

# **DIVORCE: FINAL JUDGMENT**

**(Set Hearing for Contested Dissolution or Legal Separation)**

What you will find in this packet:

- **Requirements for Filing Court Papers** (MC-500)
- **Final Judgment Info** (FamLaw-017a)
- **Judgment** (FL-180)
- **Request for Case Management Conference** (FamLaw-112)
- **Case Management Conference Statement** (FamLaw-113)

***You Can Get Court Forms FREE at: [www.cc-courts.org/forms](http://www.cc-courts.org/forms)***

*If you don't find what you're looking for here, you may want to check out the additional resources listed on the back of this page*

**The Clerk of the Court cannot accept for filing any papers that do not comply with California Rules of Court 2.100 et seq. (CRC 2.118)**

**To avoid having your papers rejected by the clerk:**

**Use Judicial Council forms whenever possible**

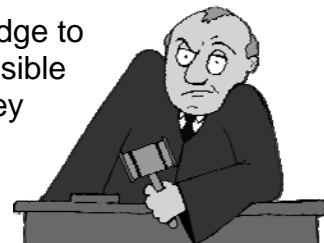
If you print Judicial Council forms from your computer, print them out single-sided. (Don't print double-sided unless you know how to tumble the pages). Judicial Council forms can be found at <http://www.courts.ca.gov/forms.htm>.

If the form you need is not on the Judicial Council website, you will have to make your own form which follows these rules

1. White or unbleached paper – 8 1/2 by 11 inches
2. One-sided paper – only one side of each page may be used
3. 12 pt font (Courier, Times New Roman, Arial or equivalent (Handwritten papers are OK – but write legibly)
4. Line spacing - One and one-half or double-spaced (use pleading paper – either the Judicial Council form MC-20 or create your own using the legal template in your word processor)
5. Margins – at least 1 inch from the left edge and ½ inch from right edge
6. Page Numbers – pages must be numbered consecutively on the bottom (1, 2, 3 ...)
7. Binding – Original and copies must be firmly bound (e.g. stapled) AND the Original must be 2-hole punched at the top.

You will need the **Original document**, signed in ink (blue is best), and correct number of identical copies (***original for the Court, a copy for each party***) for the clerk to file.

**The Rules are important** – Remember - You want the Judge to understand what you have written. Don't make that impossible by submitting papers that are too hard to read because they are upside down, the print is too small or too light, or the pages have fallen out of the file because they are too small or too large and/or not properly fastened.



# **CONTESTED DIVORCE: FINAL JUDGMENT**

## **(Obtaining a Hearing)**

1. Use this packet when the other side has filed a response to your papers and you cannot reach an agreement on the issues. This packet will prepare you to set a contested hearing (trial) on issues in a divorce or legal separation case. An annulment requires a court hearing. See a Family Law Facilitator if you do not have an attorney and need procedural information as to how to obtain an annulment.
2. BEFORE filing this packet, check to make sure these requirements have been met:
  - ☐ Read Local Rule 5.6 (available on Court's website: [www.cc-courts.org](http://www.cc-courts.org))
  - ☐ Summons and Petition were served on Respondent
  - ☐ Proof of Service of Summons is on file at the Court Clerk's Office
  - ☐ Response to Petition was served on Petitioner
  - ☐ BOTH parties have filed and served an Income and Expense Declaration (FL-150)
  - ☐ BOTH parties have served a Schedule of Assets and Debts (FL-142)
  - ☐ BOTH parties have served a Declaration of Disclosure (FL-140)
  - ☐ BOTH parties have served and filed a Declaration Regarding Service of Declaration of Disclosure and Income and Expense Declaration (FL-141)
3. ☐ ONLY AFTER all of the above steps have been completed, file and serve a Request for Case Management Conference (FamLaw-112)
4. ☐ At LEAST 7 calendar days before your Case Management Conference, file and serve the Case Management Conference Statement (FamLaw-113)
5. ☐ Prepare for Trial and Appear at Trial
6. ☐ If you are the party responsible for preparing the Judgment, complete the Notice of Entry of Judgment (FL-190) and submit it to the Court Clerk along with the appropriate Judgment Packet.
7. ☐ If you do not have an attorney, go to any Facilitator's office and make an appointment for assistance in completing your Judgment packet.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):      TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	<b>FOR COURT USE ONLY</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
<b>MARRIAGE OR PARTNERSHIP OF</b> PETITIONER: RESPONDENT:	
<div style="text-align: center;"><b>JUDGMENT</b></div> <div style="display: flex; justify-content: space-around;"> <input type="checkbox"/> <b>DISSOLUTION</b> <input type="checkbox"/> <b>LEGAL SEPARATION</b> <input type="checkbox"/> <b>NULLITY</b> </div> <div style="margin-left: 20px;"> <input type="checkbox"/> <b>Status only</b>  <input type="checkbox"/> <b>Reserving jurisdiction over termination of marital or domestic partnership status</b>  <input type="checkbox"/> <b>Judgment on reserved issues</b>  <b>Date marital or domestic partnership status ends:</b> </div>	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: \_\_\_\_\_  
☐ Temporary judge
  - b. Judicial officer (name): \_\_\_\_\_
  - 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:  _____
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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: \_\_\_\_\_

5. Number of pages attached: \_\_\_\_\_

\_\_\_\_\_  
JUDICIAL OFFICER  
☐ 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.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, address):   <div style="display: flex; justify-content: space-between;"> <div>TELEPHONE NO.: EMAIL ADDRESS: ATTORNEY FOR (Name):</div> <div>FAX NO. (Optional):</div> </div>	<b>FOR COURT USE ONLY</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF CONTRA COSTA</b> STREET ADDRESS:  MAILING ADDRESS:  CITY AND ZIP CODE:  BRANCH NAME:	
PETITIONER:   RESPONDENT:	
<b>REQUEST FOR CASE MANAGEMENT CONFERENCE</b>	

1. I am the Petitioner / Respondent / Other (specify): \_\_\_\_\_ in the above-referenced case and hereby request that the Court set a Case Management Conference in this matter.
2. This is a case for: ☐ Dissolution of Marriage or Domestic Partnership ☐ Legal Separation of Marriage or Domestic Partnership ☐ Annulment (Nullity) ☐ Parentage ☐ Other (Specify): \_\_\_\_\_

Petitioner: Attorney (if applicable): Address:  Telephone No.:	Respondent: Attorney (if applicable): Address:  Telephone No.:
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(For additional parties, please attach a separate sheet.)

**FOR DISSOLUTION / LEGAL SEPARATION / ANNULMENT CASES ONLY:**

3. ☐ On \_\_\_\_\_ (date), PETITIONER filed form FL-141, *Declaration Regarding Service of Declaration of Disclosure and Income and Expense Declaration*, stating that their mandatory preliminary declaration of disclosures were served on the other party, pursuant to Family Code section 2104, **OR**  
☐ PETITIONER'S requirement to serve their preliminary declaration of disclosure was waived by the Court on \_\_\_\_\_ (date order filed).
4. ☐ On \_\_\_\_\_ (date), RESPONDENT filed form FL-141, *Declaration Regarding Service of Declaration of Disclosure and Income and Expense Declaration*, stating that their mandatory preliminary declaration of disclosures were served on the other party, pursuant to Family Code section 2104, **OR**  
☐ RESPONDENT'S requirement to serve their preliminary declaration of disclosure was waived by the Court on \_\_\_\_\_ (date order filed).

I hereby represent to the Court that all essential parties have met and conferred to attempt to resolve issues in this matter and it is necessary to set a Case Management Conference in order to move this matter toward resolution.

Date: \_\_\_\_\_ Print name: \_\_\_\_\_

Signature: \_\_\_\_\_

☐ Attorney for: ☐ Petitioner ☐ Respondent ☐ Other Party



CASE NAME:	CASE NUMBER:
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Does either party request a change to the current order? ☐ Yes ☐ No

If yes, brief reason for the modification: \_\_\_\_\_

*IF NO:* Do the parties agree on a child support amount? ☐ Yes ☐ No

b. Is there an open case with the Department of Child Support Services (DCSS)? ☐ Yes ☐ No

c. What is the date of filing of each party's most recent Income and Expense Declaration (FL-150)?

Petitioner's: \_\_\_\_\_ Respondent's: \_\_\_\_\_

d. Is either party claiming child support arrearages or over-payment? ☐ Yes ☐ No

If yes, amount claimed to be owed: \$\_\_\_\_\_ (or) amount claimed overpaid: \$\_\_\_\_\_

#### 4. SPOUSAL SUPPORT

a. Is there a current spousal support order? ☐ Yes ☐ No

*IF YES:* Date of current order: \_\_\_\_\_ Amount ordered: \$\_\_\_\_\_ per month

Does either party request to change or terminate the current order? ☐ Yes ☐ No

If yes, brief reason for the modification or termination: \_\_\_\_\_

*IF NO:* Do the parties agree on a spousal support award? ☐ Yes ☐ No

Is either party seeking an award of spousal support? ☐ Yes ☐ No

If yes, amount requested: \$\_\_\_\_\_ payable to ☐ Petitioner ☐ Respondent

b. What is the date of filing of each party's most recent Income and Expense Declaration (FL-150)?

Petitioner's: \_\_\_\_\_ Respondent's: \_\_\_\_\_

c. Is either party claiming spousal support arrearages or over-payment? ☐ Yes ☐ No

If yes, amount claimed to be owed: \$\_\_\_\_\_ (or) amount claimed overpaid: \$\_\_\_\_\_

d. Is Petitioner currently employed? ☐ Yes ☐ No Is Respondent currently employed? ☐ Yes ☐ No

e. Are you requesting that a *Gavron* warning be issued to the other party? ☐ Yes ☐ No

#### 5. PROPERTY

a. Do the parties have any community property to divide? ☐ Yes ☐ No

*IF YES:* Real property: \_\_\_\_\_ FMV: \_\_\_\_\_ Debt owed: \_\_\_\_\_

Pensions/retirement plans: \_\_\_\_\_

Stock/stock options: \_\_\_\_\_

Vehicles: \_\_\_\_\_

Gold/jewelry: \_\_\_\_\_

Other property valued above \$5,000.00: \_\_\_\_\_



CASE NAME:

CASE NUMBER:

- b. Are there community debts? ☐ Yes ☐ No

IF YES: Credit card debt: \_\_\_\_\_

Student loans: \_\_\_\_\_

Tax liabilities: \_\_\_\_\_

Promissory notes: \_\_\_\_\_

Other debts exceeding \$1,000.00: \_\_\_\_\_

- c. Have real property appraisals been completed? ☐ Yes ☐ No ☐ Not applicable
- d. Have pensions/retirement plans been joined (if joinder is required)? ☐ Yes ☐ No ☐ Not applicable
- e. Is there a dispute over the valuation date of any asset? ☐ Yes ☐ No
- f. Does either party claim any significant separate property assets? ☐ Yes ☐ No

IF YES, state the nature and extent of said assets: \_\_\_\_\_

- g. Is either party requesting reimbursement for payments made on community debt or use of community property? ☐ Yes (Amount requested: \$ \_\_\_\_\_ ) ☐ No
- h. Does either (or both) party/ies have an ownership interest in a business? ☐ Yes ☐ No
- IF YES: Does the community have an interest in the business? ☐ Yes ☐ No
- Is there a dispute as to the value of the community's interest? ☐ Yes ☐ No

## 6. DISCOVERY

- a. Discovery remaining: ☐ Interrogatories ☐ Depositions ☐ Document production ☐ Motion to compel
- b. Estimated date of completion: \_\_\_\_\_
- c. Are experts retained or expected to be retained? ☐ Yes ☐ No
- IF YES, what is the nature of the expertise of the expert(s)? ☐ Child Custody Evaluator
- ☐ Real Estate Appraiser ☐ Accountant ☐ Business valuator ☐ Vocational evaluator
- ☐ Other (specify): \_\_\_\_\_
- Are (or will) the above experts be appointed under Evidence Code section 730? ☐ Yes ☐ No
- d. Other discovery to be undertaken (specify): \_\_\_\_\_

## 7. DECLARATION OF DISCLOSURE (for dissolution, legal separation, or nullity cases only)

- a. Petitioner has served Respondent with ☐ preliminary ☐ final declaration of disclosure
- b. Respondent has served Petitioner with ☐ preliminary ☐ final declaration of disclosure

## 8. OTHER

- a. ☐ Party intends to request bifurcation of the following issue(s) (specify): \_\_\_\_\_

CASE NAME:

CASE NUMBER:

b. ☐ Parties or counsel have met to discuss settlement: ☐ Yes ☐ No

How many times in person (*specify*): \_\_\_\_\_ by phone / remote (*specify*): \_\_\_\_\_

c. Estimated time for trial (*specify hours or days*): \_\_\_\_\_

d. Non-expert witnesses (*number*): \_\_\_\_\_ (*names*): \_\_\_\_\_

e. Expert witnesses (*number*): \_\_\_\_\_ (*names*): \_\_\_\_\_

f. Is there an active Domestic Violence Restraining Order in this case? ☐ Yes ☐ No

*IF YES:* Protected party/person(s) (*specify*): \_\_\_\_\_

Date filed: \_\_\_\_\_ Expiration date: \_\_\_\_\_

***Please attach all case management orders you request be made.***

Date: \_\_\_\_\_

Print name: \_\_\_\_\_

Signature: \_\_\_\_\_

☐ Attorney for: ☐ Petitioner ☐ Respondent ☐ Other Party