



Request a Default and Schedule a Default Hearing (Dissolution/Legal Separation/Nullity Cases)

Purpose of these Instructions

These instructions are designed to help you request a Default and to schedule a Default Hearing. If your spouse has not served and filed a Response and more than 30 days have passed since he or she was served with the Summons and Petition, you are eligible to proceed by default. However, a default is not automatic. You must file a Request to Enter Default and proceed to judgment. In order to obtain a judgment you must first schedule a default hearing.

If your spouse is active duty military, STOP! These instructions do not apply to you. Contact an attorney for further assistance.

These instructions are intended to be used only after you have completed your Preliminary Financial Disclosures and have filed your form FL-141.

Documents/Items Needed to File

- Request to Enter Default, form FL-165
- Income and Expense Declaration, form FL-150 (if needed)
- Property Declaration, form FL-160 (if needed)
- One stamped envelope addressed to other party (leave the return address blank)

Steps You Must Take

Step 1: Complete the necessary documents

- Complete the Request to Enter Default, form FL-165.
- Attach a completed Income and Expense Declaration, form FL-150, if you have minor children or you are requesting spousal support.
- Attach a completed Property Declaration, form FL-160, if you are asking the court to make orders regarding separate or community property/debts listed on your Petition.

Completing the Request to Enter Default, FL-165

Complete the caption with your name, address, telephone number, party names and case number where indicated.

Item 2:

Income and Expense Declaration:

If you are asking the Court to make child support or spousal support orders you must have an Income and Expense Declaration (form FL-150) filed in your case. If you have filed an Income and Expense Declaration in the past two months and your financial circumstances have not changed, you do not have to attach a new form. If your circumstances have changed, you must attach a current Income and Expense Declaration and check the box indicating that your declaration "is attached."



Property Declaration

If you did not list any community or separate property assets or debts in your Petition, you do not have to complete a Property Declaration. You may check the box indicating that a Property Declaration "is not attached." If you have already filed Property Declaration(s) in your case, you do not need to attach the declaration(s) if there have been no changes. If you listed community or separate property assets or debts on your Petition and you have not previously filed Property Declaration(s), you must do so with your Request to Enter Default. If you have both Community Property and Separate Property, you must do two Property Declaration forms, one listing the Community Property and one listing the Separate Property.

If you checked the box "is not attached" for either Income and Expense Declaration or Property Declaration, you will need to check the appropriate boxes at 2(a)-(e) indicating why you did not attach one or both. Box (f) does not apply to Dissolution, Legal Separation or Nullity cases. Do not check this box.

Once you have completed question 2, print today's date and your name and sign where indicated.

Item 3 - Declaration

If you accomplished service of the Summons and Petition by either publication or posting, check, box a. For all others, check box b. If you check box b you must provide a mailing address for your spouse/partner. If you do not know your spouse/partner's current address, print the last known address of your spouse/partner, even if you know they no longer live there. The address you list here must be the same address you list on the stamped envelope you provide to the filing clerk.

Once you have completed question 3, print today's date and your name and sign where indicated.

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In the bar at the top of page two, complete the caption. Be sure to include your case number where indicated.

Item 4 - Memorandum of Costs

Check box 4(a), if your filing fees were waived and you did not pay a process server, or if you paid the filing fees but you are not seeking reimbursement from your spouse/partner.

If you paid filing fees and you are seeking reimbursement from your spouse/partner, you must complete part 4b. Add the amounts listed in items 4(b)(1) through 4(b)(3) and print the sum on the "Total" line.

Read item 4 (c).

Once you have completed question 4, print today's date and your name and sign where indicated.

Item 5 - Declaration of Non-Military Status

If your spouse/partner is active duty military, you may not be able to proceed with a default judgment. Seek legal assistance from an attorney or ask for further direction at the Family Law Facilitator's office.

Once you have read item 5, print today's date and your name and sign where indicated.



Step 2: Making copies

Make 3 copies of the Request to Enter Default and all attachments.

Step 3: Filing your documents

In Person Filing:

- Go to Reception before 4:00 pm to obtain a service ticket for filing. Inform the staff person at Reception that you are filing for a default hearing. Please have your paperwork out and available to show the staff person at Reception, as the information on your Request to Enter Default will be needed to issue you a service ticket.
- Ask the clerk who files your forms to schedule a Default hearing.
- If all of your paperwork is in order and the court file is available; the clerk will enter the default and schedule a hearing.

Filing by Drop Box:

- There is a drop box located on the first floor of the courthouse.
- Clip your original and copies together along with the stamped envelopes. Please provide an additional large envelope with adequate postage for your documents to be returned to you.
- Follow the instructions on the Drop Box regarding time stamping your original form.
- Attach a note to indicate you are requesting a default hearing.
- Your documents will be returned to you in the mail.

Filing by Mail:

You may send your documents, stamped envelopes and large return envelope to the court at:

Superior Court of California
County of Sacramento
3341 Power Inn Road, Room 100
Sacramento, California 95826

Attach a note to indicate you are requesting a default hearing

Step 4: Attend your Default Hearing

Plan to arrive early to Court. Check in with the bailiff as soon as you arrive in the courtroom. When your hearing is over, the Judge will prepare a minute order and publish it on the Court's secure web portal. When you receive notification that the minute order is ready, you may contact the Self Help Center to prepare the final judgment for you.