



Weathering the Storm: Getting Through the 7 Key Stages of a California Divorce

When you're planning to file for divorce, it's important to know what you can expect from the whole process. No two divorces are the same: some couples might find a more cooperative resolution to their concerns in mediation or arbitration, for instance, while others take their divorce issues all the way to trial. To help you prepare for the weeks and months to come, take a look at the general stages you'll follow throughout a divorce in California .

Stage 1: Planning and Collecting Information

You may want to take care of a few things before you officially file for divorce and even before you break the news to your spouse. It's important to protect your information and confidentiality by changing your passwords and collecting your personal documents (such as your birth certificate and passport) for safe keeping outside of your shared residence. You'll want to copy documents like tax returns, bank account statements, and others for future reference. They'll be necessary when the time comes to divide your assets. For the same reason, you may want to take inventory of your household items using pictures or video. It's also a good idea to check your credit report and open a new credit card in case of emergency, if needed.

Stage 2: Breaking the News

You should strongly consider talking to your spouse about your intentions to divorce beforehand, rather than blindsiding them with a pile of forms. It's generally thought to be better for the whole divorce process, especially when you have children. If your safety is a concern, however, you should contact a domestic violence counselor and a lawyer immediately to seek advice on how you should approach the situation.

If you believe it's possible, you should make every effort to cooperate with your spouse about the terms of your divorce. It may be difficult to agree on every point, but if you can work things out in mediation, you'll save yourself an expensive and time-consuming court process. Mediation is not an option for everyone, but try to focus on making an arrangement that works for both of you.

Stage 3: Filing for Divorce

To file for divorce, you must be a California resident, and you must file in your county of residence. You will file your papers at your local courthouse and pay a mandatory filing fee.

The California divorce process begins with a Summons form (FL-110) and a Petition form (FL-100). The Summons lets your spouse know the divorce request has been filed and provides a set of standard rules that you must both follow. These rules prohibit you both from removing your children from California, making changes to your insurance, concealing or transferring property, and more, so make sure you understand them completely.

The Petition is the actual request for divorce. It contains a list of information about your residency, dates and statistics about your marriage, and your stance on divorce issues like children, spousal support, property division, and others. Another mandatory form (FL-105) requires you to declare the history of your children's residency from the past five years.

Stage 4: The Response

After filing, the next step is to serve copies of the divorce documents to your spouse. While you can ask a friend or relative to serve the papers, you may want to use the local sheriff's office, a licensed process server, or a lawyer to make sure everything is done correctly. Your spouse will have an opportunity to work out the terms with you, provide a response with their side of the story, or leave the decision up to a judge.

Once your spouse has been properly served, they have 30 calendar days to file a Response form (FL-120). The service also begins the minimum waiting period of six months and a day, after which your marriage can

officially be dissolved. Similar to the Petition, the Response lists important information pertinent to your residency and marriage. Your spouse will also have an opportunity to state their feelings about divorce issues like child custody, property division, and others.

Stage 5: Disclosures and Discovery

This stage involves gathering information that you will use to support your arguments in court. You will first have to disclose your finances, listing all assets, income, debts, and expenses, as well as information about ownership and their estimated value. You might have to provide paycheck stubs, bank account statements, tax returns, credit card statements, and more. You must make your financial disclosures in order to fairly divide property and finalize the divorce.

The discovery method allows you to formally obtain information relevant to your divorce. You might use it to request important documents, answers to specific questions, and more. Unlike the disclosure period, it's not a mandatory step in the divorce process, and you may skip it to avoid added stress and expense.

Stage 6: Settlement or Trial

If you wish to avoid a trial, you should discuss a complete settlement to resolve all of the outstanding divorce issues. You can make a detailed agreement outlining your decisions on issues like child custody, visitation, property division, spousal support, and debt allocation. This step will necessarily involve compromise, but it will help you avoid a full trial.

If you cannot settle your case, it will go to trial. The trial is your time to present evidence such as records, photographs, letters, and witness testimony. Each side will argue their case and explain how the law supports their argument.

Stage 7: Court Approval and Final Actions

Once the judge has heard enough from both sides, he or she will review and approve a judgment outlining the terms of your divorce. This stage can

take weeks or even months, but once you receive your signed judgment, your divorce will become official. You'll want to take note of any orders included in the judgment, which may require you to refinance property, close joint bank accounts, or change vehicle titles, to name a few examples.

After your divorce has been finalized, you can take steps to change your name and reconfigure your estate plan. It's a good idea to change your will, make new powers of attorney, and name a guardian for your minor children. If you've had a lawyer assisting you throughout the divorce process, he or she can also advise you on the wisest estate planning steps.

The best way to prepare for a divorce, and see it through from beginning to end, is to get professional assistance from a trustworthy lawyer. Attorney James Carroll of the Carroll Law Office can provide you with sharp advice tailored to your personal needs. Contact us at 707-536-1156 and we will work to help you achieve the best possible resolution to your divorce issues