

The Process of Divorce in

California



KAREN CLINE

707-578-6742 | www.kclinelaw.com

WELCOME

The area of family law can be complicated and overwhelming to families that are taking the step to dissolve the marriage. For the last 18 years out of my 28 years of being an attorney I have focused my practice on family law and helping families unwind their resources and establish workable arrangements for the timeshare of their children. My goal is to mediate a fair agreement in consideration of the concerns of both parties.

You will see from reading the following pages that resolving your differences in steps helps take the stress and fear of the unknown out of the process. My legal assistance in reaching agreements and in the completion of your paperwork in a timely manner with full compliance of the laws in California will save you in time and the attorney fees that could be incurred outside of the mediation process. Lengthy and unnecessary delays in the legal process caused by mistakes or arguing between the parties can be eliminated by using my services as a mediator.

My knowledge and experience in family law will assist me in helping you resolve your differences and reach an agreement that both parties can live with in the future. You can avoid the legal battles in Court and decisions made by a Judge by opting to mediate your case. I will work to understand the viewpoints of both parties so that you are satisfied with the terms of your agreement which will become the final Judgment in your case.

You may contact me via phone or email to discuss mediation as an option for you.



Karen Cline

Attorney at Law

707-578-6742

kclinelaw@live.com

www.kclinelaw.com

Law Offices of Karen Cline

703 2nd Street, Suite 302

Santa Rosa, California 95404



KAREN CLINE

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Divorce is a difficult process for anyone, but it is made even more so when you do not know what to expect. It is bad enough to be faced with starting your life over and making new decisions about your children and your living arrangements, but if you are also anxious about the process of divorce, the transition can be extremely difficult. This is why it is so important to gain an understanding of that process and have some idea on what steps are needed to move from being part of a married couple to being single. If you live in California and are about to embark on the transition of divorce, here is what you need to know:

Step One:

California divorces occur in four steps. It begins with the initial filing of the paperwork. This requires one spouse to file for divorce by filling out two basic court forms: the **Petition** and the **Summons**. These forms are filed with the court and then served to the non-filing spouse. Once served, he or she has the option of also filing paperwork called a Response. This form is practically identical to the Petition.



The filing spouse is considered the petitioner and the non-filing spouse is called the respondent. Once the petition is served, a six-month waiting period to divorce begins. The final divorce decree will not occur until at least six months after the waiting period begins, which is actually a bit shorter than some other states that require a one to two year wait.

Step Two:

The second step in the California divorce process is **financial disclosure**. This is when each spouse discloses information about debt, assets, property rights, income and expenses. Full disclosure must occur in order for the courts to determine how to manage these financial aspects of the divorce. California will not grant a divorce unless the parties have exchanged financial disclosure and the state levies penalties in instances when spouses fail to disclose completely. This step also includes each

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spouse outlining his or her position concerning whether the assets and debts are separate or community property.

This step often includes a great deal of debate and haggling. Even in divorces that are not otherwise contentious, there can be disagreements regarding finances. Ideally, both spouses will be completely upfront about both debts and assets, so the transition from marriage to divorce will run as smoothly as possible.

Step Three:

The third step in the California divorce process is the **negotiation and hearing** stage. This is when the divorcing spouses and their attorneys negotiate in an attempt to reach a divorce settlement on their own.

This step can also include a discovery phase if either party believes the other spouse is withholding information. If spouses are unable to come to an agreement on their own, the court has the right to intervene through motions and hearings.

Motions and hearings often focus on spousal support, child support, custody, visitation rights and the division of property. By resolving these issues out of court, divorcing spouses save time, money and frustration, and they remain in complete control of the outcome. Ideally, litigation is a last resort during a divorce.



Step Four:

The final stage of a California divorce is the **resolution and judgment**. This is the point at which the divorce becomes final in the eyes of the court. Once an agreement is reached, either through agreement from the couple or through litigation, it is put into writing and submitted to the court for approval. The agreement will include details about custody arrangements, visitation, allocation of debt and assets, and any other information discussed during the proceedings.

It is important for couples to remember that regardless of how betrayed or angry they might be with their spouse, settling the divorce without litigation is always beneficial.

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Aside from the money it saves, it is also less traumatic for the children and it ensures the couple remains in control of the issues. For instance, when litigation is used to settle custody and visitation issues, parents are given very little say in what they want for their child. The court determines what is best, which often results in a losing situation for the entire family.

It is possible to modify a divorce settlement in the future. If someone moves or changes jobs it can affect custody, visitation and financial support issues. Do not assume that because something is currently set in stone, it will be that way for ever. Spousal support can also be a temporary arrangement, based on the education and career aspirations of the supported spouse among other factors.



It is also important to remember that every marriage, and therefore every divorce, is different. General laws govern the divorce process in California, but every the specifics of every situation is different. This is why it is so important to work with an experienced divorce attorney who understands state laws and is also fully aware of the details of your situation.

If you are considering divorce or you would like to speak with someone about representation during your divorce process, contact Karen Cline. Karen has been working with North Bay families since 1987 to help them through the difficult transition from marriage to divorce. As a compassionate divorce lawyer, Karen puts the decision-making power in the hands of her clients. She makes every effort to reach agreements as a preferred resolution rather than taking the matter to trial. If you would like to schedule an appointment with Karen, contact her at 707-578-6742 or by email at kclinelaw@live.com.

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