

# How to File Your Divorce Step 3 Forms



## Make sure you are ready for Step 3.

- You must wait **30 days** after you serve the *Summons and Petition* on the respondent to file Divorce Step 3
- You **MUST** serve your spouse with the *Initial and Final Declarations of Disclosure* (unless you waive serving the *Final*).
  - ⇒ **NOTE:** If you need to serve the *Initial* or the *Final*, or if there are any major changes to your income and/or property since completing Divorce Step 2, re-enter Divorce Step 2, make your changes, serve your spouse again and file the forms at the court along with your Divorce Step 3 forms.

## Follow these steps.

1<sup>st</sup>

**Sign and date** each form with a signature line after you review your forms to make sure they are correct. Sort your forms into the order given on page 2 or page 3 depending on your individual case.

2<sup>nd</sup>

**File your forms** at the court where your case is pending. It is a good idea to include a large stamped manila envelope that is self-addressed, with the return address of the court. Then, if there are any errors in your paperwork the clerk can mail you back your forms indicating the errors you need to fix.

3<sup>rd</sup>

**If your spouse responds by serving you with a response**, file the forms described on page 2 (“If your spouse RESPONDS”).

**If your spouse does not serve you with a response**, file the forms described on page 3 (“If your spouse DOES NOT RESPOND”).

4<sup>th</sup>

**If a hearing is necessary, attend the hearing.** Bring all of your court forms with you.

## Need more help?

Visit the Self Help Center located at your court or your local Legal Aid Society.

## If your spouse **RESPONDS**:

### File these forms

#### You **MUST** have a hearing. File these forms to set a hearing date:

- **FL-141** *Declaration Regarding Service of Declaration of Disclosure*
- **L-31** *At-Issue memorandum for Trial Setting*
  - ⇒ **NOTE:** I-CAN! will print an Orange County form for you. If you are not filing in Orange County, check with your court clerk to see if you can file this form or if you need to use a local form.

### Bring these forms to the hearing

- **FL-180** *Judgment*
  - ⇒ **NOTE:** I-CAN! will print all of the attachments to the Judgment that are necessary for your individual case out of the following forms:
    - **FL-341** *Child Custody and Visitation Order Attachment*
    - **FL-341 (A), (B), (C), (D) or (E)** *Attachments to FL-341*
    - **FL-342** *Child Support Information and Order Attachment*
      - ⇒ **NOTE:** If you already have an open case with the Department of Child Support Services (DCSS), you do not need to include this form.
    - **FL-343** *Spousal, Partner, or Family Support Order Attachment*
    - **FL-345** *Property Order Attachment*
    - **FL-192** *Notice of Rights and Responsibilities*
- **FL-190** *Notice of Entry of Judgment*
  - ⇒ **NOTE:** You **MUST** attach two stamped envelopes to this form. Address one to yourself and one to the other party (using the addresses on this form) with the return address of the court where you file your forms.
- **FL-191** *Child Support Case Registry Form*
- (If you have moved) **MC-040** *Notice of Change of Address*

# If your spouse **DOES NOT RESPOND**:

## File these forms

- **FL-141 Declaration Regarding Service of Declaration of Disclosure**
- **FL-165 Request to Enter Default**
  - ⇒ **NOTE:** You **MUST** attach to this form a stamped envelope addressed to the other party (using the address on this form) with the return address of the court where you file your forms.
- **FL-170 Declaration for Default or Uncontested Dissolution**
  - ⇒ **NOTE:** If Property is an issue in your case, re-enter Divorce Step 2 and print form FL-160 to attach to this form
  - ⇒ **NOTE:** If Child Support, Spousal Support or Attorney Fees are an issue in your case, re-enter Divorce Step 2 and print two copies of form FL-150 and attach one copy to Form FL-165 and the other to this form.

## Check to see if you need a hearing

If you do **NOT** have children or property, you do **NOT** need a hearing. If you have children and/or property, check with a clerk at your court to see if you need a hearing.

### If you do **NOT** need a hearing:

1. File the forms listed below with the forms above.
2. Once the clerk mails you the *Notice of Entry of Judgment* form, your case is closed.

### If you need a hearing:

1. Ask if you can file the forms listed below or if you should just bring them to your hearing.
2. **File L-124 Memorandum for Setting of Hearing** to set a hearing date. If you are not filing in Orange County, check with your court clerk to see if you can file this form or if you need to use a local form.

- **FL-180 Judgment**
  - **NOTE:** I-CAN! will print all of the attachments to the Judgment that are necessary for your individual case out of the following forms:
    - **FL-341 Child Custody and Visitation Order Attachment**
    - **FL-341 (A), (B), (C), (D) or (E) Attachments to FL-341**
    - **FL-342 Child Support Information and Order Attachment**
      - ⇒ **NOTE:** If you already have a case with the Department of Child Support Services (DCSS), you do not need to include this form.
    - **FL-343 Spousal, Partner, or Family Support Order Attachment**
    - **FL-345 Property Order Attachment**
    - **FL-192 Notice of Rights and Responsibilities**
- **FL-190 Notice of Entry of Judgment**
  - ⇒ **NOTE:** You **MUST** attach two stamped envelopes to this form. Address one to yourself and one to the other party (using the addresses on this form) with the return address of the court where you file your forms.
- **FL-191 Child Support Case Registry Form**
- (If you have moved) **MC-040 Notice of Change of Address**

# How to Prepare for Your Divorce Judgment Hearing

## Follow these steps.

**Know your hearing date.** After you file your forms to set your hearing, the forms you file will say the date, time, and room of your hearing. **Go to your hearing.**

**Practice what you want to say.** Practice saying why you are in court. Limit yourself to 3 minutes to say what you want.

**Bring your court forms, any evidence and any witnesses that may help you in your case.**

You will have to show any evidence to the other party and then give it to the Bailiff to give to the judge. If you have any witnesses, let the judge know. They may need to wait outside the courtroom while you are testifying.

**NOTE:** No camera phones are allowed in the court. Save time by leaving yours in the car.

**Get to the court 30 minutes early.**

1. There may be a line for the security at the entrance to the court.
2. Find the courtroom. Your case will be listed on the calendar.
3. When the courtroom opens, go in and tell the clerk or officer you are present.
4. Watch the other cases so you will know what to do.
5. When your name is called, go to the table set up for the parties.

**The judge will ask you questions.**

- Be polite
- Call the judge “Your Honor”.
- Do not speak directly to the other party when you are before the judge.
- Do not interrupt anyone.
- Tell the judge if you don’t understand a question.
- Stick to the point. Answer the question you are asked.
- Wait for a copy of the orders.

## Need more help?

Visit the Self Help Center located at your court or your local Legal Aid Society.