

Name, Address & Telephone Number

In Propria Persona

STANISLAUS COUNTY SUPERIOR COURT, STATE OF CALIFORNIA

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

Case No. _____
**PREHEARING STATEMENT
(DEFAULT)**

1. STATUS OF CASE

- a. The parties were married on _____ and separated on _____.
- b. This is a marriage of _____ year(s) and _____ month(s).
- c. Respondent was served with a Summons and Petition on _____.
- d. Respondent has not filed a Response and default has been submitted or entered.
- e. There is/are _____ minor child(ren) of this marriage.

2. NAME CHANGE *(Only if you checked Item 7(1) of the Petition for Dissolution)*

The Petitioner requests his/her former name be restored to _____.

3. SPOUSAL SUPPORT *(Only if you checked Item 7(f), 7(g) or both in the Petition for Dissolution)*

- Petitioner requests that the Court find that Petitioner has **WAIVED** spousal support and that Respondent has not requested spousal support. Accordingly, **spousal support is denied** to both parties and the Courts jurisdiction to award spousal support is terminated.
- Petitioner requests that the Court find the issue of spousal support as to both parties is **RESERVED** effective forthwith upon entry of Judgment.
- Petitioner requests that the Court order **permanent spousal support** based on the facts set forth in the attached Spousal Support Questionnaire, pursuant to Family Code Section 4320.

4. PROPERTY DIVISION *(Only if you checked Item 4, 5(a or b) or 7(h) of the Petition for Dissolution)*

Petitioner requests that the Court find that there are no community assets and or debts to divide.

Petitioner requests that the Court order the community assets and debts to be divided as set forth in the attached COMMUNITY PROPERTY DECLARATION (FL-160).

Petitioner requests that the Court confirm the separate property assets and/or debts as set forth in the attached SEPARATE PROPERTY ATTACHMENT.

5. OTHER ORDERS *(Optional)*

Petitioner requests that the Court make other orders as set forth on OTHER ORDERS attachment.

I declare under penalty of perjury under the laws of the State of California that the above stated facts are true and correct.

Dated: _____ *(Sign)*
_____ *(Print name), Petitioner*

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1 **SPOUSAL SUPPORT QUESTIONNAIRE**

2 *(Complete if requesting a permanent spousal support order)*

3 The Petitioner requests spousal support commencing *(date)* _____, in the amount **TO BE**
4 **DETERMINED** by court based upon the following facts:

5 **EARNING CAPACITY/MARITAL STANDARD OF LIVING:**

6 Marketable skills:

7 I have the following job skills:

8 _____
9 _____
10 _____

11 Job market for those skills:

12 I am currently employed with *(employer's name)* _____
13 _____ and have been since *(date)* _____. My
14 position there is as a *(position title)* _____ earning \$_____ per
15 hour/week/month.

16 I am currently unemployed. I am making the following attempts to seek employment:

17 _____
18 _____
19 _____

20 I have been unable to find employment that utilizes my marketable job skills for the following reasons:
21 *(Describe the possible need for retraining or education to get more marketable skills or employment, the time and expense to get*
22 *education/training to develop skills, and if your earning ability was impaired by periods of unemployment during the marriage*
23 *devoted to domestic duties.)*

24 _____
25 _____

26 **CONTRIBUTIONS TO SUPPORTING SPOUSE:**

27 During the marriage I contributed to the education, training, career, or license of my spouse or partner as
28 follows:

29 _____
30 _____

31 ///

ABILITY TO PAY/EARNING CAPACITY:

The other party has the ability to pay spousal support because: *(Describe current employment and earning capacity, all other sources of income other than employment and their current standard of living.)*

NEEDS OF EACH PARTY/MARITAL STANDARD OF LIVING:

During the marriage I was able to do the following which I am currently unable to do without an order for spousal support: *(Describe whether you were able to buy property, vehicles or other assets; if you took vacations, had club memberships, etc.; and, if you were able to build a savings or incurred debt.)*

OBLIGATIONS AND ASSETS:

I currently have the following assets and obligations:

The other party has the following assets and obligations:

DURATION OF MARRIAGE:

We were married on _____, and separated on _____, which is _____ year(s) and _____ month(s) of marriage.

GAINFUL EMPLOYMENT/INTERESTS OF CHILDREN:

My ability to work will will not unduly interfere with the interests of the dependent children in my custody because:

1 AGE AND HEALTH:

2 I am _____ years old and my health is as follows:

3 _____
4 _____

5 The other party is _____ years old and his her health is as follows:

6 _____
7 _____

8 HISTORY OF DOMESTIC VIOLENCE:

9 There is is not a history of domestic violence between myself and the other party which has been
10 documented by the following: *(Describe any restraining orders, arrests, convictions and any emotional distress and
11 consequences of such violence against you by the other party.)*

12 _____
13 _____

14 TAX CONSEQUENCES:

15 I understand that any award of spousal support will be tax deductible to the other party and will be taxable
16 to me.

17 BALANCE OF HARDSHIPS:

18 I understand that the court will be considering the status of both parties based upon the information
19 contained herein.

20 GOAL OF BECOMING SELF-SUPPORTING:

21 I understand that it is the goal of the State of California that a supported party will be self-supporting
22 within a "reasonable period of time" and except in marriages of long duration (10 years or more, or as
23 determined by the court), a "reasonable period of time" to be self-supporting may be one-half the length of
24 the marriage (calculated from date of marriage to date of separation) or as determined by the court.

25 JUST AND EQUITABLE:

In considering this request, I ask the court to consider the following additional factors: *(Describe any other
factors you would like the court to know in making its order.)*

EQUALIZATION OF PROPERTY DIVISION

Equalizing Amount *(Check and complete only if property division was unequal)*

Petitioner requests that the Court find the division of assets and debts results in **Petitioner** **Respondent** receiving \$_____ more in net assets and debts resulting in an equalization payment due to **Petitioner** **Respondent** in the amount of \$_____ which is one-half the difference between the total net assets and debts going to each party.

Payment Terms *(Check and complete if you are NOT waiving an equalizing payment)*

In order to equalize the division of assets and debts, **Petitioner** **Respondent** requests that **Petitioner** **Respondent** pay the sum of \$_____, payable as follows:

\$_____ per month commencing within thirty (30) days of entry of judgment until paid in full.

Per the following terms:

Waiver of Equalizing Payment *(Check box below if you are waiving the right to receive an equalizing payment. Note: you CANNOT waive the Respondent's right to receive an equalizing payment.)*

Petitioner requests that the Court find the division of assets and debts results in Respondent more in net assets and debts than the other party. Petitioner knowingly, freely and without duress or undo pressure **WAIVES** and releases all rights and claims to receive an equalizing payment from the other party at any time.

Equal Division *(Check if the division of property was equal)*

Petitioner acknowledges the division of community assets and debts constitutes an equal division of property.

RETIREMENT BENEFITS

WAIVER OF RETIREMENT BENEFITS

Petitioner requests that the Court order that all benefits accrued during the marriage, now or in the future by Respondent under the employee benefit plan:

[Name of pension or other employee benefit plan]

based on Respondent's employment with _____, shall be awarded to Respondent as his/her sole and separate property. Petitioner will not assert any claim to these benefits, and **WAIVES** and releases all claims, rights, and interest in and to these benefits under the plan, including, but not limited to, survivor benefits and agrees to execute all documents required by the Plan or employer to release said interest.

DIVISION OF RETIREMENT BENEFITS

Petitioner requests that the Court find that based on **Petitioner's** **Respondent's** employment with _____, during the marriage, a community interest has arisen in the following plan:

[Name of pension or other employee benefit plan]

The parties shall cooperate in the preparation of a Qualified Domestic Relations Order (QDRO) or retirement benefits order for each plan, which proposed order(s) shall set forth the respective community interests of the parties and govern the disposition of benefits upon qualification by the plan(s) based upon the *time rule*. The court shall reserve jurisdiction over the preparation of the order(s), and division of said retirement benefits.

SEPARATE PROPERTY

Petitioner requests that the Court find the following assets and or debts shall be established as **Petitioner's** separate property:

Description of Asset/Debt	Date Acquired	Why do you believe this is Separate Property? (Examples: Acquired prior to Marriage, After Separation, Inheritance, Gift or Bequest)

Petitioner requests that the Court find the following assets and or debts shall be established as **Respondent's** separate property:

Description of Asset/Debt	Date Acquired	Why do you believe this is Separate Property? (Examples: Acquired prior to Marriage, After Separation, Inheritance, Gift or Bequest)

_____ vs. _____ Case No. _____

OTHER ORDERS:

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