



SUPERIOR COURT OF STANISLAUS COUNTY

www.stanct.org (209) 530-3100

Street Address: 1100 I Street Modesto, CA 95353

Mailing Address: P.O. Box 1098 Modesto, CA 95353

Self Help Center: 800 11th Street Room #220 Modesto, CA 95353
(PROVIDING ASSISTANCE TO PARTIES REPRESENTING THEMSELVES)

Judgment Packet (Response Filed)

All documents must be typed or printed legibly per Rules of Court 2.104, in blue or black ink.

This packet includes some of the necessary forms to file a Judgment when a Response has been filed. The Marital Settlement Agreement in this packet does not include the necessary attachments. Every case is different and will require attachments tailored to the specific details of the case. For example, not everyone has minor children of the marriage. These additional forms are available at the Self Help Center or can be downloaded them from the courts website (www.stanct.org).

Judicial Council forms, local forms, and information are available in the Clerk's Office, the Stanislaus County Law Library located at 1101 13th Street, Modesto, CA and on the following websites:

- ☛ Stanislaus County Superior Court: www.stanct.org
- ☛ Stanislaus County – Local Forms: www.stanct.org/Forms.aspx?id=3
- ☛ Judicial Council's Self Help: www.courts.ca.gov/selfhelp.htm
- ☛ Judicial Council Forms: www.courts.ca.gov/formsrules.htm
- ☛ Stanislaus County Law Library: www.stanislauslawlibrary.org
- ☛ Free Interactive Electronic Forms Program: www.icandocs.org/ca/california.html
- ☛ California's Free Website for Legal Help: www.lawhelpcalifornia.org
- ☛ Law Libraries, Websites, or Self-Help Legal Books: www.courts.ca.gov/1091.htm

REQUIRED FORMS:

- FL-130 - Appearance, Stipulations and Waivers
- FL-144 – Stipulation and Waiver of Final Declaration of Disclosure
- FL-170 - Declaration for Default or Uncontested Dissolution or Legal Separation
- FL-180 – Judgment
- FL-020 – Marital Settlement Agreement (ATTACHMENTS NOT INCLUDED)
 - *The attachments are available at the Self Help Center or can be downloaded from the courts website (www.stanct.org).*
 - *If you have existing court orders, copies of those orders have be attached to your judgment.*
- FL-192 -Notice of Rights and Responsibilities (ONLY REQUIRED there are minor children of the marriage)
- FL-190 - Notice of Entry of Judgment
- FL-191 - Child Support Case Registry Form (ONLY REQUIRED there are minor children of the marriage)
- Notice to Department of Child Support Services of Intent to File Judgment (ONLY REQUIRED if the Dept. of Child Support Services is/was enforcing child support)

There are several methods that a dissolution (divorce) may be finalized after a response is filed. The most common methods are as described below:

CONTESTED JUDGMENT: A contested judgment means that Petitioner and Respondent do not agree on some or all of the issues of the Dissolution. The Respondent has filed a response and the case is now ready to proceed to trial, so the Judge can make orders regarding the issues in disagreement.

UNCONTESTED JUDGMENT: An uncontested judgment means that the parties agree on the issues. A judgment incorporating a Marital Settlement Agreement generally does not require a court hearing.

PREPARE THE FOLLOWING FORMS:

- **FL-130 - Appearance, Stipulations and Waivers**
- **FL-144 – Stipulation and Waiver of Final Declaration of Disclosure**
 - A PRELIMINARY and FINAL Declaration of Disclosures is required in a Dissolution of Marriage. The FINAL Disclosure, however, can be waived.
- **FL-170 - Declaration for Default or Uncontested Dissolution or Legal Separation**
- **FL-180 – Judgment**
- **FL-020 – Marital Settlement Agreement (ATTACHMENTS NOT INCLUDED)**
 - *The attachments are available at the Self Help Center or can be downloaded from the courts website (www.stanct.org).*
 - If you have existing court orders, copies of those orders have be attached to your judgment.
- **FL-192 -Notice of Rights and Responsibilities** *(ONLY REQUIRED there are minor children of the marriage)*
- **FL-190 - Notice of Entry of Judgment**
- **FL-191 - Child Support Case Registry Form** *(ONLY REQUIRED there are minor children of the marriage)*
- **Notice to Department of Child Support Services of Intent to File Judgment** *(ONLY REQUIRED if the Dept. of Child Support Services is/was enforcing child support)*

Once completed, take the original and 2 copies to the Clerk's Office, along with 2 self-addressed, postage paid envelopes; 1 envelope addressed to you and 1 envelope addressed to the other party. Please use large envelopes if your judgment has more than 6 pages.

CHILD SUPPORT CASE REGISTRY FORM: Both parents must complete a *Child Support Case Registry Form* (included in this packet).

- **When you file a court order**, you must deliver a completed form to the Clerk's Office along with your court order.
- **If you did not file a court order**, you must deliver a completed form to the Court **WITHIN 10 DAYS** of the date you **received** a copy of your court order.
- **If any information you provide on this form changes**, you must complete a new form and deliver it to the court clerk within 10 days of the change.

If you have a change of address, you will need to file a Notice of Change of Address (MC-040) at the Clerk's Office. You may purchase this form at the Clerk's Office or go online at www.courtinfo.ca.gov/forms.

Parties are encouraged to review and comply with Local Rules regarding Family Law proceedings. Local Rules can be located on the following Superior Court website: www.stanct.org

Material distributed by the Superior Court Clerk's Office or Self Help Center **IS INTENDED FOR INFORMATIONAL AND EDUCATIONAL PURPOSES ONLY**. Such material is **NOT LEGAL ADVICE** and is not intended to be legal advice as to your specific case. **IT IS NOT INTENDED TO TAKE THE PLACE OF LEGAL ADVICE FROM AN ATTORNEY**. You are strongly urged to seek the advice of a licensed attorney before starting or completing your case in order to protect valuable legal rights that you may have, of which you may be unaware of. Please contact an attorney of your choice or contact the **LAWYERS REFERRAL SERVICE** of the **Stanislaus County Bar Association** at: (209) 571-5727 for a referral. The Clerk's Office cannot give you legal advice.

Revised 06/2012

| | |
|--|---------------------------|
| ATTORNEY OR PARTY WITHOUT ATTORNEY <i>(Name, State Bar number, and address):</i> TELEPHONE NO.: _____ FAX NO. <i>(Optional)</i> : _____ E-MAIL ADDRESS <i>(Optional)</i> : _____ ATTORNEY FOR <i>(Name)</i> : _____ | FOR COURT USE ONLY |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF Stanislaus STREET ADDRESS: 1100 I Street MAILING ADDRESS: P.O. Box 1098 CITY AND ZIP CODE: Modesto, CA 95353 BRANCH NAME: _____ | |
| PETITIONER: RESPONDENT: | |
| APPEARANCE, STIPULATIONS, AND WAIVERS | CASE NUMBER: _____ |

1. **Appearance by respondent** *(you must choose one):*

- a. By filing this form, I make a general appearance.
- b. I have previously made a general appearance.
- c. I am a member of the military services of the United States of America. I have completed and attached to this form *Declaration and Conditional Waiver of Rights Under the Servicemembers Civil Relief Act of 2003* (form FL-130(A)).

2. **Agreements, stipulations, and waivers** *(choose all that apply):*

- a. The parties agree that this cause may be decided as an uncontested matter.
- b. The parties waive their rights to notice of trial, a statement of decision, a motion for new trial, and the right to appeal.
- c. This matter may be decided by a commissioner sitting as a temporary judge.
- d. The parties have a written agreement that will be submitted to the court, or a stipulation for judgment will be submitted to the court and attached to *Judgment (Family Law)* (form FL-180).
- e. None of these agreements or waivers will apply unless the court approves the stipulation for judgment or incorporates the written settlement agreement into the judgment.
- f. This is a parentage case, and both parties have signed an *Advisement and Waiver of Rights Re: Establishment of Parental Relationship* (form FL-235) or its equivalent.

3. **Other** *(specify):*

Date: _____

 (TYPE OR PRINT NAME)

 (SIGNATURE OF PETITIONER)

Date: _____

 (TYPE OR PRINT NAME)

 (SIGNATURE OF RESPONDENT)

Date: _____

 (TYPE OR PRINT NAME)

 (SIGNATURE OF ATTORNEY FOR PETITIONER)

Date: _____

 (TYPE OR PRINT NAME)

 (SIGNATURE OF ATTORNEY FOR RESPONDENT)

| | |
|--|---------------------------|
| ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): IN PRO PER | FOR COURT USE ONLY |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF Stanislaus STREET ADDRESS: 1100 I Street MAILING ADDRESS: P.O. Box 1098 CITY AND ZIP CODE: Modesto, CA 95353 BRANCH NAME: _____ | |
| PLAINTIFF/ PETITIONER: DEFENDANT/ RESPONDENT: OTHER: _____ | |
| STIPULATION AND WAIVER OF FINAL DECLARATION OF DISCLOSURE | CASE NUMBER: _____ |

1. Under Family Code section 2105(d), the parties agree to waive the requirements of Family Code section 2105(a) concerning the final declaration of disclosure.

2. The parties agree as follows:
 - a. We have complied with Family Code section 2104, and the preliminary declarations of disclosure have been completed and exchanged.

 - b. We have completed and exchanged a current *Income and Expense Declaration* (form FL-150) that includes all material facts and information on each party's earnings, accumulations, and expenses.

 - c. We have fully complied with Family Law section 2102 and have fully augmented the preliminary declarations of disclosure, including disclosure of all material facts and information on
 - (1) the characterization of all assets and liabilities,
 - (2) the valuation of all assets that are community property or in which the community has an interest, and
 - (3) the amounts of all community debts and obligations.

 - d. Each of the parties enters into this waiver knowingly, intelligently, and voluntarily.

 - e. Each party understands that this waiver does not limit the legal disclosure obligations of the parties but rather is a statement under penalty of perjury that those obligations have been fulfilled.

 - f. The parties also understand that if they do not comply with these obligations, the court will set aside the judgment.

The petitioner and respondent declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

(TYPE OR PRINT NAME)

(SIGNATURE OF PETITIONER)

(TYPE OR PRINT NAME)

(SIGNATURE OF RESPONDENT)

| | |
|---|---------------------------|
| ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>Name, State Bar number, and address</i>): <hr/> TELEPHONE NO.: _____ FAX NO. (<i>Optional</i>): _____ E-MAIL ADDRESS (<i>Optional</i>): _____ ATTORNEY FOR (<i>Name</i>): _____ | FOR COURT USE ONLY |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF Stanislaus STREET ADDRESS: 1100 I Street MAILING ADDRESS: P. O. Box 1098 CITY AND ZIP CODE: Modesto, CA 95353 BRANCH NAME: _____ | |
| PETITIONER: RESPONDENT: | |
| DECLARATION FOR DEFAULT OR UNCONTESTED <input type="checkbox"/> DISSOLUTION <input type="checkbox"/> LEGAL SEPARATION | CASE NUMBER: _____ |

(NOTE: Items 1 through 12 apply to both dissolution and legal separation proceedings.)

1. I declare that if I appeared in court and were sworn, I would testify to the truth of the facts in this declaration.
2. I agree that my case will be proven by this declaration and that I will not appear before the court unless I am ordered by the court to do so.
3. All the information in the amended *Petition* *Response* is true and correct.
4. **Type of case** (*check a, b, or c*):
 - a. **Default without agreement**
 - (1) No response has been filed and there is no written agreement or stipulated judgment between the parties;
 - (2) The default of the respondent was entered or is being requested, and I am not seeking any relief not requested in the petition; and
 - (3) The following statement is true (*check one*):
 - (A) There are no assets or debts to be disposed of by the court.
 - (B) The community and quasi-community assets and debts are listed on the **completed** current *Property Declaration* (form FL-160), which includes an estimate of the value of the assets and debts that I propose to be distributed to each party. The division in the proposed *Judgment* (form FL-180) is a fair and equal division of the property and debts, or if there is a negative estate, the debts are assigned fairly and equitably.
 - b. **Default with agreement**
 - (1) No response has been filed and the parties have agreed that the matter may proceed as a default matter without notice; and
 - (2) The parties have entered into a written agreement regarding their property and their marriage or domestic partnership rights, including support, the original of which is being or has been submitted to the court. I request that the court approve the agreement.
 - c. **Uncontested**
 - (1) Both parties have appeared in the case; and
 - (2) The parties have entered into a written agreement regarding their property and their marriage or domestic partnership rights, including support, the original of which is being or has been submitted to the court. I request that the court approve the agreement.
5. **Declaration of disclosure** (*check a, b, or c*):
 - a. Both the petitioner and respondent have filed, or are filing concurrently, a *Declaration Regarding Service of Declaration of Disclosure* (form FL-141) and an *Income and Expense Declaration* (form FL-150).
 - b. This matter is proceeding by default. I am the petitioner in this action and have filed a proof of service of the preliminary *Declaration of Disclosure* (form FL-140) with the court. I hereby waive receipt of the final *Declaration of Disclosure* (form FL-140) from the respondent.
 - c. This matter is proceeding as an uncontested action. Service of the final *Declaration of Disclosure* (form FL-140) is mutually waived by both parties. A waiver provision executed by both parties under penalty of perjury is contained on the *Stipulation and Waiver of Final Declaration of Disclosure* (form FL-144), in the settlement agreement or proposed judgment or another, separate stipulation.

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|--------------------------------|--------------|
| PETITIONER: RESPONDENT: | CASE NUMBER: |
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6. **Child custody and visitation (parenting time)** should be ordered as set forth in the proposed *Judgment* (form FL-180).
- a. The information in *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act* (UCCJEA) (form FL-105) has has not changed since it was last filed with the court. *(If changed, attach updated form.)*
 - b. There is an existing court order for custody/parenting time in another case in *(county)*:
The case number is *(specify)*:
 - c. The current custody and visitation (parenting time) previously ordered in this case, or current schedule is *(specify)*:
 Contained on Attachment 6c.
 - d. Facts in support of requested judgment *(In a default case, state your reasons below)*:
 Contained on Attachment 6d.

7. **Child support** should be ordered as set forth in the proposed *Judgment* (form FL-180).
- a. If there are minor children, check and complete item (1) if applicable and item (2) or (3):
 - (1) Child support is being enforced in another case in *(county)*:
The case number is *(specify)*:
 - (2) The information in the child support calculation attached to the proposed judgment is correct based on my personal knowledge.
 - (3) I request that this order be based on the petitioner's respondent's earning ability. The facts in support of my estimate of earning ability are *(specify)*:
 Continued on Attachment 7a(3).

- b. Complete items (1) and (2) regarding public assistance.
 - (1) I am receiving am not receiving intend to apply for public assistance for the child or children listed in the proposed order.
 - (2) To the best of my knowledge, the other party is is not receiving public assistance.
- c. The petitioner respondent is presently receiving public assistance, and all support should be made payable to the local child support agency at the address set forth in the proposed judgment. A representative of the local child support agency has signed the proposed judgment.

8. **Spousal, Partner, and Family Support** *(If a support order or attorney fees are requested, submit a completed Income and Expense Declaration (form FL-150) unless a current form is on file. Include your best estimate of the other party's income. Check at least one of the following.)*
- a. I knowingly give up forever any right to receive spousal or partner support.
 - b. I ask the court to reserve jurisdiction to award spousal or partner support in the future to *(name)*:
 - c. I ask the court to terminate forever spousal or partner support for: petitioner respondent.
 - d. Spousal support or domestic partner support should be ordered as set forth in the proposed *Judgment* (form FL-180) based on the factors described in:
 - Spousal or Partner Support Declaration Attachment* (form FL-157)
 - written agreement
 - attached declaration *(Attachment 8d.)*
 - e. Family support should be ordered as set forth in the proposed *Judgment* (form FL-180).
 - f. Other *(specify)*:

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|--------------------------------|--------------|
| PETITIONER: RESPONDENT: | CASE NUMBER: |
|--------------------------------|--------------|

9. **Parentage** of the children of the petitioner and respondent born prior to their marriage or domestic partnership should be ordered as set forth in the proposed *Judgment* (form FL-180).
- a. A Voluntary Declaration of Paternity is attached.
- b. Parentage was previously established by the court in (*county*):
 The case number is (*specify*):
 Written agreement of the parties attached here or to the *Judgment* (form FL-180).
10. **Attorney fees** should be ordered as set forth in the proposed *Judgment* (form FL-180)
- facts in support in form FL-319
- other (*specify facts below*):
11. The judgment should be entered nunc pro tunc for the following reasons (*specify*):
12. The petitioner respondent requests restoration of his or her former name as set forth in the proposed *Judgment* (form FL-180).
13. There are irreconcilable differences that have led to the irremediable breakdown of the marriage or domestic partnership, and there is no possibility of saving the marriage or domestic partnership through counseling or other means.
14. This declaration may be reviewed by a commissioner sitting as a temporary judge, who may determine whether to grant this request or require my appearance under Family Code section 2336.

STATEMENTS IN THIS BOX APPLY ONLY TO DISSOLUTIONS

15. If this is a dissolution of marriage or of a domestic partnership created in another state, the petitioner and/or the respondent have been residents of this county for at least three months and of the state of California for at least six months continuously and immediately preceding the date of the filing of the petition for dissolution of marriage or domestic partnership.
16. I ask that the court grant the request for a judgment for dissolution of marriage or domestic partnership based on irreconcilable differences and that the court make the orders set forth in the proposed *Judgment* (form FL-180) submitted with this declaration.
17. This declaration is for the termination of **marital or domestic partner status only**. I ask the court to reserve jurisdiction over all issues whose determination is not requested in this declaration.

THIS STATEMENT APPLIES ONLY TO LEGAL SEPARATIONS

18. I ask that the court grant the request for a judgment for legal separation based on irreconcilable differences and that the court make the orders set forth in the proposed *Judgment* (form FL-180) submitted with this declaration.
- I understand that a judgment of legal separation does not terminate a marriage or domestic partnership and that I am still married or a partner in a domestic partnership.**

19. Other (*specify*):

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

 (TYPE OR PRINT NAME)

▶

 (SIGNATURE OF DECLARANT)

| | |
|--|---------------------------|
| ATTORNEY OR PARTY WITHOUT ATTORNEY <i>(Name, State Bar number, and address):</i> TELEPHONE NO.: _____ FAX NO. <i>(Optional):</i> _____ E-MAIL ADDRESS <i>(Optional):</i> _____ ATTORNEY FOR <i>(Name):</i> _____ | FOR COURT USE ONLY |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF Stanislaus STREET ADDRESS: 1100 I Street MAILING ADDRESS: P. O. Box 1098 CITY AND ZIP CODE: Modesto, CA 95353 BRANCH NAME: _____ | |
| MARRIAGE OR PARTNERSHIP OF PETITIONER: _____ RESPONDENT: _____ | |
| <div style="text-align: center;">JUDGMENT</div> <input type="checkbox"/> DISSOLUTION <input type="checkbox"/> LEGAL SEPARATION <input type="checkbox"/> NULLITY <input type="checkbox"/> Status only <input type="checkbox"/> Reserving jurisdiction over termination of marital or domestic partnership status <input type="checkbox"/> Judgment on reserved issues Date marital or domestic partnership status ends: _____ | CASE NUMBER: _____ |

1. This judgment contains personal conduct restraining orders modifies existing restraining orders.
 The restraining orders are contained on page(s) _____ of the attachment. They expire on *(date)*: _____

2. This proceeding was heard as follows: Default or uncontested By declaration under Family Code section 2336
 Contested Agreement in court
 - a. Date: _____ Dept.: _____ Room: _____
 - b. Judicial officer *(name)*: _____ Temporary judge
 - c. Petitioner present in court Attorney present in court *(name)*:
 - d. Respondent present in court Attorney present in court *(name)*:
 - e. Claimant present in court *(name)*: _____ Attorney present in court *(name)*:
 - f. Other *(specify name)*: _____

3. The court acquired jurisdiction of the respondent on *(date)*: _____
 - a. The respondent was served with process.
 - b. The respondent appeared.

THE COURT ORDERS, GOOD CAUSE APPEARING

4. a. Judgment of dissolution is entered. Marital or domestic partnership status is terminated and the parties are restored to the status of single persons
 - (1) on *(specify date)*: _____
 - (2) on a date to be determined on noticed motion of either party or on stipulation.
- b. Judgment of legal separation is entered.
- c. Judgment of nullity is entered. The parties are declared to be single persons on the ground of *(specify)*: _____

- d. This judgment will be entered nunc pro tunc as of *(date)*: _____
- e. Judgment on reserved issues.
- f. The petitioner's respondent's former name is restored to *(specify)*: _____
- g. Jurisdiction is reserved over all other issues, and all present orders remain in effect except as provided below.
- h. This judgment contains provisions for child support or family support. Each party must complete and file with the court a *Child Support Case Registry Form* (form FL-191) within 10 days of the date of this judgment. The parents must notify the court of any change in the information submitted within 10 days of the change, by filing an updated form. The *Notice of Rights and Responsibilities—Health-Care Costs and Reimbursement Procedures and Information Sheet on Changing a Child Support Order* (form FL-192) is attached.

| | |
|---|---------------------------|
| CASE NAME (Last name, first name of each party): _____ | CASE NUMBER: _____ |
|---|---------------------------|

4. i. The children of this marriage or domestic partnership are:
- (1) Name _____ Birthdate _____
- (2) Parentage is established for children of this relationship born prior to the marriage or domestic partnership
- j. Child custody and visitation (parenting time) are ordered as set forth in the attached
- (1) Settlement agreement, stipulation for judgment, or other written agreement which contains the information required by Family Code section 3048(a).
- (2) *Child Custody and Visitation Order Attachment* (form FL-341).
- (3) *Stipulation and Order for Custody and/or Visitation of Children* (form FL-355).
- (4) Previously established in another case. Case number: _____ Court: _____
- k. Child support is ordered as set forth in the attached
- (1) Settlement agreement, stipulation for judgment, or other written agreement which contains the declarations required by Family Code section 4065(a).
- (2) *Child Support Information and Order Attachment* (form FL-342).
- (3) *Stipulation to Establish or Modify Child Support and Order* (form FL-350).
- (4) Previously established in another case. Case number: _____ Court: _____
- l. Spousal, domestic partner, or family support is ordered:
- (1) Reserved for future determination as relates to petitioner respondent
- (2) Jurisdiction terminated to order spousal or partner support to petitioner respondent
- (3) As set forth in the attached *Spousal, Partner, or Family Support Order Attachment* (form FL-343).
- (4) As set forth in the attached settlement agreement, stipulation for judgment, or other written agreement.
- (5) Other (specify): _____
- m. Property division is ordered as set forth in the attached
- (1) Settlement agreement, stipulation for judgment, or other written agreement.
- (2) *Property Order Attachment to Judgment* (form FL-345).
- (3) Other (specify): _____
- n. Attorney fees and costs are ordered as set forth in the attached
- (1) Settlement agreement, stipulation for judgment, or other written agreement.
- (2) *Attorney Fees and Costs Order* (form FL-346).
- (3) Other (specify): _____
- o. Other (specify): _____

Each attachment to this judgment is incorporated into this judgment, and the parties are ordered to comply with each attachment's provisions. Jurisdiction is reserved to make other orders necessary to carry out this judgment.

Date: _____

JUDICIAL OFFICER

5. Number of pages attached: _____ SIGNATURE FOLLOWS LAST ATTACHMENT

NOTICE

Dissolution or legal separation may automatically cancel the rights of a spouse or domestic partner under the other spouse's or domestic partner's will, trust, retirement plan, power of attorney, pay-on-death bank account, transfer-on-death vehicle registration, survivorship rights to any property owned in joint tenancy, and any other similar property interest. It does not automatically cancel the rights of a spouse or domestic partner as beneficiary of the other spouse's or domestic partner's life insurance policy. You should review these matters, as well as any credit cards, other credit accounts, insurance policies, retirement plans, and credit reports, to determine whether they should be changed or whether you should take any other actions.

A debt or obligation may be assigned to one party as part of the dissolution of property and debts, but if that party does not pay the debt or obligation, the creditor may be able to collect from the other party.

An earnings assignment may be issued without additional proof if child, family, partner, or spousal support is ordered.

Any party required to pay support must pay interest on overdue amounts at the "legal rate," which is currently 10 percent.

1 *Your Name and Contact Information*
2
3
4
5

6 In Pro Per

7
8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 IN AND FOR THE COUNTY OF STANISLAUS

10 In re: the Marriage of:
11 Petitioner: _____
12 and
13 Respondent: _____
14

Case No.: _____

- DISSOLUTION OF MARRIAGE
 LEGAL SEPARATION

MARITAL SETTLEMENT AGREEMENT

15
16 Agreement made at Modesto, California, between, _____,
17 hereinafter referred to as the "Husband" and _____,
18 hereinafter referred to as the "Wife".

19 This agreement is made with reference to the following facts:

20 1. The parties were married on _____, in the City of _____, State
21 of _____, and ever since have been and now are husband and wife.

22 2. The parties have ____ minor child(ren) of their marriage.

23 3. Irreconcilable differences have arisen between the parties; as a result, they
24 separated and ceased to live together as husband and wife on _____,
25 which is ____ years and ____ months from the date of their marriage. They now agree and
26 intend to live apart permanently.

27 4. The parties desire by this agreement to effect a complete and final division of
28 their property (and in doing so have endeavored to make an equal division of their

1 community property and recognition that such division should result in no taxable transfer
2 by either), and to resolve all rights and obligations relating to spousal support and
3 maintenance. The parties also intend to relinquish any and all past, present, or future
4 claims that each may have against the property or estate of the other and his or her
5 executors, administrators, representatives, successors and assigns, except as otherwise
6 provided herein.

7 5. The Petitioner has filed a Petition for Dissolution of Marriage *or* Legal
8 Separation in Stanislaus County, case number _____.

9 **NOW, THEREFORE**, the parties agree as follows:

10 This agreement will become effective on the date of its execution.

11 If a Judgment of Dissolution of the marriage is obtained by either party, this
12 agreement shall be incorporated therein as a part of the judgment for the purpose of
13 merging and becoming an operative part of the judgment. The parties agree that the court
14 shall be requested to approve the agreement as fair and equitable and to order each of
15 them to comply with all of its provisions.

16 By this agreement, husband and wife intend to settle all rights and obligations
17 between them, including all aspects of their marital rights and obligations. Except as
18 otherwise expressly provided in this agreement, each of them releases the other from all
19 liabilities, debts, and obligations of every kind, whether previously or hereafter incurred,
20 including both personal obligations and encumbrances on the other's property, and
21 including all obligations and mutual support. It is understood by this agreement that they
22 intend to settle all aspects of their marital rights.

23 Each of us agrees to try to get a release by the creditor of any liability of the other
24 for assets assigned to that spouse, and to hold the other harmless for all liability on all
25 obligations secured by those assets, whether or not the asset is repossessed, declines in
26 value, is destroyed, stolen or lost, or is otherwise unavailable for any reason to satisfy the
27 secured obligation (unless through the fault of the indemnified spouse). If a claim is made
28 against the other spouse, the promising spouse has thirty days after written notice of the

1 claim to satisfy the obligation, after which the other spouse may pay the creditor directly
2 and offset the claim.

3 Each of the parties hereto does hereby waive with respect to the other of the
4 provisions of section 1542 of the Civil Code of the State of California relating to claims
5 effected by a general release, and except as aforesaid, this agreement is intended and does
6 release all claims, whether known or unknown, which either of the parties may have
7 against the other.

8 The parties may not alter, amend, or modify this agreement except by an instrument
9 in writing executed by both of them.

10 Each party has entered into the negotiation and preparation of this agreement. Each
11 party has carefully read this agreement and is completely aware of not only its contents,
12 but also of its legal effect.

13 This agreement shall be governed by, and construed in accordance with, the laws of
14 the State of California.

15 If there is a reconciliation of the parties after the date of the execution of this
16 agreement, this agreement shall nevertheless continue in full force and effect until it is
17 modified or abrogated by another written instrument to that effect signed by each of the
18 parties.

19 Each party agrees, on demand of the other, to execute or deliver any instrument,
20 furnish any information, or perform any other act reasonably necessary to carry out the
21 provisions of this agreement without undue delay or expense.

22 This agreement, except as otherwise expressly provided herein shall be binding on,
23 and shall inure to the benefit of, the respective legatees, devisees, heirs, executors,
24 administrators, assigns, and successors in interest of the parties.

25 If any provision in this agreement is held by a court of competent jurisdiction to be
26 invalid, void, or unenforceable, the remaining provisions shall nevertheless continue in full
27 force and effect without being impaired or invalidated in any way.

1 Each of the parties declares and agrees that he or she has read this agreement and
2 fully understands the same, and each of the parties hereto agrees that the execution of this
3 agreement shall be and is intended to be a full, complete, and final adjustment of all
4 property rights of the parties hereto existing as of the date hereof and supersedes any prior
5 agreement between the parties written or oral. Each of the parties further agrees that this
6 agreement is made and entered into by him or her of his or her own volition and with full
7 knowledge of its legal effect. By signing in execution hereof each party agrees that this
8 agreement is made at his or her individual and mutual request and after full and thoughtful
9 consideration.

10 *(Check only those that apply in your case. You cannot ask for anything more than what has been requested in*
11 *the Petition or Response, if one was filed.)*

11 **CHILD CUSTODY/VISITATION**

12 The issue of child custody/visitation of the parties is set forth in **Exhibit ONE**, which
13 is attached hereto and hereby incorporated by reference.

14 **CHILD SUPPORT**

15 The issue of child support of the parties is set forth in **Exhibit TWO**, which is
16 attached hereto and hereby incorporated by reference.

17 **SPOUSAL SUPPORT**

18 The issue of spousal support of the parties is set forth in **Exhibit THREE**, which is
19 attached hereto and hereby incorporated by reference.

20 **PROPERTY DIVISION**

21 The community property and/or separate property of the parties is listed in **Exhibit**
22 **FOUR**, which is attached hereto and hereby incorporated by reference.

23 **PERSONAL PROPERTY ITEMS**

24 The husband and wife shall each receive all of their personal property items
25 including jewelry and clothing.

26 In furtherance of the parties' desire that the property division under this agreement
27 constitutes a non-taxable event, the parties agree that the tax basis of every asset subject to
28 such division is not changed. Moreover, the parties agree not to seek a new tax basis for

1 any such assets. In the event that either party seeks a new tax basis, such party shall
2 indemnify the other party and hold such party harmless from resulting state and/or federal
3 income tax liability.

4 Each party hereby warrants to the other that all community property of which he or
5 she has any knowledge has been listed in this agreement and neither he nor she is
6 possessed of or entitled to any community property of any kind or description which has
7 not been disposed of or agreed to be disposed of by this agreement.

8 The parties agree that all after-discovered property, that which would have been
9 community property or quasi-community property under the law applicable as of the date
10 of this agreement, shall be divided equally between them, provided, however, that if the
11 same had been willfully concealed by one of the parties, the concealing party shall pay to
12 the other party a sum equal to the higher of one-half of the value of such property on the
13 date of this agreement plus interest at the rate of 10% per annum, or one-half of the value
14 of such property on the date of the discovery thereof by the other party.

15 Each party represents to the other that he or she has made no gifts with community
16 property within the past three years to any other person without the consent of the other
17 party. If it is subsequently determined that either party has made such a gift within such
18 three-year period, the party making such a gift agrees to pay to the other party on demand,
19 sum equal to the higher of one-half of the value of the gift property as of the date of this
20 agreement, plus interest at the rate of 10% per annum or one-half of the value of the gift
21 property at the date of discovery by the other party.

22 DATED: _____ [signature]
23 _____ [print name]
24 Petitioner

25 A DEFAULT has been entered; therefore RESPONDENT'S signature has been notarized.

26 DATED: _____ [signature]
27 _____ [print name]
28 Respondent

| | |
|--|---------------------------|
| ATTORNEY OR PARTY WITHOUT ATTORNEY <i>(Name, State Bar number, and address):</i> TELEPHONE NO.: _____ FAX NO. <i>(Optional)</i> : _____ E-MAIL ADDRESS <i>(Optional)</i> : _____ ATTORNEY FOR <i>(Name)</i> : _____ | FOR COURT USE ONLY |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF Stanislaus STREET ADDRESS: 1100 I Street MAILING ADDRESS: P.O. Box 1098 CITY AND ZIP CODE: Modesto, CA 95353 BRANCH NAME: _____ | |
| PETITIONER: RESPONDENT: | |
| NOTICE OF ENTRY OF JUDGMENT | CASE NUMBER: _____ |

You are notified that the following judgment was entered on *(date)*:

1. Dissolution
2. Dissolution—status only
3. Dissolution—reserving jurisdiction over termination of marital status or domestic partnership
4. Legal separation
5. Nullity
6. Parent-child relationship
7. Judgment on reserved issues
8. Other *(specify)*:

Date:

Clerk, by _____, Deputy

— NOTICE TO ATTORNEY OF RECORD OR PARTY WITHOUT ATTORNEY —

Under the provisions of Code of Civil Procedure section 1952, if no appeal is filed the court may order the exhibits destroyed or otherwise disposed of after 60 days from the expiration of the appeal time.

STATEMENT IN THIS BOX APPLIES ONLY TO JUDGMENT OF DISSOLUTION

Effective date of termination of marital or domestic partnership status *(specify)*:

WARNING: Neither party may remarry or enter into a new domestic partnership until the effective date of the termination of marital or domestic partnership status, as shown in this box.

CLERK'S CERTIFICATE OF MAILING

I certify that I am not a party to this cause and that a true copy of the *Notice of Entry of Judgment* was mailed first class, postage fully prepaid, in a sealed envelope addressed as shown below, and that the notice was mailed at *(place)*: _____, California, on *(date)*:

Date: _____ Clerk, by _____, Deputy

Name and address of petitioner or petitioner's attorney

Name and address of respondent or respondent's attorney

NOTICE OF RIGHTS AND RESPONSIBILITIES
Health-Care Costs and Reimbursement Procedures

IF YOU HAVE A CHILD SUPPORT ORDER THAT INCLUDES A PROVISION FOR THE REIMBURSEMENT OF A PORTION OF THE CHILD'S OR CHILDREN'S HEALTH-CARE COSTS AND THOSE COSTS ARE NOT PAID BY INSURANCE, THE LAW SAYS:

1. Notice. You must give the other parent an itemized statement of the charges that have been billed for any health-care costs not paid by insurance. You must give this statement to the other parent within a reasonable time, but no more than 30 days after those costs were given to you.

2. Proof of full payment. If you have already paid all of the uninsured costs, you must (1) give the other parent proof that you paid them and (2) ask for reimbursement for the other parent's court-ordered share of those costs.

3. Proof of partial payment. If you have paid only your share of the uninsured costs, you must (1) give the other parent proof that you paid your share, (2) ask that the other parent pay his or her share of the costs directly to the health-care provider, and (3) give the other parent the information necessary for that parent to be able to pay the bill.

4. Payment by notified parent. If you receive notice from a parent that an uninsured health-care cost has been incurred, you must pay your share of that cost within the time the court orders; or if the court has not specified a period of time, you must make payment (1) within 30 days from the time you were given notice of the amount due, (2) according to any payment schedule set by the health-care provider, (3) according to a schedule agreed to in writing by you and the other parent, or (4) according to a schedule adopted by the court.

5. Disputed charges. If you dispute a charge, you may file a motion in court to resolve the dispute, but only if you pay that charge before filing your motion. If you claim that the other party has failed to reimburse you for a payment, or the other party has failed to make a payment to the provider after proper notice has been given, you may file a motion in court to resolve the dispute. The court will presume that if uninsured costs have been paid, those costs were reasonable. The court may award attorney fees and costs against a party who has been unreasonable.

6. Court-ordered insurance coverage. If a parent provides health-care insurance as ordered by the court, that insurance must be used at all times to the extent that it is available for health-care costs.

a. Burden to prove. The party claiming that the coverage is inadequate to meet the child's needs has the burden of proving that to the court.

b. Cost of additional coverage. If a parent purchases health-care insurance in addition to that ordered by the court, that parent must pay all the costs of the additional coverage. In addition, if a parent uses alternative coverage that costs more than the coverage provided by court order, that parent must pay the difference.

7. Preferred health providers. If the court-ordered coverage designates a preferred health-care provider, that provider must be used at all times consistent with the terms of the health insurance policy. When any party uses a health-care provider other than the preferred provider, any health-care costs that would have been paid by the preferred health provider if that provider had been used must be the sole responsibility of the party incurring those costs.

INFORMATION SHEET ON CHANGING A CHILD SUPPORT ORDER

General Information

The court has just made a child support order in your case. This order will remain the same unless a party to the action requests that the support be changed (modified). An order for child support can be modified only by filing a motion to change child support and serving each party involved in your case. If both parents and the local child support agency (if it is involved) agree on a new child support amount, you can complete, have all parties sign, and file with the court a *Stipulation to Establish or Modify Child Support and Order* (form FL-350) or *Stipulation and Order (Governmental)* (form FL-625).

When a Child Support Order May Be Modified

The court takes several things into account when ordering the payment of child support. First, the number of children is considered. Next, the net incomes of both parents are determined, along with the percentage of time each parent has physical custody of the children. The court considers both parties' tax filing status and may consider hardships, such as a child of another relationship. An existing order for child support may be modified when the net income of one of the parents changes significantly, the parenting schedule changes significantly, or a new child is born.

Examples

- You have been ordered to pay \$500 per month in child support. You lose your job. You will continue to owe \$500 per month, plus 10 percent interest on any unpaid support, unless you file a motion to modify your child support to a lower amount and the court orders a reduction.
- You are currently receiving \$300 per month in child support from the other parent, whose net income has just increased substantially. You will continue to receive \$300 per month unless you file a motion to modify your child support to a higher amount and the court orders an increase.
- You are paying child support based upon having physical custody of your children 30 percent of the time. After several months it turns out that you actually have physical custody of the children 50 percent of the time. You may file a motion to modify child support to a lower amount.

How to Change a Child Support Order

To change a child support order, you must file papers with the court. *Remember:* You must follow the order you have now.

What forms do I need?

If you are asking to change a child support order open with the local child support agency, you must fill out one of these forms:

- FL-680, *Notice of Motion (Governmental)* **or** FL-683 *Order to Show Cause (Governmental)* **and**
- FL-684, *Request for Order and Supporting Declaration (Governmental)*

If you are asking to change a child support order that is **not** open with the local child support agency, you must fill out one of these forms:

- FL-300, *Request for Order* **or**
- FL-390, *Notice of Motion and Motion for Simplified Modification of Order for Child, Spousal, or Family Support*

You must also fill out one of these forms:

- FL-150, *Income and Expense Declaration* **or** FL-155, *Financial Statement (Simplified)*

What if I am not sure which forms to fill out?

Talk to the family law facilitator at your court.

After you fill out the forms, file them with the court clerk and ask for a hearing date. Write the hearing date on the form.

The clerk will ask you to pay a filing fee. If you cannot afford the fee, fill out these forms, too:

- Form FW-001, *Request to Waive Court Fees*
- Form FW-003, *Order on Court Fee Waiver (Superior Court)*

You must serve the other parent. If the local child support agency is involved, serve it too.

This means someone 18 or over—**not you**—must serve the other parent copies of your filed court forms at least **16 court days** before the hearing. Add **5 calendar days** if you serve by mail within California (see Code of Civil Procedure section 1005 for other situations).

Court days are weekdays when the court is open for business (Monday through Friday except court holidays). **Calendar days** include all days of the month, including weekends and holidays. To find court holidays, go to www.courts.ca.gov/holidays.htm.

The server must also serve blank copies of these forms:

- FL-320, *Responsive Declaration to Request for Order* **and** FL-150, *Income and Expense Declaration*, **or**
- FL-155, *Financial Statement (Simplified)*

Then the server fills out and signs a *Proof of Service* (form FL-330 or FL-335). Take this form to the clerk and file it.

Go to your hearing and ask the judge to change the support. Bring your tax returns from the last two years and your last two months' pay stubs. The judge will look at your information, listen to both parents, and make an order. After the hearing, fill out:

- FL-340, *Findings and Order After Hearing* **and**
- FL-342, *Child Support Information and Order Attachment*

Need help?

Contact the family law facilitator in your county or call your county's bar association and ask for an experienced family lawyer.

| | |
|---|---|
| ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____ | COURT PERSONNEL: STAMP DATE RECEIVED HERE DO NOT FILE |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF Stanislaus STREET ADDRESS: 1100 I Street MAILING ADDRESS: P.O. Box 1098 CITY AND ZIP CODE: Modesto, CA 95353 BRANCH NAME: _____ | |
| PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT: _____ | |
| CHILD SUPPORT CASE REGISTRY FORM <input type="checkbox"/> Mother <input type="checkbox"/> First form completed <input type="checkbox"/> Father <input type="checkbox"/> Change to previous information | CASE NUMBER: _____ |

THIS FORM WILL NOT BE FILED IN THE COURT FILE. IT WILL BE MAINTAINED IN A CONFIDENTIAL FILE WITH THE STATE OF CALIFORNIA.

Notice: Pages 1 and 2 of this form must be completed and delivered to the court along with the court order for support. Pages 3 and 4 are instructional only and do not need to be delivered to the court. If you did not file the court order, you must complete this form and deliver it to the court within 10 days of the date on which you received a copy of the support order. Any later change to the information on this form must be delivered to the court on another form within 10 days of the change. It is important that you keep the court informed in writing of any changes of your address and telephone number.

1. Support order information (*this information is on the court order you are filing or have received*).

- a. Date order filed:
- b. Initial child support or family support order Modification
- c. Total monthly base current child or family support amount ordered for children listed below, plus any monthly amount ordered payable on past-due support:

| <u>Child Support:</u> | <u>Family Support:</u> | <u>Spousal Support:</u> |
|---|--|--|
| (1) <input type="checkbox"/> Current \$ _____ base child <input type="checkbox"/> Reserved order support: <input type="checkbox"/> \$0 (zero) order | (1) <input type="checkbox"/> Current \$ _____ base family <input type="checkbox"/> Reserved order support: <input type="checkbox"/> \$0 (zero) order | (1) <input type="checkbox"/> Current \$ _____ spousal <input type="checkbox"/> Reserved order support: <input type="checkbox"/> \$0 (zero) order |
| (2) <input type="checkbox"/> Additional \$ _____ monthly support | (2) <input type="checkbox"/> Additional \$ _____ monthly support | |
| (3) <input type="checkbox"/> Total \$ _____ past-due support: | (3) <input type="checkbox"/> Total \$ _____ past-due support: | (3) <input type="checkbox"/> Total \$ _____ past-due support: |
| (4) <input type="checkbox"/> Payment \$ _____ on past-due support: | (4) <input type="checkbox"/> Payment \$ _____ on past-due support: | (4) <input type="checkbox"/> Payment \$ _____ on past-due support: |
| (5) Wage withholding was <input type="checkbox"/> ordered <input type="checkbox"/> ordered but stayed until (<i>date</i>): | | |

2. Person required to pay child or family support (*name*):
 Relationship to child (*specify*):
3. Person or agency to receive child or family support payments (*name*):
 Relationship to child (*if applicable*):

TYPE OR PRINT IN INK

| | |
|---|--------------|
| PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT: | CASE NUMBER: |
|---|--------------|

4. The child support order is for the following children:

- | | <u>Child's name</u> | <u>Date of birth</u> | <u>Social security number</u> |
|----|---------------------|----------------------|-------------------------------|
| a. | | | |
| b. | | | |
| c. | | | |

Additional children are listed on a page attached to this document.

You are required to complete the following information about yourself. You are not required to provide information about the other person, but you are encouraged to provide as much as you can. This form is confidential and will not be filed in the court file. It will be maintained in a confidential file with the State of California.

5. Father's name:

- a. Date of birth:
b. Social security number:
c. Street address:

City, state, zip code:

d. Mailing address:

City, state, zip code:

- e. Driver's license number:
State:

f. Telephone number:

- g. Employed Not employed Self-employed

Employer's name:

Street address:

City, state, zip code:

Telephone number:

6. Mother's name:

- a. Date of birth:
b. Social security number:
c. Street address:

City, state, zip code:

d. Mailing address:

City, state, zip code:

- e. Driver's license number:
State:

f. Telephone number:

- g. Employed Not employed Self-employed

Employer's name:

Street address:

City, state, zip code:

Telephone number:

7. A restraining order, protective order, or nondisclosure order due to domestic violence is in effect.

- a. The order protects: Father Mother Children
b. From: Father Mother
c. The restraining order expires on (*date*):

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

(TYPE OR PRINT NAME)



(SIGNATURE OF PERSON COMPLETING THIS FORM)

INFORMATION SHEET FOR CHILD SUPPORT CASE REGISTRY FORM

(Do NOT deliver this Information Sheet to the court clerk.)

Please follow these instructions to complete the *Child Support Case Registry Form* (form FL-191) if you do not have an attorney to represent you. Your attorney, if you have one, should complete this form.

Both parents must complete a *Child Support Case Registry Form*. The information on this form will be included in a national database, that, among other things, is used to locate absent parents. When you file a court order, you must deliver a completed form to the court clerk along with your court order. If you did not file a court order, you must deliver a completed form to the court clerk **WITHIN 10 DAYS** of the date you received a copy of your court order. If any of the information you provide on this form changes, you must complete a new form and deliver it to the court clerk within 10 days of the change. The address of the court clerk is the same as the one shown for the superior court on your order. This form is confidential and will not be filed in the court file. It will be maintained in a confidential file with the State of California.

INSTRUCTIONS FOR COMPLETING THE *CHILD SUPPORT CASE REGISTRY FORM* (TYPE OR PRINT IN INK):

If the top section of the form has already been filled out, skip down to number 1 below. If the top section of the form is blank, you must provide this information.

Page 1, first box, top of form, left side: Print your name, address, telephone number, fax number, and e-mail address, if any, in this box. Attorneys must include their State Bar identification numbers.

Page 1, second box, top of form, left side: Print the name of the county and the court's address in this box. Use the same address for the court that is on the court order you are filing or have received.

Page 1, third box, top of form, left side: Print the names of petitioner/plaintiff, respondent/defendant, and other parent in this box. Use the same names listed on the court order you are filing or have received.

Page 1, fourth box, top of form left side: Check the box indicating whether you are the mother or the father. If you are the attorney for the mother, check the box for mother. If you are the attorney for the father, check the box for father. Also, if this is the first time you have filled out this form, check the box by "First form completed." If you have filled out form FL-191 before, and you are changing any of the information, check the box by "Change to previous information."

Page 1, first box, right side: Leave this box blank for the court's use in stamping the date of receipt.

Page 1, second box, right side: Print the court case number in this box. This number is also shown on the court papers.

Instructions for numbered paragraphs:

1. a. Enter the date the court order was filed. This date is shown in the "COURT PERSONNEL: STAMP DATE RECEIVED HERE" box on page 1 at the top of the order on the right side. If the order has not been filed, leave this item blank for the court clerk to fill in.
- b. If the court order you filed or received is the first child or family support order for this case, check the box by "Initial child support or family support order." If this is a change to your order, check the box by "Modification."
- c. Information regarding the amount and type of support ordered and wage withholding is on the court order you are filing or have received.
 - (1) If your order provides for any type of current support, check all boxes that describe that support. For example, if your order provides for both child and spousal support, check both of those boxes. If there is an amount, put it in the blank provided. If the order says the amount is reserved, check the "Reserved order" box. If the order says the amount is zero, check the "\$0 (zero) order" box. Do not include child care, special needs, uninsured medical expenses, or travel for visitation here. These amounts will go in (2). Do NOT complete the Child Support Case Registry form if you receive spousal support only.
 - (2) If your order provides for a set monthly amount to be paid as additional support for such needs as child care, special needs, uninsured medical expenses or travel for visitation check the box in Item 2 and enter the monthly amount. For example, if your order provides for base child support and in addition the paying parent is required to pay \$300 per month, check the box in item 2 underneath the "Child Support" column and enter \$300. Do NOT check this box if your order provides only for a payment of a percentage, such as 50% of the childcare.

- (3) If your order determined the amount of past due support, check the box in Item 3 that states the type of past due support and enter the amount. For example, if the court determined that there was \$5000 in past due child support and \$1000 in past due spousal support, you would check the box in item 3 in the "Child Support" column and enter \$5000 and you would also check the box in item 3 in the "Spousal Support" column and enter \$1000.
 - (4) If your order provides for a specific dollar amount to be paid towards any past due support, check the box in Item 4 that states the type of past due support and enter the amount. For example, the court ordered \$350 per month to be paid on the past due child support, you would check the box in Item 4 in the "Child Support" column and enter \$350.
 - (5) Check the "ordered" box if wage withholding was ordered with no conditions. Check the box "ordered but stayed until" if wage withholding was ordered but is not to be deducted until a later date. If the court delayed the effective date of the wage withholding, enter the specific date. Check only one box in this item.
2. a. Write the name of the person who is supposed to pay child or family support.
b. Write the relationship of that person to the child.
 3. a. Write the name of the person or agency supposed to receive child or family support payments.
b. Write the relationship of that person to the child.
 4. List the full name, date of birth, and social security number for each child included in the support order. If there are more than five children included in the support order, check the box below item 4e and list the remaining children with dates of birth and social security numbers on another sheet of paper. Attach the other sheet to this form.

The local child support agency is required, under section 466(a)(13) of the Social Security Act, to place in the records pertaining to child support the social security number of any individual who is subject to a divorce decree, support order, or paternity determination or acknowledgment. This information is mandatory and will be kept on file at the local child support agency.

Top of page 2, box on left side: Print the names of the petitioner/plaintiff, respondent/defendant, and other parent in this box. Use the same names listed on page 1.

Top of page 2, box on right side: Print your court case number in this box. Use the same case number as on page 1, second box, right side.

You are required to complete information about yourself. If you know information about the other person, you may also fill in what you know about him or her.

5. If you are the father in this case, list your full name in this space. See instructions for a–g under item 6 below.
6. If you are the mother in this case, list your full name in this space.
 - a. List your date of birth.
 - b. Write your social security number.
 - c. List the street address, city, state, and zip code where you live.
 - d. List the street address, city, state, and zip code where you want your mail sent, if different from the address where you live.
 - e. Write your driver's license number and the state where it was issued.
 - f. List the telephone number where you live.
 - g. Indicate whether you are employed, not employed, self-employed, or by checking the appropriate box. If you are employed, write the name, street address, city, state, zip code, and telephone number where you work.
7. If there is a restraining order, protective order, or nondisclosure order, check this box.
 - a. Check the box beside each person who is protected by the restraining order.
 - b. Check the box beside the parent who is restrained.
 - c. Write the date the restraining order expires. See the restraining order, protective order, or nondisclosure order for this date.

If you are in fear of domestic violence, you may want to ask the court for a restraining order, protective order, or nondisclosure order.

You must type or print your name, fill in the date, and sign the *Child Support Case Registry Form* under penalty of perjury. When you sign under penalty of perjury, you are stating that the information you have provided is true and correct.

Name, Address & Telephone Number

In Propria Persona

STANISLAUS COUNTY SUPERIOR COURT, STATE OF CALIFORNIA

In re the Matter of:
_____: Petitioner,
and
_____: Respondent.

DCSS NO. _____

Case No. _____

**NOTICE TO DEPARTMENT OF CHILD
SUPPORT SERVICES OF INTENT TO
FILE JUDGMENT**

TO: DEPARTMENT OF CHILD SUPPORT SERVICES, COUNTY OF _____

PLEASE TAKE NOTICE that,

1. On _____, which is the first business day 10 days after today,
2. **Petitioner** or **Respondent** will submit to the Court a **JUDGMENT**.
3. A true copy of said **JUDGMENT** is attached hereto as Exhibit "A".
4. A completed Proof of Service by Mail is attached.
5. **Petitioner** or **Respondent** is receiving some form of public assistance, or public benefits, or is receiving enforcement services from the Department of Child Support Services.

DATE:

 Petitioner or **Respondent**

| | |
|--|---|
| ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): IN PRO PER | FOR COURT USE ONLY |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF Stanislaus STREET ADDRESS: 1100 I Street MAILING ADDRESS: P.O. Box 1098 CITY AND ZIP CODE: Modesto, CA 95353 BRANCH NAME: | |
| PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT/PARTY: | CASE NUMBER: (If applicable, provide): HEARING DATE: HEARING TIME: DEPT.: |
| PROOF OF SERVICE BY MAIL | |

NOTICE: To serve temporary restraining orders you must use personal service (see form FL-330).

1. I am at least 18 years of age, not a party to this action, and I am a resident of or employed in the county where the mailing took place.
2. My residence or business address is:
3. I served a copy of the following documents (specify): NOTICE TO DEPARTMENT OF CHILD SUPPORT SERVICES OF INTENT TO FILE JUDGMENT

by enclosing them in an envelope AND

- a. **depositing** the sealed envelope with the United States Postal Service with the postage fully prepaid.
- b. **placing** the envelope for collection and mailing on the date and at the place shown in item 4 following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.
4. The envelope was addressed and mailed as follows:
 - a. Name of person served: DEPARTMENT OF CHILD SUPPORT SERVICE COUNTY OF STANISLAUS
 - b. Address: P O BOX 4189, MODESTO, CA 95352-4189
 - c. Date mailed:
 - d. Place of mailing (city and state):
5. I served a request to modify a child custody, visitation, or child support judgment or permanent order which included an address verification declaration. (Declaration Regarding Address Verification—Postjudgment Request to Modify a Child Custody, Visitation, or Child Support Order (form FL-334) may be used for this purpose.)
6. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: _____



(SIGNATURE OF PERSON COMPLETING THIS FORM)

(TYPE OR PRINT NAME)

INFORMATION SHEET FOR PROOF OF SERVICE BY MAIL

Use these instructions to complete the *Proof of Service by Mail* (form FL-335).

A person at least 18 years of age or older must serve the documents. There are two ways to serve documents: (1) personal delivery and (2) by mail. See the *Proof of Personal Service* (form FL-330) if the documents are being personally served. The person who serves the documents must complete a proof of service form for the documents being served. **You cannot serve documents if you are a party to the action.**

INSTRUCTIONS FOR THE PERSON WHO SERVES THE DOCUMENTS (TYPE OR PRINT IN BLACK INK)

You must complete a proof of service for each package of documents you serve. For example, if you serve the respondent and the other parent, you must complete two proofs of service; one for the respondent and one for the other parent.

Complete the top section of the proof of service forms as follows:

First box, left side: In this box print the name, address, and phone number of the person for whom you are serving the documents.

Second box, left side: Print the name of the county in which the legal action is filed and the court's address in this box. Use the same address for the court that is on the documents you are serving.

Third box, left side: Print the names of the petitioner/plaintiff, respondent/defendant, and other parent in this box. Use the same names listed on the documents you are serving.

First box, top of form, right side: Leave this box blank for the court's use.

Second box, right side: Print the case number in this box. This number is also stated on the documents you are serving.

Third box, right side: Print the hearing date, time, and department. Use the same information that is on the documents you are serving.

You cannot serve a temporary restraining order by mail. You must serve those documents by personal service.

1. You are stating that you are at least 18 years old and that you are not a party to this action. You are also stating that you either live in or are employed in the county where the mailing took place.
2. Print your home or business address.
3. List the name of each document that you mailed (the exact names are listed on the bottoms of the forms).
 - a. Check this box if you put the documents in the regular U.S. mail.
 - b. Check this box if you put the documents in the mail at your place of employment.
4.
 - a. Print the name you put on the envelope containing the documents.
 - b. Print the address you put on the envelope containing the documents.
 - c. Print the date that you put the envelope containing the documents in the mail.
 - d. Print the city and state you were in when you mailed the envelope containing the documents.
5. Check this box if you are serving an address verification form (required for service by mail of a postjudgment request to change a child custody, visitation, or child support order).
6. You are stating under penalty of perjury that the information you have provided is true and correct.

Print your name, fill in the date, and sign the form.

If you need additional assistance with this form, contact the family law facilitator in your county.