California Divorce Filing Checklist

Every form, fee, and deadline between you and a filed California divorce case - plus the mistakes that most often send people back to square one.

California is a pure **no-fault** state: you do not need to prove anyone did anything wrong. The legal ground for divorce is simply **irreconcilable differences** (Fam. Code § 2310). What the courts do care about is **procedure** - the right forms, the right county, the right service of papers. This checklist walks through that procedure in the order it actually happens. Print it, keep it with your case papers, and check items off as you go.

> **Residency test - do this first.** To file in California, you or your spouse must have lived in the state for the last **6 months** and in your filing county for the last **3 months** (Fam. Code § 2320). Neither of you qualifies yet? Wait until you do - filing early only gets your case rejected.

1. Before You File - Get Your Facts Straight

Gather these once and every form that follows becomes a fill-in exercise instead of a research project.

- ☐ **Date of marriage** and **place of marriage** (city, state or country).
- ☐ **Date of separation.** This single date decides how property and income get divided - do not guess, write down the real date and why.
- ☐ **Current addresses** for the last 5 years (yours and, if known, your spouse's).
- ☐ **Children's full names and birth dates**, if you have children under 18.
- ☐ **Last 2 months of pay stubs** and **last 2 years of tax returns** - both sides must exchange financial facts later.
- ☐ **A simple list of assets and debts**: house, cars, bank accounts, retirement, credit cards, loans - with rough values.
- ☐ **Your decision on the route**: uncontested (you agree on everything) or contested. Uncontested cases can finish for the cost of the filing fee.

2. Forms to Complete for the Initial Filing

These four documents start every California divorce. Download blank copies free from the California Courts website (courts.ca.gov/forms) - never pay for them.

- ☐ **Form FL-100 - Petition.** The document that opens your case: residency facts, date of separation, and what you are asking the court to order.
- ☐ **Form FL-110 - Summons.** You fill the caption; the clerk stamps it when you file. It binds your spouse with standard restraining orders the moment they are served.
- ☐ **Form FL-105 - UCCJEA Declaration.** Required if you have children under 18 - it tells the court which state has jurisdiction over custody.
- ☐ **Form CM-010 - Civil Case Cover Sheet.** Required in many counties. Check your superior court's local forms list.
- ☐ **Forms FW-001 and FW-002 - Fee Waiver.** Cannot afford the filing fee? Ask the court to waive it. Approved means you file for free.
- ☐ **Your county's local forms.** Some counties add their own first-appearance forms - search "[your county] superior court divorce local forms" before filing.

3. Filing With the Court Clerk

- ☐ **File in the right court:** the superior court in the county where you or your spouse lives.
- ☐ **Bring the original plus at least 2 copies** of every form. The clerk stamps all of them and returns your copies - keep them forever.
- ☐ **Pay the filing fee:** about **$435** in most counties (a few charge slightly more - confirm with your clerk), by cash, card, or check.
- ☐ **Fee waiver instead?** Submit FW-001/FW-002 with your paperwork; if granted, you file free.
- ☐ **Write down your case number** the moment the clerk assigns it. Every later form needs it.

4. Serving Your Spouse - the Clock Starts Here

Filing opens the case; **service** is what starts the deadlines. This step has more technical rules than any other - follow them exactly.

- ☐ **Pick a server who is 18 or older and NOT you.** A friend, relative, roommate, or a professional process server. You personally cannot serve your own papers.
- ☐ **Have the server hand-deliver:** the filed FL-100 and FL-110 (stamped copies), a blank FL-105 if there are children, and a blank FL-120 Response.

- ☐ **Have the server complete Form FL-115 - Proof of Service of Summons,** then file the signed original with the clerk.
- ☐ **Note the service date.** Everything on the next page is measured from it - write it on the front of your case file.
- ☐ **Your spouse's clock:** they now have **30 days** to file Form FL-120 (Response). No response? You can request a default with Form FL-165.

5. After Service - Deadlines That Run by Themselves

Six deadlines run automatically once your spouse is served. Two dates rule the whole case: the **service date** and the **six-month mark**. (Fam. Code § 2330(a): the court cannot end the marriage until six months and one day have passed from the service date.)

When	What happens	What you do
Service date	The six-month waiting period starts.	Write the date on your case file.
Within 30 days	Spouse must file Form FL-120 (Response).	Nothing yet - wait. No response? Ask the clerk about Form FL-165 (default).
Within 60 days	Both spouses must exchange preliminary disclosures (Fam. Code § 2103-2104).	Each side serves FL-140, FL-142 (assets and debts) and FL-150 (income and expenses).
Any time you agree	Terms on property, support, and custody can be settled by written agreement.	Sign a marital settlement agreement and prepare the judgment package (Form FL-180).
6 months + 1 day	Earliest date the court can legally end the marriage.	File the judgment paperwork as soon as you are ready - do not wait for the date itself.

6. Seven Mistakes That Cost the Most Time and Money

- ☐ **Serving your own papers.** The single most common restart: only another adult (18+) or a professional can serve.
- ☐ **Filing in the wrong county.** The clerk will reject the case if the 6-month state / 3-month county rule is not met.
- ☐ **Guessing the date of separation.** It controls whether an asset is community or separate property - a wrong date can cost you half of something.
- ☐ **Hiding assets or debts.** Courts impose sanctions, can award the hidden asset to the other side, and disclosure failures follow you into the judgment.

- ☐ **Skipping the UCCJEA form (FL-105)** when children are under 18 - custody orders can be challenged without it.
- ☐ **Overlooking local county forms.** Check your superior court's website before every filing trip.
- ☐ **Paying full fee without checking FW-001.** If money is tight, the waiver is free to request and approved often.

Where to go from here

Every form above is explained step by step, with line-by-line walkthroughs and the current 2026 fees, in the free guides at **divorceroadmap.org** - including How to File for Divorce in California, the FL-150 Income and Expense Declaration guide, and How to Serve Divorce Papers in California. Your county court's **free self-help center** (family law facilitator) can also review your forms before you file - no appointment fee, no attorney required.

> **Not legal advice.** This checklist is general educational information for people handling their own California divorce. Laws and fees change - verify current requirements with your county superior court, its self-help center, or a licensed California family law attorney.