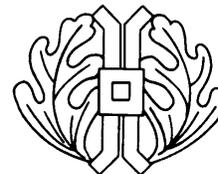


## PREVENTIVE LAW SERIES

# DISSOLUTION PAPERWORK SEMINAR II



Prepared by:  
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Legal Assistance offers assistance on divorce and legal separation issues. However, normally attendance at each of two divorce seminars is required before scheduling an appointment with a lawyer unless you have been served with divorce papers, in which case you may schedule an appointment. Please keep in mind that North Island Legal Assistance can only advise and assist one party to the divorce. Ethical rules prohibit representation of both husband and wife. The other party is free to consult with attorneys at MCRD, Camp Pendleton, or Miramar.

### ***THE PURPOSE OF THIS DOCUMENT IS TO PROVIDE:***

- A checklist for preparing and filing required documents with the Family Court; and
- An explanation of each document you must prepare in order to obtain an uncontested dissolution in the State of California.

### ***TO ATTEND THIS SEMINAR YOU MUST HAVE:***

- Attended the Legal Assistance Dissolution Seminar (held on Tuesdays)
- Picked up ONE complete packet of regular dissolution court paperwork & ONE complete packet of judgment paperwork from the court.

### **DISSOLUTION PAPERWORK CHECKLIST**

***PLEASE TAKE A MOMENT BEFORE THE SEMINAR BEGINS TO LINE UP IN ORDER OF THEIR APPEARANCE IN STEPS 1-7, THE DOCUMENTS WHICH APPEAR IN ITALICS. THE NAMES OF THE COURT DOCUMENTS APPEAR AT THE BOTTOM .***

1. \_\_\_\_\_ *ATTEND DISSOLUTION PAPERWORK SEMINAR*
2. \_\_\_\_\_ *FILE ORIGINAL PLUS TWO COPIES OF EACH OF THE FOLLOWING FORMS.*  
(NOTE: FORMS MUST BE COMPLETED AND SIGNED)
  - \_\_\_\_\_ *Petition*
  - \_\_\_\_\_ *Summons*
  - \_\_\_\_\_ *Declaration Under Uniform Child Custody Jurisdiction Act (if you have minor children)*
  - \_\_\_\_\_ *Appearance, Stipulation and Waivers (must be signed by both parties)*
  - \_\_\_\_\_ *Family Law Certificate of Assignment*

*When you file these court papers, you pay the \$191 fee - check or money order*

3. \_\_\_\_\_ ***BOTH PETITIONER AND RESPONDENT MUST COMPLETE AND SIGN THE FOLLOWING FINANCIAL DISCLOSURE FORMS:***  
       \_\_\_\_\_ *Income and Expense Declaration* (File this document with the court)  
       \_\_\_\_\_ *Schedule of Assets and Debts* (Do **NOT** file this document with the court)  
       \_\_\_\_\_ *Declaration of Disclosure* (Do **NOT** file this document with the court)
  
4. \_\_\_\_\_ *PETITIONER AND RESPONDENT EACH EXCHANGE COPIES OF COMPLETED AND SIGNED FINANCIAL DISCLOSURE FORMS*
  
5. \_\_\_\_\_ *BOTH PETITIONER AND RESPONDENT MUST COMPLETE AND SIGN A Declaration Regarding Service of Declaration of Disclosure*
  
6. \_\_\_\_\_ *Marital Settlement Agreement (MSA)*  
       \_\_\_\_\_ Meet with spouse to fill out worksheet  
       \_\_\_\_\_ Have spouse who is **not** using North Island Legal Assistance fill out affidavit at back of *MSA* worksheet and sign it in front of a notary. **We cannot meet with the party who is using North Island Legal Assistance to discuss the MSA worksheet until this affidavit is signed and notarized.**  
       \_\_\_\_\_ Make appointment with attorney at North Island Legal Assistance Office to go over *MSA* (turn in worksheet for preparation; takes up to two months to complete).  
       \_\_\_\_\_ You will receive the *MSA* from the attorney you met with (The *MSA* may either be mailed to you, picked up by you, or you'll be called in for a follow-up appointment).
  
7. \_\_\_\_\_ *FINAL VISIT TO COURTHOUSE: FILE ORIGINAL PLUS TWO COPIES OF EACH OF THE FOLLOWING FORMS. (NOTE: FORMS MUST BE COMPLETED AND SIGNED).*  
       \_\_\_\_\_ *Declaration of Default or Uncontested Dissolution or Legal Separation*  
       \_\_\_\_\_ *Declaration Regarding Service of Declaration of Disclosure* (File two of this form – one signed by the Petitioner and one signed by the Respondent).  
       \_\_\_\_\_ *Income and Expense Declarations* (one filled out by Petitioner and one filled out by Respondent).  
       \_\_\_\_\_ *Notice of Entry of Judgment*  
       \_\_\_\_\_ *Child Support Case Registry Form* (if child support is ordered)  
       \_\_\_\_\_ *Judgment* (pink form)  
       \_\_\_\_\_ *Marital Settlement Agreement* (attach to *Judgment*)  
       \_\_\_\_\_ *Wage and Earnings Assignment Order for Spousal Support and/or Order/Notice To Withhold Income for Child Support*  
       \_\_\_\_\_ *Envelopes(3): two business size, one large 9x12, self-addressed, and postage paid for*

### ***HELPFUL HINTS***

1. A party to the Dissolution may be the Respondent, but act as Petitioner for purposes of filling out and filing the necessary paperwork.
2. Make one copy of the documents before you begin to complete them.
3. Whether you are the Petitioner or Respondent, you **may** be eligible for a fee waiver based upon your financial situation. Ask the Clerk of the Court for a fee waiver form.
4. Make two copies of all forms AFTER you fill them out and bring all copies to the Courthouse. The court will keep the original and file stamp the copies which you and your spouse can keep for your records. Put your case number on all forms once it is issued to you when you file the Petition.
5. REMEMBER: Until the date of dissolution is issued by the court, you are still married. Therefore, military members are still subject to the UCMJ adultery provisions. Legal separation is not a divorce.

6. CANCEL ALL CREDIT CARDS THAT YOU SHARE WITH YOUR SPOUSE. Be sure that there are no unauthorized cards out in your name (you can get this info from your credit report).

***READ EACH DOCUMENT ENTIRELY BEFORE COMPLETING IT***

***PETITION:*** This is the Petitioner's request for a divorce. Your divorce can be final six months from the time that the court acquires jurisdiction over the Respondent. This date may be based on the date of service on the Respondent, or the date the Respondent files an answer. In uncontested cases, the six-month clock generally starts when the Respondent files the Appearance, Stipulation and Waivers(ASW) form discussed below.

***SUMMONS:*** A copy of this document is served by a third party on behalf of Petitioner to Respondent. This gives the other party official notice that the papers for a divorce have been filed with the Court, and tells them how long they have to respond. Formal service is generally not required for uncontested dissolution which relies on the Appearance, Stipulation, & Waivers.

***DECLARATION UNDER UNIFORM CHILD CUSTODY JURISDICTION ACT:*** for children under 18 years of age.

***APPEARANCE, STIPULATION AND WAIVERS (ASW):*** Informs the Court that both parties agree to have the divorce proceed uncontested without requiring physical appearance in court.

***SCHEDULE OF ASSETS AND DEBTS (WHITE FORMS) and INCOME AND EXPENSE DECLARATION (GREEN FORMS):*** Informs each party to the marriage of all assets and debts of the other party. If you complete the Simplified Financial Statement, you do not have to complete the Income & Expense Declaration.

***SIMPLIFIED FINANCIAL STATEMENT:*** This form is only filled out and exchanged between those parties who receive AFDC, SSI or GA/GR..

***DECLARATION OF DISCLOSURE:*** This document is not filed with the Court. It simply serves as proof that each party did in fact give the other the Schedule of Assets and Debts and Income and Expense Declarations. **BOTH PARTIES NEED TO FILL ONE OF THESE OUT AND INDICATE UNDER YOUR SIGNATURE WHETHER YOU ARE THE PETITIONER OR RESPONDENT.**

***DECLARATION REGARDING SERVICE OF DECLARATION OF DISCLOSURE:*** Petitioner includes this with original documents sent to Respondent. Separate documents are filled out by each party. This is a final declaration regarding disclosure of all information regarding assets and debts. If you do not fill out the Schedule of Assets and Debts, but complete this document, the Court could later modify your divorce decree.

***DECLARATION OF DEFAULT OR UNCONTESTED DISSOLUTION OR LEGAL SEPARATION:*** This is filed with the Court and provides the Court notice that your divorce is uncontested.

***WAGE AND EARNING ASSIGNMENT ORDER:*** This form directs any employer civilian or military, to deduct support payments from the employee, and to send the support payment directly to the person designated in the form. Please note the DFAS requires a social security number of the military member instead of the Date of Birth, and also normally requires a direct deposit form to be attached.

***JUDGMENT: (PINK)*** This document is signed by the Judge and makes your divorce final. A copy will be sent to you from the Court.

***NOTICE OF ENTRY OF JUDGMENT:*** This is another form which will be signed by the Judge; it needs to be filed at the Courthouse. This document is used to provide all parties notice when a judgment is reached. When you receive this in the mail it is a confirmation of your divorce (the court uses the self-addressed, stamped envelopes for this purpose). Be sure you receive a copy of this form within a reasonable period of time after you believe your divorce is finalized.

## DISSOLUTION PAPERWORK SEMINAR

### CLAUSE #1 :

INCORPORATE THE TERMS OF THE MARITAL SETTLEMENT AGREEMENT AND THE APPEARANCE, STIPULATION AND WAIVERS INTO THE JUDGMENT.

### CLAUSE #2 :

THE ATTACHED MARITAL SETTLEMENT AGREEMENT AND THE APPEARANCE , STIPULATION AND WAIVERS ARE INCORPORATED AND MERGED WITH THE JUDGMENT, EXCEPT THAT THE WARRANTY PROVISIONS ARE NOT MERGED WITH THE JUDGMENT. THE PARTIES ARE ORDERED TO COMPLY WITH THE TERMS OF THE ATTACHED MARITAL SETTLEMENT AGREEMENT.

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### **GROUP 1**

Family Law Certificate of Assignment  
Summons  
Petition  
UCCJA Declaration (for children under 18 years of age)  
Appearance, Stipulation & Waivers

### **GROUP 2**

(you need 2 sets of these forms, 1 set filled out by each spouse, and exchanged)  
Schedule of Assets & Debts  
Income & Expense Declaration  
Declaration of Disclosure

### **GROUP 3**

Declaration Regarding Service of Declaration of Disclosure (file 2 of these, 1 filled out by each spouse)  
Declaration for Default or Uncontested Dissolution or Separation  
Notice of Entry of Judgment  
Judgment (pink form)  
Child Support Case Registry Form (if child support is ordered)  
Wage and Earnings Assignment Order  
Income and Expense Declarations (green form) (file 2 sets of these, 1 filled out by each spouse)  
MSA (attach to Judgment)  
Envelopes: two business size  
            one large 9x12  
            Envelopes must be self-addressed and stamped/postage prepaid

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## SUMMARY OF STEPS AND HINTS TO GET YOUR UNCONTESTED DIVORCE/SEPARATION COMPLETED

1. Attend the Dissolution Seminar and Paperwork Seminar.
2. Make an appointment with an attorney to review your MSA Worksheet and to ask any questions you may have.
3. First trip to Court. File the Petition, Summons, UCCJA Declaration (if necessary), and Appearance, Stipulation and Waivers.
4. When you receive your completed MSA, review it carefully, if changes need to be made or if you have any questions contact your attorney. If you and your spouse understand and agree with the terms of the MSA then both of you need to sign it.
5. Final trip to court: file the Declaration Regarding Service of Declaration of Disclosure (one for each spouse), Declaration for Default or Uncontested Dissolution or Separation, Notice of Entry of Judgment, Judgment (with the signed MSA attached), Child Support Case Registry Form (if child support is ordered in the MSA), Wage and Earnings Assignment Order, Income and Expense Declarations (one set from each spouse), MSA, and three self-addressed, stamped envelopes.
6. Remember to put your case number on all your forms.
7. When taking forms to the court to be filed, remember to take the original form and 2 copies.
8. Type or use BLACK INK when filling out the court paperwork.

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