✦ *HOW TO AVOID A REJECTED JUDGMENT* ✦

Have you ever received an envelope from the court that you anticipate is your client's processed judgment only to open the envelope and find the entire package returned with a rejection slip from the clerk? Here's some tips on how to avoid that distressing situation.

1. <u>For True Defaults:</u> (the majority are submitted by self-represented litigants, but not always)
    a. The Petitioner must serve the Preliminary Declaration of Disclosure (PDD) and file the FL-141.
    b. If property is being divided, make sure:
        i. The property in the judgment matches the property generally listed on the petition, i.e. house, 3 vehicles, pension, financial accounts, credit cards.
        ii. A property declaration (FL-160) is filed either prior to, or with, the judgment. (note: you can't simply check the 'no changes since last filing' on the Default if you haven't previously filed the declaration)
        iii. The property is divided equally. (Family Code section 2550 requires equal division unless stipulation otherwise.)
    c. If support is requested, an Income and Expense Declaration (FL-150) is included.
    d. Child custody must match what is requested on the petition.

2. <u>For Default with Agreements:</u> (these are commonly rejected due to failure to ensure the parties exchange disclosures. See Family Code section 2105(a) and (d)(1) and section 2106.)
    a. BOTH parties serve PDDs and file the FL-141.
    b. BOTH parties serve FDDs or waive service. Use the local form VN 131 for this so as not to trigger a fee for the Respondent.
    c. The Respondent's signature must be notarized.

3. <u>Uncontested:</u>
    a. As above, both parties must serve PPDs and FDDs or waive the FDDs.
    b. Although the FL-170 allows for the waiver to be included in the MSA, please file the separate wavier forms so that the clerk or judicial officer does not have to search for the waivers. You can use either the VN-131 or FL-144 for this.

4. <u>Contested:</u> These are usually not a problem unless the parties can't agree on the language from the ruling or statement of decision. This situation will require court intervention. IF YOU ARE TASKED WITH PREPARING THE JUDGMENT, PLEASE DO IT!

5. <u>Other issues:</u>
    a. If custody is included, you must have the language of Family Code section 3048 in the Judgment. Frequently, the language is buried in the MSA. Please put the language in bold font, or tab it, or include above the signature line, or otherwise do something to draw attention to the section to save time for the clerk or judicial officer. (Note: if attaching a custody order drafted by the mediation department the language is included already.)
    b. If child support is requested, **fully** complete #7 a and b on the FL 170 (Declaration for Default or Uncontested). There are many rejections for this omission.
    c. If the parties are agreeing to non-guideline child support, include the mandatory language of Family Code section 4065.
    d. Include 2 stamped envelopes for each party for the mailing of the Notice of Entry of Judgment. If you want the packet returned to you, include another envelope with sufficient postage.
    e. Add up the number of pages. You won't get a reject, but it takes the clerk time to count up a voluminous judgment.
    f. Verify the jurisdiction date.   Date of service or Response whichever comes first.
    g. Attach the required forms, i.e. FL-192 if child support is included.