



MONTEREY COUNTY SUPERIOR COURT
1200 Aguajito Road
Monterey, CA 93940
(831) 647-5800
www.monterey.courts.ca.gov

DIVORCE WITH CHILDREN UNDER 18 YEARS OLD (Packet #2A)

The purpose of these instructions is to provide information about how to complete the forms and a link to the forms that you can use to file with the court when filing for a divorce, if the parties have minor children from the marriage.

STEP 1: Complete the forms.

You **must** complete the following forms:

- **Petition (FL-100):** To start a divorce or legal separation when you are married.
- **Summons (FL-110):** Informs 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):** Informs 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 steps you will need to take 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 completed in a clear and legible manner and either typed (completed online) or neatly written in **black or blue ink**.
- **Do not use white-out liquid or correction tape on your forms!** 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 enter 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 completing 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/.

How to complete 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.

FL-100	
<p>ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):</p> <p>John Doe 123 Main Street Salinas, CA 93906</p> <p>TELEPHONE NO.: 831-123-4567 FAX NO. (Optional):</p> <p>E-MAIL ADDRESS (Optional):</p> <p>ATTORNEY FOR (Name): In Pro Per</p>	<p>FOR COURT USE ONLY</p>
<p>SUPERIOR COURT OF CALIFORNIA, COUNTY OF Monterey</p> <p>STREET ADDRESS: 1200 Aguajito Road</p> <p>MAILING ADDRESS: 1200 Aguajito Road</p> <p>CITY AND ZIP CODE: Monterey, CA 93940</p> <p>BRANCH NAME: Monterey</p>	
<p>MARRIAGE OF</p> <p>PETITIONER: John Doe</p> <p>RESPONDENT: Jane Doe</p>	
<p>PETITION FOR</p> <p><input checked="" type="checkbox"/> Dissolution of Marriage</p> <p><input type="checkbox"/> Legal Separation</p> <p><input type="checkbox"/> Nullity of Marriage</p> <p align="right"><input type="checkbox"/> AMENDED</p>	
<p>CASE NUMBER:</p>	

On the **Petition (FL-100)**, 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. You will need to pay the court a **\$435.00** fee (a mandatory first-time filing fee) when you file your forms. *(Please note that filing fees are subject to change.)* If you cannot afford the filing fee, you may qualify for a fee waiver. You will need to complete the fee waiver forms ([FW-001](#) and [FW-003](#)). 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, make 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 file-stamped copies to you. 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 the file-stamped 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 complete 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 (FL-105)**

STEP 4: Complete and file the proof of service.

After the papers have been served and your process server has completed 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. (If you need to mail the forms to the court, be sure to include a return envelope with sufficient postage so the court can mail the copies to you.)

STEP 5: Next Steps.

- Exchange information with the respondent about assets, debts and income within 60 days of filing the petition.
- If a Response is NOT filed by the other party, file for a default divorce and final judgment.
- If a Response is filed 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 by appointment (or waitlist if space is available) and is located on the first floor at the [Monterey Courthouse](#), 1200 Aguajito Road, in Monterey. To make an appointment, you can either come in person, call 831-647-5890, 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).

You must complete 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 included in this packet:

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