

Petition for Dissolution, Legal Separation or Nullity Self Help Information/Procedural Guidelines*

Read the following definitions and decide which type of case you would like to open:

Dissolution: is a formal, legal ending of a marriage. You must have lived in California for 6 months and in Orange County for 3 months immediately preceding the filing of your first papers.

Legal Separation: leaves the parties legally married, but divides the property, assets and debts, and determines the custody and visitation of the children. There is no residency requirement.

Nullity: A Judgment of Nullity will mean that the parties were never legally married. It will restore the parties to an unmarried state. To receive a Judgment of Nullity you must prove to the court one of the following:

- You were not 18 years of age at the time of marriage and did not live as husband and wife after becoming 18.
- One of the parties was married to another person at the time of the marriage.
- One of the parties committed fraud upon the other before the marriage and the subject of the fraud was a basis for the marriage.
- Consent to the marriage was obtained by force.
- One of the parties, at the time of the marriage, was physically incapable of entering into the marriage state.

You must also prove that you did not live as husband and wife for an extended period of time after learning of any of the above situations.

Print and complete the documents in the order that they are listed.

Forms beginning with "FL" can be located at www.courts.ca.gov/forms.htm

Forms beginning with "L" are found at www.occourts.org/forms/formsfamily.html

- 1) Petition (FL-100)
- 2) Summons (FL-110)
- 3) Family Law Declaration Re: Related Cases (L1120)
- 4) Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (FL-105)
Print 2 of this form (if you have children together.) Complete one of the copies, the other blank form is for service on the other party.
- 5) Proof of Service of Summons (FL-115)
- 6) Packet – Declaration of Disclosure (L-1130); all forms within the packet
- 7) Schedule of Assets and Debts (FL-142)
- 8) Income and Expense Declaration (FL-150)
- 9) Declaration (MC-030)
- 10) Response (FL-120) - do not complete, leave this form blank. It is for service.

An additional copy of two forms listed above, Response (form FL-120) and the Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (form FL-105) are to be printed and left blank. They must be served on the Respondent along with copies of your completed and filed documents

If you need assistance completing a form, you may also print the instruction sheet. If an instruction sheet is available for the form you are printing, it will be listed right below the form itself.

You must have the following documents to open your case:

- Petition
- Summons
- Family Law Declaration Re: Related Cases
- Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (if you have children with the other party.)

Court fees for filing your first papers are \$435.00. You may pay this fee with cash, a personal check, cashier's check, money order or by credit card.

Make 2 copies (front and back) of all forms that you wish to file with the court. Bring them to the Clerk's Office filing counter with the forms that have your original signatures on them. If you want the court to make your copies, the fee is \$.50 for each page.

Once the forms have been filed with the court keep one set of copies for yourself. The other copies are to be served on the other party.

The Preliminary Declaration of Disclosure may be served on the other party at the same time you serve the first papers or at a later date. Read the information sheet carefully and follow the directions. This step is required; your case cannot be finalized if you don't complete the requirements regarding disclosure.

Service: Your first papers must be served by someone over the age of 18 years. You cannot serve the first papers yourself. The Proof of Service of Summons form, at #5, lists the 3 different ways that the papers can be served on the other party. If the other party cannot be located, request forms to request that the Court allow you to serve the other party by publication.

Next Step: After the respondent has been served, you must wait at least 30 days to allow him/her to file their own papers. Once the 30 days have passed, you may proceed to Step 2.

**The Self Help Information/Procedural Guidelines are intended to provide basic assistance and are not a substitute for legal advice.*