



DIVORCE WITHOUT CHILDREN UNDER 18 YEARS OLD (Packet #2)

The purpose of these forms is to provide instructions for filing for a divorce when the parties have no 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.

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 www.monterey.courts.ca.gov/SelfHelp/Workshops/.

- 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.

PARTY WITHOUT ATTORNEY OR ATTORNEY STATE BAR NUMBER: _____ NAME: JOHN DOE FIRM NAME: STREET ADDRESS: 123 Main Street CITY: Salinas STATE: CA ZIP CODE: 93906 TELEPHONE NO.: 831-123-4567 FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (name): IN PRO PER		FOR COURT USE ONLY CASE NUMBER: _____
SUPERIOR COURT OF CALIFORNIA, COUNTY OF MONTEREY STREET ADDRESS: 1200 AGUAJITO ROAD MAILING ADDRESS: 1200 AGUAJITO ROAD CITY AND ZIP CODE: MONTEREY, CA. 93940 BRANCH NAME: MONTEREY		
PETITIONER: JOHN DOE RESPONDENT: JANE DOE		
PETITION FOR <input checked="" type="checkbox"/> Dissolution (Divorce) of: <input checked="" type="checkbox"/> Marriage <input type="checkbox"/> AMENDED <input type="checkbox"/> Legal Separation of: <input type="checkbox"/> Marriage <input type="checkbox"/> Domestic Partnership <input type="checkbox"/> Nullity of: <input type="checkbox"/> Marriage <input type="checkbox"/> Domestic Partnership		

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.

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. *(Please Note that the fees are subject to change.)* 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.

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.

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 (with attachments, if any)
- 2) A filed copy of the Summons

3) A blank Response ([FL-120](#))

STEP 4: Complete and file the proof of service.

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. *If you need to mail the forms to the court, be sure to include a return envelope with sufficient postage to send you your copies back.*

STEP 5: What's next?

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.

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 of 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 either come in or sign up online (go to www.monterey.courts.ca.gov); and follow the links to the Self-Help Center and then select the workshop you would like to attend). To access the forms online, go to: www.courts.ca.gov/forms.htm

You fill out the following forms:

- [FL-100](#) (Petition)
- [FL-110](#) (Summons)

Process Server completes:

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

Blank forms to give to other party:

- [FL-120](#) (Response)

Other forms in this packet:

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