

Response to a Divorce, Legal Separation or Nullity

Step 1	<p>Complete the following forms in blue or black ink:</p> <p><input checked="" type="checkbox"/> FL-120 Response—Marriage\Domestic Partnership</p> <p>Fill out the following forms if you have minor children with your spouse/partner:</p> <p><input type="checkbox"/> FL-105 Declaration Under Uniform Child Custody Jurisdiction Enforcement Act (UCCJEA)</p> <p><input type="checkbox"/> FL-311 Child Custody and Visitation (Parenting Time) Application Attachment</p>
Step 2	<p>Copies: Make 2 copies, in addition to the original.</p>
Step 3 <p>There is a filing fee unless the fee is waived.</p>	<p>File: Turn in the original and copies to the Clerk’s Office of the courthouse located at:</p> <p style="text-align: center;">201 North First Street, San Jose, CA 95113</p> <p>They open at 8:30am Monday-Friday, closing times are subject to change, visit www.scscourt.org or call 408-534-5600 for current office hours.</p> <p><input type="checkbox"/> If you are not asking for a fee waiver, you will pay the filing fee and get copies back with a file-stamp.</p> <p><input type="checkbox"/> If you are asking for a fee waiver, your file-stamped copies may be returned immediately, OR you may be asked to return in up to 24 hours, OR your file stamped forms may be mailed to you. Please check with the clerk who takes your forms.</p>
Step 4	<p>Service: After the filed copies are returned to you:</p> <ul style="list-style-type: none"> • Keep a filed copy for your records • Serve by mail: Have an adult, not you, by mail a filed copy to spouse/partner. <p>Whoever does the service must complete a <i>Proof of Service by Mail</i> form (FL-335) and give it back to you. File the original and a copy of this form at the Clerk’s Office, the clerk will stamp the copy and give it back to you. Keep this copy for your records.</p>
Step 5	<p>Preliminary Declarations of Disclosures (PDDs): You must complete the Mandatory Preliminary Declaration of Disclosure process within 60 days of filing your Response. You may obtain these forms online at www.scscourt.org click on “Complete Forms at Home” to obtain the form packet and sample.</p>
Step 6	<p>Divorce Case Review: After you have filed and served your Response and completed your PDDs, submit a Request for Review to Finalize online. Go to www.scscourt.org, click “Contact the Self-Help Center”, then “Finishing Your Divorce Case”, then complete the webform. A hard copy of the review form is available in the main lobby at the Family Justice Center Courthouse. The Self-Help Center will review your file to determine the next steps.</p>
NOTE	<p>YOU WILL NOT AUTOMATICALLY BE DIVORCED; YOU MUST COMPLETE OTHER STEPS TO FINISH YOUR DIVORCE AND GET A JUDGMENT.</p>

WHY SHOULD I FILE A RESPONSE?

Filing a *Response* allows you to participate in the case. You can ask for or oppose requests for custody and visitation, child and/or spousal support, property division and other orders. If you do not file a *Response* within 30 days of service, the petitioner can request a default *Judgment* against you. This means that the court enters a judgment based solely on the *Petition*.

WHAT ARE THE IMPORTANT DEADLINES?

To keep your case on track you should **file and serve your “Preliminary Declaration of Disclosure” within 60 days** of filing your *Response*. For help with the disclosure forms, you may attend the Self-Help Center’s virtual online workshop. Visit www.scscourt.org, go to “Self-Help” then click “Self-Help Workshops” for more information.

The Preliminary Declaration of Disclosures are mandatory. There is one exception to this rule when a *Response* has been filed. If the case is for Nullity only and there is no request for a divorce in the alternative, then, you do not have to complete the disclosure process.

There are additional deadlines you can read about in the court’s Local Rules and the California Rules of Court. You can find both Rules on our website (www.scscourt.org) or at the Santa Clara County Law Library. If you do not follow the rules and deadlines your case may be dismissed.

HOW LONG DOES IT TAKE TO FINISH THE DIVORCE?

The earliest you can be divorced is 6 months and a day from the date you were served with the divorce forms or 6 months from the date you file a *Response*, if a *Proof of Service of Summons* was not filed. However, you will not automatically be divorced after 6 months. If you or your spouse/partner do not take the necessary steps to keep the divorce moving forward you will never be divorced.

For information regarding how to finish your case, go to www.scscourt.org, click “Contact the Self Help Center”, then “Finishing Your Divorce Case”, then “Divorce Case Review Online Request Form”. A hard copy of the review form is available in the main lobby of the Family Justice Center Courthouse.

HOW CAN I GET HELP?

Here are some ways to get help:

- Go to <http://www.calbar.ca.gov/Public>, then click on “Lawyer Referral services” to hire or consult with a private attorney.
- For free legal advice and information, see our “Do-It-Yourself Resources” flyer. Go to www.scscourt.org, click on “Self-Help” then “Self-Help Flyers”.
- The Self Help Center/Family Law Facilitator – See our information flyer:
 - **Contact us:** Go to www.scscourt.org then click “**Contact the Self Help Center**”. Walk-in assistance is limited to emergencies so contact us remotely first.
 - **Obtain Forms:** Go to www.scscourt.org then click “**Complete Forms at Home**”
 - **Form Review:** Email your forms as a PDF file to SHCDocReview@scscourt.org.
 - Note: We **cannot** help people who have attorneys.

Superior Court, County of Santa Clara
Self Help Center/Family Law Facilitator’s Office
 201 N. First Street, San Jose, CA 95113
 408-882-2926