SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

FAMILY LAW CASE RESOURCE INFORMATION

Family law cases include dissolution of marriage (divorce) or domestic partnership, legal separation, annulment of marriage (nullity), paternity, and domestic violence. Detailed information about each type of family law case can be found on the court's website www.sdcourt.ca.gov, and the California Judicial Council website www.ca.courts.gov. Among other information, these websites provide answers to frequently asked questions, terms and definitions used in family law cases, forms with step-by-step instructions, local rules, California Rules of Court, and information on where to find help. The attached Legal Steps for a Divorce (Dissolution) (JC Form #FL-107-INFO) provides an overview of the legal steps for a divorce, important notices, statewide resources, and services available at all California courts. The following topics contain general information specific to the San Diego family court.

SELF-REPRESENTED LITIGANTS (SRL)

Individuals who want to represent themselves may get help through the Family Law Facilitator's Office which is located at every division of the court. The facilitators provide both one-on-one services and group workshops. The services are free but they are offered on a first-come, first-served basis. You must sign-in at the courthouse the day you want to meet with the facilitator. Sign-in time is generally at 7:30 a.m. but varies among the different court locations. Workshops are by appointment only. The court's website under "Self Help Services" provides specific times, dates, places, telephone numbers, and services provided by the Facilitator's Office.

Procedural Assistance: If you do not have an attorney, you can get help with filling out forms, filing documents, serving papers, and other similar procedural assistance from the Family Law Facilitator's Office as discussed above.

LOCAL RESOURCES

Legal Advice: If you want to consult with or hire an attorney but do not know anyone, you can contact the San Diego County Bar Lawyer Referral Service at www.sdcba.org or (800) 464-1529. The Bar Association's referral service will provide you the names of licensed family law attorneys which you can then contact to possibly represent you. While there is no charge for the referral assistance itself, legal representation by these attorneys will be at their individual rates. If you would like to be represented by an attorney but cannot afford one, you can contact the Legal Aid Society at www.lassd.org or (877) 534-2524, or the San Diego Volunteer Lawyer Program at www.sdvlp.org or (619) 235-5656, to inquire into the availability of low cost or free services.

Settlement Opportunities:

- ***Child Custody*:** Before any court order can be made on a dispute over child custody and visitation, the parties must participate in a child custody recommending counseling session with a court counselor from Family Court Services (FCS), or stipulate to private mediation at the parties' expense. The FCS session allows both parents to work together toward a mutually acceptable agreement which is in the best interest of the children. For additional information, view the *Family Court Services Orientation Video* available on the court's website www.sdcourt.ca.gov.

- ***Before Trial*:** Before any trial, the parties will generally be required to participate in a mandatory settlement conference (MSC) with a qualified family law attorney appointed by the court. The appointed attorney is often called a "settlement judge," but he or she cannot make any rulings or orders. The purpose of the MSC is to informally discuss the disputed issues and facts in your particular case with a neutral third party. The settlement judge may offer his or her legal perspective on the areas of disagreement and suggest a fair and equitable resolution. The goal of the MSC is to reach a signed settlement agreement on some or all of the disputes without going through a time-consuming and expensive trial. There is no charge for the settlement conference.

- ***Private Resources*:** Mediation, collaborative law, and other types of settlement resolutions are also available from any number of private businesses at the parties' own cost. The court does not provide a list of these outside resources, nor does it endorse any private business.

LOCAL RESOURCES, *continued*:

Domestic Violence Victim Services: Domestic violence clinics are located in each of the branch courts. The downtown clinic is in the Madge Bradley court located at 1409 4th Avenue and not in the Family Court located at 1555 6th Avenue. These clinics are staffed by volunteer lawyers and provide free assistance in the preparation of forms required to obtain a restraining order. The Family Law Facilitator's Office in each branch court also provides help in preparing papers for a restraining order. Comprehensive information about domestic violence is on the court's website including forms, a domestic violence hotline and local shelters.

FAMILY CENTERED CASE RESOLUTION CONFERENCE (FRC) & STATUS CONFERENCE (STC)

A Family Centered Case Resolution Conference (FRC) is a less formal hearing at which the parties, their attorneys, and a judicial officer work together to develop a case resolution plan for managing the case and resolving issues as quickly, fairly, and efficiently as possible. A Status Conference (STC) is similar to an FRC except it is set in cases with two self-represented litigants. Initially the self-represented litigants meet with a family law facilitator and then, if necessary, with a judicial officer.

The court sets the initial FRC or STC. A request for a conference earlier than or in addition to the conference set by the court can be made by ex parte application. Information regarding ex parte applications and procedures is on the court's website under the "Family Law Rules."

PERSONAL CONTACT INFORMATION

You must keep the court informed of your current mailing address and telephone number by promptly filing a Notice of Change of Address or Other Contact Information (JC Form #MC-040). The form is available online or in the court's business office.

DISCLAIMER:

This information sheet is intended to provide general information for litigants in family law cases. It may not include all information that is legally required, is not legal advice, and it should not be used as a substitute for legal advice from an attorney licensed by the State Bar of California. If you have any questions about your legal rights, you should talk to an attorney.

With the exception of the San Diego Superior Court's website, the San Diego Superior Court does not control or maintain the websites referred to on this information sheet and cannot be responsible for the accuracy of the information or content they contain. In addition, the content of a website may change, and the court would not necessarily be made aware of the change. When you access one of these websites, you are subject to the terms of use and privacy policies of that website.

FL-107-INFO Legal Steps for a Divorce (Dissolution)

STEP 1. File Forms

- The **petitioner** (the person who files the first divorce forms with the court) fills out and files at least a *Petition—Marriage* (Form FL-100) and a *Summons* (Form FL-110) and, if there are children in the marriage, Form FL-105.
- The **clerk** will stamp and return copies to the petitioner.
- The forms needed to start a divorce, as well as information about filing fees and fee waivers, are available at "Filing Your Case," at http://courts.ca.gov/selfhelp-divorcesteps.htm.

STEP 2. Serve the Forms

- **Someone 18 or older**—not the petitioner—serves the spouse (called *the **respondent***) with all the forms from Step 1 plus a blank *Response—Marriage* (Form FL-120) and files with the court a proof-of-service form, such as *Proof of Service of Summons* (Form FL-115), telling when and how the respondent was served. (To *serve* means "to give in the proper legal way.") See "Serving Your First Set of Court Forms" at http://courts.ca.gov/selfhelp-divorcesteps.htm for more information.
- The **petitioner** must wait 30 days after Step 2 is complete before continuing the divorce.
- The **respondent** has these 30 days to file and serve a *Response.*

STEP 3. Disclose Financial Information

- The **petitioner** must fill out a *Declaration of Disclosure* (Form FL-140), an *Income and Expense Declaration* (Form FL-150), and a *Schedule of Assets and Debts* (Form FL-142) and have them served on his or her spouse.
- If the **respondent** files a *Response*, he or she must also complete and serve the disclosure documents listed in step 3.
- The **petitioner** and the **respondent** each then file a *Declaration Regarding Service* (Form FL-141) with the court saying they did this. If the respondent does not give petitioner these papers, the petitioner can still finish the case without them. Read the information on "Fill Out Your Financial Declaration of Disclosure Forms" at http://courts.ca.gov/selfhelp-divorcesteps.htm .

STEP 4. Finish the Divorce Case in One of Four Ways

Respondent does not file a *Response* (called "default")

No *Response* and NO written agreement: Petitioner waits 30 days after step 2 is complete and prepares a proposed *Judgment* (Form FL-180), together with all other needed forms. See "True Default Case" at http://courts.ca.gov/selfhelp-divorcesteps.htm for more information.

No *Response* WITH agreement: Petitioner attaches the signed and notarized agreement to the proposed *Judgment* (Form FL-180), together with all other needed forms. See "Default Case with Written Agreement" at http://courts.ca.gov/selfhelp-divorcesteps.htm for more information.

Respondent files a *Response*

***Response* AND agreement:** Either party files *Appearance, Stipulations, and Waivers* (Form FL-130) and the proposed *Judgment* (Form FL-180) with written agreement attached and other needed forms. See "Uncontested Case" at http://courts.ca.gov/selfhelp-divorcesteps.htm for more information.

***Response* and NO agreement:** The court may try to help the parties reach an agreement. Otherwise, parties must go to trial. See "Contested Case" at http://courts.ca.gov/selfhelp-divorcesteps.htm for more information.

IMPORTANT NOTICES

- The earliest you can be divorced is six months and one day from the date the respondent (1) was served, (2) filed a *Response—Marriage* (Form FL-120), or (3) filed an *Appearance, Stipulations, and Waivers* (Form FL-130). You must complete step 4 to get your divorce. You are NOT divorced until you receive a *Judgment* signed by the court.
- If you need court orders for child support, custody, parenting time (visitation), spousal support, restraining orders, or other issues before the divorce is final, you can file a *Request for Order* (Form FL-300) asking for temporary orders. See "Request for Order Information" at http://courts.ca.gov/selfhelp-divorcerequests.htm for more information.
- You must keep the court and the other party informed of your mailing address. File *Notice of Change of Address* (Form MC-040) to tell the court if you have moved.

Ways to resolve divorce cases out of court

You may prefer to resolve some or all of the issues in your divorce without having the court decide for you. You and your spouse can put your agreement in writing and file it in your divorce case. But your agreement must follow all legal requirements. There are several ways you can get help.

Court Services (free):

- **Family Court Services**. Provide mandatory mediation or child custody recommending counseling to parents who are unable to agree on child custody and parenting issues. They cannot help with financial issues.
- **Family Law Facilitators and Self-Help Centers**. Can provide samples of agreements and other information and, in some cases, help with mediation.
- **Settlement Conferences**. An informal process in which a judge or an experienced lawyer meets with the parties and their lawyers to discuss the case and their positions and suggests a resolution. The parties can either agree to that suggestion or use it to help in further negotiations.

Private services (which you can hire to help you resolve your case):

- **Lawyers.** A professional who can help work out agreements between the parties and represent you at court hearings and trials.
- **Mediators.** A lawyer or counselor who helps the parties communicate to explore options and reach a mutually acceptable resolution.
- **Collaborative Lawyers.** Lawyers who represent each party but do not go to court. They try to reach an agreement. If court is necessary, the parties must hire new lawyers.

For more information about these services, see www.courts.ca.gov/selfhelp-adr.htm.

Where can I get help?

This information sheet gives you only basic information on the divorce and is not legal advice. If you want legal advice, ask a lawyer for help. You may also:

- Contact the family law facilitator or self-help center in your court for information, court forms, and referrals to local legal resources.
- Find a lawyer through your local bar association, the State Bar of California at *http://calbar.ca.gov*, or the State Bar's Lawyer Referral Services at 866-442-2529 (toll-free).
- Hire a private mediator. Contact your local bar association, court Alternative Dispute Resolution (ADR) program, or Family Court Services for a referral.
- Find information on the California Courts Online Self-Help Center website: *www.courts.ca.gov/selfhelp*.
- Find free and low-cost legal help (if you qualify) at *www.lawhelpcalifornia.org*.
- Find information at your local law library or public library.

What if there is domestic violence or a restraining order?

If there is domestic violence or a protective or restraining order, talk to a lawyer, counselor, or mediator before making agreements.

For domestic violence help, call the National Domestic Violence Hotline: 800-799-7233; TDD: 800-787-3224; or 211 (if available in your area).

Remember - The earliest you can be divorced is six months after you serve the divorce papers. AND, to be divorced, you MUST have a divorce judgment signed by a Judge. You have to finish Step 4 (see other side) to be divorced.

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