



# Start Your Divorce\*

\*"Divorce" and "Dissolution" used here also refer to Legal Separation, Nullity, or Domestic Partnership Dissolution Cases; "Spouse" also refers to Partner; "Marriage" also refers to Partnership

<b>What is this for?</b>	This packet contains the forms you need to fill out and file to open a court case for Dissolution (Divorce), Legal Separation, Nullity, or to dissolve a Domestic Partnership.
<b>Step 1: Fill out the forms</b>	<p><a href="#">Petition – Marriage/Domestic Partnership</a> (FL-100) <a href="#">Summons</a> (FL-110)</p> <p>Fill out this form only if you have minor children from this marriage: <a href="#">Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)</a> (FL-105)</p> <p><b>See page two and three of these instructions for definitions and important things to know.</b></p>
<b>Step 2: Make copies</b>	<p>Take each form and make 2 copies. Paperclip (do not staple) the <u>original</u>. The copies may be stapled. Put the copies right behind each original.</p> <p>Note: If you file electronically, copies are not required (see Step 3).</p>
<b>Step 3: File the forms</b>	<p>Get a number ticket for "Family Law" at the kiosk on the 1st floor of the Courthouse. File the paperwork with the clerk when your number is called. If you are filing at the Historic Courthouse in Auburn or the Tahoe Courthouse, you do not need to get a ticket. The court will file-stamp all your forms and give you back the 2 copies. You will keep a filed copy for your records and have the other copy served on your spouse/partner.</p>
<b>eFiling</b>	<p>Alternatively, the Court has the option to file electronically through its eFile Service. For filing and more information, please visit <a href="http://placer.courts.ca.gov">placer.courts.ca.gov</a> and select "<a href="#">eFiling</a>" under the Online Services tab. This webpage contains instructions and FAQs to assist with the process. There is a service fee for eFiling paid to the third-party vendor and cannot be waived by the Court. Note: each form must be a separate PDF unless it contains attachments.</p>
<b>Filing fee</b>	<p>There is a \$435.00 fee to open your case with the court. The Court accepts cash, check, Visa, MasterCard, AMEX and Discover Card. If you cannot afford to pay the filing fee, you may apply for a fee waiver by filling out and filing these forms:</p> <p><a href="#">Request to Waive Court Fees</a> (FW-001) <a href="#">Order on Court Fee Waiver</a> (FW-003)</p>



<b>Step 4: Serve your spouse</b>	<p>You must have a copy of your forms handed (“personally served”) to your spouse, along with a blank <a href="#">Response</a> (FL-120). Copies from eFiling may be printed from your eFiling account. If there are minor children, you must also serve a blank Declaration Under UCCJEA (FL-105). Someone 18 or older must serve the forms for you. You cannot serve the forms yourself.</p> <p>The person who serves the forms to your spouse must fill out a <a href="#">Proof of Service of Summons</a> (FL-115).</p> <p>Make sure that the <b>DATE</b> and <b>TIME</b> and <b>ADDRESS</b> where the Respondent was served and all other sections of the form are filled in completely and clearly.</p>
<b>Step 5: File the Proof of Service</b>	<p>Make 1 copy of the Proof of Service of Summons (FL-115) and get a number ticket for “Family Law” at the kiosk on the 1<sup>st</sup> floor of the Roseville Courthouse. If you are filing at the Historic Courthouse in Auburn or the Tahoe Courthouse, you do not need to get a ticket. When your number is called, hand the clerk the original and the copy. The clerk will file-stamp both and give you back the copy. Keep the filed copy for your records.</p>
<b>Next Steps:</b>	<p>Financial Disclosures: You must fill out the mandatory Declaration of Disclosure forms within 60 days of filing your divorce Petition. This is to give information about your income, expenses, assets and debts with your spouse. Please refer to the <i>Financial Disclosures</i> instruction sheet.</p> <p>Finish your case: <b>You are not divorced when these forms are filed. You will NOT automatically be divorced. You must file more forms.</b></p> <p>Once your financial disclosures have been given to your spouse (or exchanged by both spouses if you are finishing your case by agreement), sign up for an appointment with the Self-Help Center to learn how to finish your case (See “Where can I get help?” on the next page).</p>



## Definitions and Important Things to Know

- **Separate Property:** Items owned/acquired before your marriage, after the date of separation or received by gift or inheritance, even if received during the marriage. This includes items like cars, houses, debts, bank accounts, retirement accounts/pensions.
- **Community Property:** Property owned/acquired from your marriage date to the date of separation, regardless of who is on title or whose name is on the account. This includes items like cars, houses, debts, bank accounts, retirement accounts/pensions. Some things like retirement plans can be both separate property *and* community property.
- **Legal Custody:** The parent(s) who makes decisions regarding the health, education and general welfare and well-being of the child(ren).
- **Physical custody:** The parent(s) with whom the child(ren) live or spend considerable time.
- **Parenting Time (Visitation):** The schedule of time that the child(ren) spend with each parent.
- **Child Support:** Generally calculated based on parenting time and the incomes of each parent. The court has the ability to award child support until the child marries, dies, emancipates, reaches age 19, or reaches age 18 and is not a full-time high school student, whichever occurs first.
- **Spousal Support:** Money paid to a (ex-)spouse to help them become self-supporting in the future. This is separate from child support. For more information, see [Fam. Code sec. 4320](#).

## Are you a veteran of the armed forces?

Parties who have qualifying service in the United States' Armed Forces may self-identify their veteran status using [Notification of Military Status](#) (MIL-100). By doing so, the court will provide the veteran with a list of local veteran resources and the court will forward a copy of the form to the Department of Veteran Affairs who will then contact the veteran. For more information, see [Fam. Code sec. 211.5](#).

## What if my spouse is in the armed forces?

If your spouse is on active duty in the United States armed forces, please make an appointment with a private attorney or the Self-Help Center to talk about your options.

## How long will it take to finish my divorce?

You can be divorced *at the earliest* 6 months and 1 day after your spouse was served with the divorce forms you filed to start your case or 6 months after they filed a Response. **You will NOT automatically be divorced after 6 months.** You have to file additional forms to finish your divorce. Legal separations and nullities can be finished before 6 months. Talk to an attorney for more information.



## Can I Access My Court Case Electronically?

Court users can now receive access to their file/orders electronically by three different methods:

Online Portal: You can come to the courthouse and show ID to gain access;

eFiling: If you check the box on eFiling, you will receive your orders via email; you will also receive portal access if you pay for a filing (so you do not need to come into the courthouse to show ID);

eService: You may consent to receive notice and orders by email. This can be done by submitting Judicial Council Form [EFS-005-CV](#).

## Where can I get the forms?

1. **For an app that helps you fill out the forms to start a case, go to [guideandfile.com](http://guideandfile.com)**
  - Click “Start Your Legal Process”, then
  - Click “Divorce, Separation, or Nullity”
  - Answer the questions, save, your work, and print your forms at the end.
2. The blank forms listed in these instructions can be found **online** at [www.courts.ca.gov/forms](http://www.courts.ca.gov/forms).
3. You can get the form packets through the court’s **Self-Help Center** or buy them at the **Court Clerk’s counter**.

## Where can I get help and more information?

- You can hire a private attorney for a free or low-cost consultation.
- If you do not have an attorney, you can get help from the court’s Self-Help Center. Schedule a telephone or video appointment online at [www.placer.courts.ca.gov](http://www.placer.courts.ca.gov) and search for **online appointments** on the home page.
- Visit [www.courts.ca.gov](http://www.courts.ca.gov)
  - Click “Self-Help” on the tabs and select “Divorce or Separation” in the dropdown menu
- Read:
  - [Legal Steps for a Divorce or Legal Separation](#) (FL-107-INFO)