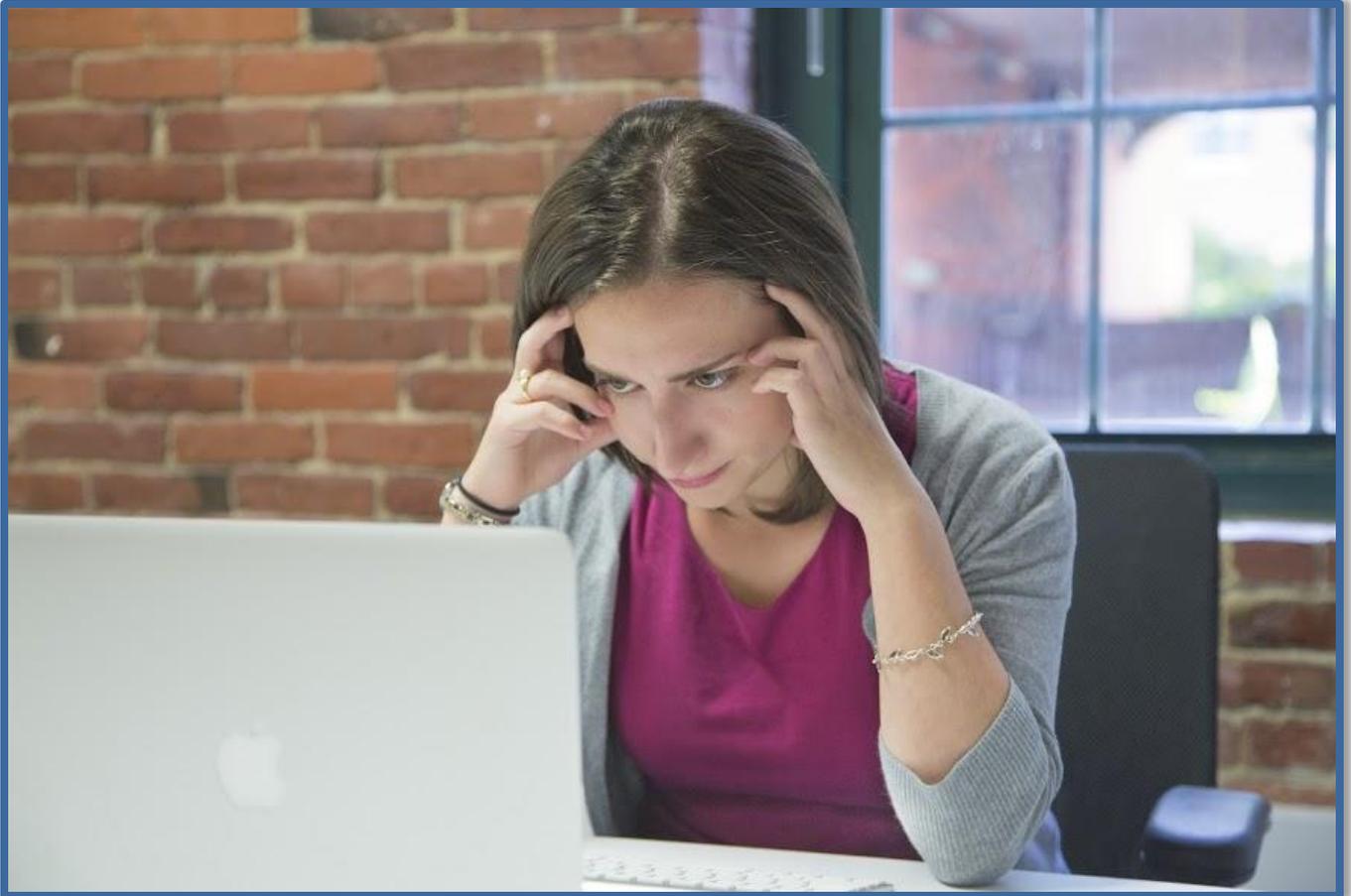


DIVORCE IN CALIFORNIA: HOW DO I START THE PROCESS?

It Is Very Important to Understand Your Legal Rights When You Make the Choice to End Your Marriage



BROWN &
CHARBONNEAU, LLP



The divorce process in California can vary depending upon whether you are eligible for a summary dissolution. In every case, the decisions you make during the divorce process can have a major impact on your financial future and on your ongoing relationship with your children.

It is very important to understand your legal rights when you make the choice to end your marriage. An Irvine, CA divorce attorney can provide you with representation at every step of the divorce process so you can protect your interests, reduce costs and make smart choices.

How to Start the Divorce Process



For most individuals, the best way to start the process of ending a marriage is to speak to an attorney. Your lawyer can explain the different options, including summary dissolution of marriage, annulment, legal separation and divorce. Your attorney can help you to know what you can reasonably expect from a divorce settlement agreement as far as custody and financial decisions. Your lawyer can also advise you on the right strategic approach to take to protect yourself during the divorce.

When you have spoken to an attorney and decided to go ahead with divorce, the next key step is to determine if a summary dissolution is an option. A summary dissolution is a faster and a simpler way to end a marriage, but it is possible only

under limited circumstances. You can qualify for a summary dissolution of marriage if the following criteria are met:

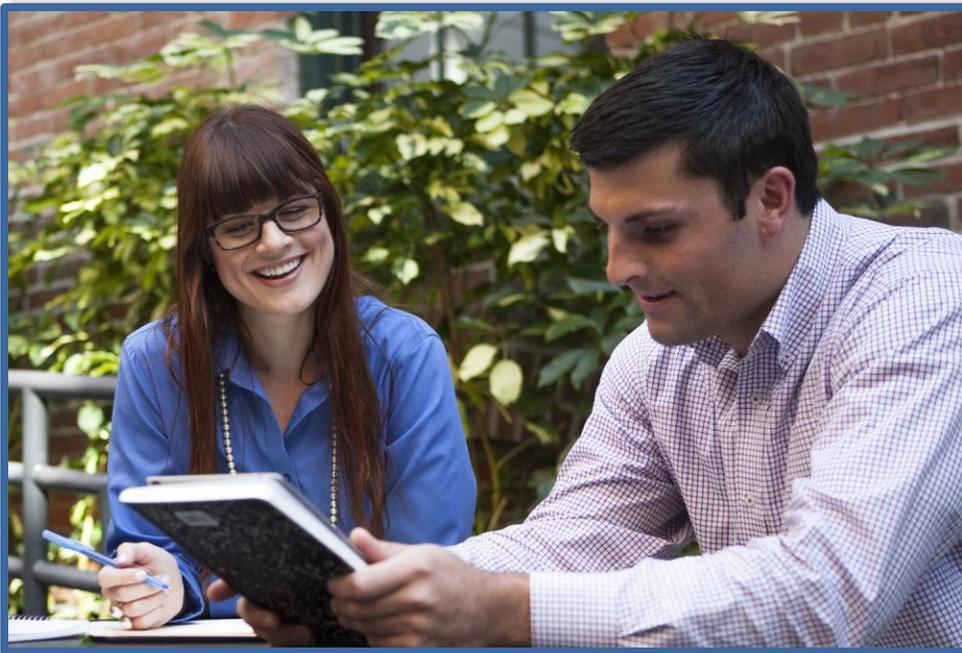
- One or both spouses has been a California resident for six months prior to divorce.
- The marriage has not lasted for more than five years.
- You and your spouse have no shared children, including kids you have adopted together.
- You are not currently expecting a child with your spouse.
- You do not own any land or buildings nor do you have a partial ownership share in land or buildings.
- You do not rent any land or buildings outside of your primary residence, and you are not currently renting your primary residence with an option to buy.
- During the marriage, you have not acquired \$6,000 or more in debt.
- During the marriage, you have not acquired \$40,000 or more in property or assets.
- Neither spouse has more than \$40,000 in separate property.
- There is no request for spousal support.
- You and your spouse have come to an agreement on how assets and debts will be divided.

If you qualify for summary dissolution of marriage, the divorce process begins when you and your spouse file a joint petition with the clerk of the court in the area where you live. There are worksheets and paperwork that must be filed, including financial worksheets, and you must provide information on the negotiated divorce settlement when you file with the court clerk.

Provided that all paperwork is correctly completed and you meet the criteria for a summary dissolution, there is no requirement that you attend a hearing or go to court. Your marriage can be dissolved when Form FL-825 is signed by a judge.

Standard Divorce Process

Not everyone qualifies for a summary dissolution of marriage. If you do not, then the



divorce process can be more complicated.

The process will begin when one spouse files a petition for the divorce. Because California is a *no fault* divorce state,

the spouse who files the petition does not need to state a specific reason why the marriage is ending, such as adultery. It is sufficient to state that the marriage must be dissolved due to irreconcilable differences that have resulted in the marriage being irretrievably broken.

After the initial petition has been filed, the other spouse will be served notice and will have a deadline by which he or she must respond. The spouse who receives the papers cannot stop the divorce from going forward simply by a failure to respond.

When one spouse wants the marriage to end, there is nothing the other party can do even if he or she wishes to stay married. A failure to respond to the divorce forms when served will simply result in the case going forward without the non-responsive spouse making arguments to the judge on his or her own behalf.

Financial information must be exchanged among the parties after the divorce forms have been filed, and a settlement agreement must be reached that resolves the issues of custody, spousal support, and asset and debt division. A child support worksheet must also be completed and a standard formula is used to determine the amount of support that will be due from the non-custodial parent.

Even in a standard divorce, it can be faster and easier for a couple to negotiate a divorce settlement outside of court. The settlement can become a final



judgment and the marriage is dissolved when it is presented to the judge, often without going to court. However, if the spouses cannot agree on the issues, a hearing or trial will be necessary so the judge can decide what is best.

An experienced attorney can represent clients during a summary dissolution or a standard divorce. Call an Irvine divorce lawyer as soon as possible for help.

About Brown & Charbonneau, LLP



At Brown & Charbonneau, LLP, we offer our clients the experience and resources of a large firm, combined with the personal, attentive client service of a smaller “boutique” law firm. Whether you need help with a business dispute, divorce or family law problems, or are dealing with employment law issues or any other complex legal problem, we will give you the time and attention you need to fully explore your legal options. We will work with you to find a solution that works for you.

Our firm’s founding partners and associates have over 75 years combined experience working in their respective practice areas. We offer clients:

- Attorneys with extensive trial experience
- The services of a certified trial specialist
- Award-winning lawyers with real-world business experience
- Competitive rates and a focus on cost-effective legal solutions
- Spanish language services
- Evening & weekend hours by appointment
- Free initial consultations for personal injury cases

In every case we handle, our focus is on finding solutions that work for our clients. Our versatile practice is equipped to meet this objective, whether through transactional law, negotiation, or trial advocacy.

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