

# Starting a Divorce

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**ARLENE KOCK**  
**DIVORCE & FAMILY LAW**  
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Litigants who wish to terminate a marriage in California must serve paperwork called a petition and summons on their spouse. The paperwork must be filed with the court before it is served. The party serving the documents is called the petitioner, while the party receiving the filings is referred to as the respondent.

A filing fee must be paid, unless the petitioner qualifies for a waiver of the charge. If the petitioner and respondent have children, then a declaration must be made, pursuant to the Uniform Child Custody Act, and filed and served as well. Therefore the basic forms needed for filing include the petition (FL-100), the summons (FL-110), and, if children are declared in the marriage, a UCCJEA declaration (FL-105).

The divorce paperwork for the dissolution of marriage is served with the understanding that the respondent has 30 days to reply. He must also pay a filing fee when filing his response. If he does not respond in 30 days, then the petitioner is entitled to apply for a default judgment.

Parties in the case must meet certain residency requirements as well. One of the two litigants must have resided in the state for at least six months and in the county where the divorce is filed for a period of three months.

## About Arlene Kock, Esq.

With over 39 years of experience in divorce and family law, Arlene began her career as an attorney after graduating from the law school at the University of San Francisco. Now based in San Ramon, Arlene has helped hundreds of clients file for divorce in California.



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