Help Center for further instructions.

***Mediation:** The court offers mediation regarding custody and visitation issues. If you and the other party wish to go to mediation to try to work out an agreement on these issues, you can call the Court at 831-647-5800 and ask for the mediation appointment clerk. You will be given an appointment after each of you completes the intake forms.*

**For additional assistance:** The Self-Help Center provides workshops and document reviews by appointment (or waitlist if space is available) and is located at three locations: (1) on the first floor at the Monterey Courthouse, 1200 Aguajito Road, in Monterey; (2) near the Salinas Courthouse, at 118 W. Gabilan Street, Salinas CA; and (3) on a limited schedule at the Greenfield Civic Center, 599 El Camino Real, Greenfield CA. To make an appointment, you can come in person, or sign up on line ([www.monterey.courts.ca.gov](http://www.monterey.courts.ca.gov)); follow the links to the

Self-Help Center and then select the workshop and location you would like to attend. To access the forms online, go to: [www.courts.ca.gov/forms.htm](http://www.courts.ca.gov/forms.htm)

## You fill out the following forms:

- [FL-100](#) (Petition)
- [FL-105/GC-120](#) (UCCJEA)
- [FL-110](#) (Summons)
- *Optional forms:*
  - [FL-311](#) (*Child Custody and Visitation*),
  - [FL-341\(c\)](#) (*Children's Holiday Schedule*),
  - [FL-160](#) (*Property Declaration*)

## Process Server completes:

- [FL-115](#) (Proof of Service)

## Blank forms to give to other party:

- [FL-120](#) (Response)
- [FL-105/GC-120](#) (UCCJEA)

## Other forms in this packet:

- [FL-107-INFO](#) (Steps for Divorce)