

We The People

California - Dissolution of Marriage (or Legal Separation) With Minor Children Workbook

You may use this workbook to ask the court for a dissolution of marriage (or legal separation) when there are MINOR children born of, or adopted during, the marriage (including children born to you and your spouse prior to the date of marriage) and/or when the wife is pregnant. This office can assist you with limited extent. Please see your store representative for more information.

It is possible to amend a Petition after it has been filed with the court. The filing and serving of an amended Petition on your spouse may restart your six month mandatory waiting period and may allow your spouse additional time to respond. This office can assist you with your first amended Petition for an additional charge, but we cannot assist with any additional amendments to a Petition.

INFORMATION ABOUT YOU

1. Your full name: _____ Male Female
2. Your address: _____
3. City: _____ State: _____ Zip: _____
4. Home phone: (____) _____ Work phone: (____) _____
5. Date of birth: _____ County you reside in: _____

INFORMATION ABOUT YOUR SPOUSE

Male Female

6. Full name _____
7. Address _____
8. City _____ State: _____ Zip: _____
9. Home phone (____) _____ Work Phone: (____) _____
10. Date of birth: _____ County he/she resides in: _____
11. Is your spouse on active military duty? YES NO

Note: If your spouse is on active military duty, he/she will need to sign an Appearance, Stipulation and Waiver (FL-130) **and** a Marital Settlement Agreement in order for We The People to assist.

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INFORMATION FOR PETITION

12. **Complete the information about the court in which you will file your divorce.** You may use the Court Information Sheet to look up the information. Either fill in the Court Code from the Court Information Sheet or complete the Court/Branch/Address information.

Court Code: _____

OR

County of: _____

Branch name: _____

Street address: _____

Mailing address: _____

City and zip code: _____

13. **Mark all that apply regarding you and your spouse's residency:**

- I have been a resident of California for at least the last 6 months and a resident of the county in which I intend to file the divorce for at least the last 3 months.
- My spouse has been a resident of California for at least the last 6 months and a resident of the county in which I intend to file the divorce for at least the last 3 months.

Note: If neither of the above statements is true, this office will not be able to assist you with the divorce at this time; however, at your direction, this office can assist you with a Legal Separation now, and with amending the petition to a divorce once the residency requirement has been established.

14. **Date of marriage:** _____ **Date of separation:** _____
(mm/dd/yyyy) (mm/dd/yyyy)

15. **Indicate how separate property assets and debts should be listed on the petition (see Separate Property Note below). Check one box only.**

- We have no separate property assets or debts subject to disposition by the court.
- The full extent of assets and debts are currently unknown at this time. *Note: If you check this box and you and your spouse do not sign a marital settlement agreement, the court may not make orders regarding your property unless you first amend the petition to list the assets and debts.*
- Separate property assets and debts are listed on the Preliminary Disclosure workbook which is attached to this workbook.
- Separate property assets and debts are listed on a separate sheet and I have indicated whether each item belongs to husband or wife. *Attach the separate sheet to this workbook.*

Separate Property Note: *Separate property assets and debts generally include everything a husband or wife owns or owes separately. In most cases that includes:*

- (A) Anything either spouse owned or owed before they were married;
- (B) Anything either spouse earned or received after separation;
- (C) Any debts either spouse incurred after separation; and
- (D) Anything either spouse received as a gift or by inheritance at any time.

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16. Declaration regarding community assets and debts currently known (see Community Note below).

- We have no community assets or debts subject to disposition by the court in this proceeding.
- The full extent of assets and debts are currently unknown at this time. **Note:** If you check this box and you and your spouse do not sign a marital settlement agreement, the court may not make orders regarding your property unless you first amend the petition to list the assets and debts.
- Community assets and debts are listed on the Preliminary Disclosure workbook which is attached to this workbook.
- Community assets and debts are listed on a separate sheet. Attach the separate sheet to this workbook.

**Please be sure to check one box ONLY.*

Community Note: Community assets and debts generally include everything a husband or wife accumulated during the marriage. In most cases that includes:

- (A) Money or benefits like pensions and stock options that either spouse earned between the dates of marriage and separation;
- (B) Anything either spouse bought with money earned during that period; and
- (C) Any community debts incurred by either spouse during that period.

Note: If your spouse does not file a response to your petition (known as a "default") and you proceed on your own, it is possible that the only items the court will consider in finalizing your divorce are the requests that you make on your petition. For example, if you do not list any debts on your petition, but you do have debts, the court may not be able to make any orders regarding who is responsible for paying the debts. Similarly, if you do not request spousal support on your petition, the court may not have the authority to order your spouse to pay support to you.

17. Check all items you are requesting of the court in the petition. Check all that apply.

- I would like spousal support paid to me.
- I would like to pay spousal support to my spouse.
- I would like the court to terminate its ability to award spousal support to my spouse (both now and in the future).
- I would like the court to divide property between me and my spouse.
- Restore my former name:

INFORMATION FOR SERVICE OF DOCUMENTS - Your spouse must be given a copy of all divorce papers before the divorce can proceed; this is known as "service." This office will prepare the proof of service documents based on your selection below; there may be an additional charge if documents have been prepared and you later change your method of service.

18. How do you plan to serve the divorce papers on your spouse? Check one box only.

- Notice and Acknowledgement by Mail** - Your spouse will accept service by mail and sign and return the Notice and Acknowledgment of Receipt (FL-117) form to this office.
- Personal Service at this office** - Your spouse will come into the this office to be served.
- Personal Service by other third party** - Your spouse will be served by a third party over the age of 18 (e.g., friend, process server, sheriff).
- By Publication** - After diligently searching by speaking with friends, relatives, co-workers, looking in phone books, using the internet, DMV etc, you are unable to locate your spouse. **Note:** If you check this box, ask for a Petition to Publish workbook. You will be required to list the steps you have taken to locate your spouse. There will be an additional charge for that workbook plus costs for publishing in the newspaper.

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INFORMATION REGARDING MINOR CHILDREN - REMEMBER! *If your spouse does not file a response to your petition and you proceed on your own, it is possible that the only items the court will consider in finalizing your divorce are the requests that you make on your petition. For example, if you list that you want you and your spouse to share physical custody of the children and then change your mind and decide you do not want to share physical custody with your spouse, the court may not be able to do anything other than award shared physical custody without you first amending your petition and re-serving it on your spouse. This also allows your spouse additional time to respond. Take your time in completing the information below!*

Note: *If you are filing in Riverside or San Bernardino County, ask for the Supplemental Workbook for Custody, Visitation, and Parenting Plan.*

19. **The minor children of the marriage who are children of the parties are as follows:**

<u>Minor Child's Full Legal Name</u>	<u>Child's Date of Birth</u>	<u>Child's Age</u>	<u>Child's Gender</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

20. **Were any of the children named above born BEFORE the date of the marriage?** YES NO

21. **If any of the children named above were born BEFORE the date of the marriage, indicate how paternity of any such children will be handled.**

- NA - All of the children listed above were born after the date of the marriage.**
- The biological father will sign a voluntary declaration of parentage.**
- The court will determine parentage of the any such children. *Note: If you select this choice, ask for a Paternity questionnaire. There will be an additional fee to prepare it plus an additional court filing fee.***

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Custody Information

- Joint Custody: Parents share joint physical and joint legal custody
- Joint Legal Custody: Parents share the right and responsibility of making decisions relating to the child's health, education, and welfare.
- Joint Physical Custody: Each parent will have significant periods of physical custody arranged to assure the child has frequent and continuing contact with both parents. It does not need to be 50/50; even 70/30 would be okay.
- Sole Physical Custody: Child(ren) will live and be under the supervision of one parent.
- Sole Legal Custody: One parent has the right to make decisions relating to the child's health, education and welfare.

	<u>Husband</u>	<u>Wife</u>	<u>Joint (Shared)</u>	<u>Other</u>
22. Who should get <u>legal custody</u> of the child(ren)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
23. Who should get <u>physical custody</u> of the child(ren)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
24. Who should have <u>visitation</u> with the child(ren)?	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>

Note: If you selected joint physical custody, then visitation will be checked for both spouses.

25. **RESIDENCE INFORMATION OF CHILD NO. 1** - Information must be **for the past 5 years**, beginning with the current address of the child.

Child's Full Legal Name: _____

Place of Birth (city, state): _____

Dates (From/To)	Address where child lived (including city and state)	Name and <u>current</u> address of person(s) child lived with	Relationship to child
_____ to PRESENT			
_____ to _____			
_____ to _____			
_____ to _____			

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For additional children, make as many copies of this page as needed.

26. **CHILD NO.** _____ - Information must be **for the past 5 years**, beginning with current address of the child.

Child's Full Legal Name _____

Place of Birth (*city, state*) _____

RESIDENCE INFORMATION SAME AS CHILD NO. 1

Dates (From/To)	Address where child lived (including city and state)	Name and <u>current</u> address of person(s) child lived with	Relationship to child
_____ to PRESENT			
_____ to _____			
_____ to _____			
_____ to _____			

27. **CHILD NO.** _____ - Information must be **for the past 5 years**, beginning with current address of the child.

Child's Full Legal Name: _____

Place of Birth (*city, state*) : _____

RESIDENCE INFORMATION SAME AS CHILD NO. 1

Dates (From/To)	Address where child lived (including city and state)	Name and <u>current</u> address of person(s) child lived with	Relationship to child
_____ to PRESENT			
_____ to _____			
_____ to _____			
_____ to _____			

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28. Have you participated as a party or a witness or in some other capacity in another litigation or custody proceeding in any state regarding a child listed above? YES NO

If the answer to Question No. 28 is YES, please provide the following information:

- a. Name of each child: _____
- b. YOUR role in the case: Party Witness Other (describe) _____
- c. Name, state, and location of court: _____
- d. Date of any court order or judgment: _____

29. Do you have information about a custody proceeding pending in any court concerning a child in this case, other than as described in Question No. 28 above? YES NO

If the answer to Question No. 29 is YES, please provide the following information:

- a. Name of each child: _____
- b. Nature of proceeding: Dissolution/Divorce Guardianship Adoption
 Other (describe) _____
- c. Name, state, and location of court: _____
- d. Status of proceeding: _____

30. Are there any domestic violence restraining/protective orders now in effect? YES NO

If the answer to Question No. 30 is YES, please provide the following information. **Note:** A copy of each order must be attached to form No. FL-105 (Declaration Under Uniform Child Custody Enforcement Act).

- a. Criminal: County/state _____
Case No. (if known) _____
- b. Family: County/state _____
Case No. (if known) _____
- c. Juvenile: County/state _____
Case No. (if known) _____
- d. Other: County/state _____
Case No. (if known) _____

31. Do you know of any person other than yourself and your spouse who has physical custody -- or claims to have custody or visitation -- of any of the children listed above? YES NO

If the answer to Question No. 31 is YES, please provide the following information:

- a. Name of each child: _____
- b. Name and address of person: _____
- c. Person has physical custody claims custody rights claims visitation rights

STORE: _____
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