



**SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE
SELF-HELP CENTER
www.occourts.org**

**HOW TO START A DIVORCE,
SEPARATION, OR NULLITY CASE**

Description:

This workshop is for people wanting to file for divorce, legal separation or nullity. The workshop will educate you about the laws and procedures that will affect your case and assist you in preparing all of the necessary paperwork to start your case. It is the first of three (3) workshops which will take you through the process from filing the petition through getting your judgment.

When & Where:

Central Justice Center
Self Help Center, 1st Fl., Rm. G-100
700 Civic Center Drive West
Santa Ana, CA 92701

North Justice Center
Self Help Center, 3rd Floor, Room 355
1275 N. Berkeley Avenue
Fullerton, CA 92832

Every Tuesday at 12:00 p.m., except holidays
Check-in closes at 12:15 p.m.

Every Tuesday at 12:00 p.m., except holidays
Check-in closes at 12:15 p.m.

- Please arrive on-time as seating is limited and services are provided on a first-come, first-served basis. Only the first ten (10) people will be admitted.
- Please plan to be at the courthouse for up to 4 hours to allow for the workshop and for processing your paperwork.
- Children are not permitted in the workshop.

What to Bring:

- Completed **WORKSHOP REGISTRATION PACKET** (this packet)
- Child Support and/or Domestic Violence Court Case Numbers (if applicable)
- A black pen

* Workshop Presenters will not give legal advice *



REGISTRATION PACKET

DIVORCE, SEPARATION, OR NULLITY OF A MARRIAGE OR DOMESTIC PARTNERSHIP– Part 1

INFORMATION ABOUT YOU AND YOUR SPOUSE / DOMESTIC PARTNER

Your full name:

First name

Middle name

Last name

Your Spouse's or Domestic Partner's full name:

First name

Middle name

Last name

Date of Marriage or Date of Registration of Domestic Partnership _____

Date of Separation: _____

Place of Marriage or Domestic Partnership Was Established: _____

City

State

Country

Your current address: _____

A phone number where the Self-Help Center Staff can contact you _____

Have you lived in California for the past six (6) months? [] Yes [] No

And in Orange County for the past three (3) months? [] Yes [] No

Your Spouse's current address: _____

Has your spouse lived in California for the past six (6) months? [] Yes [] No

And in Orange County for the past three (3) months? [] Yes [] No

Have you, or your minor children, been involved in other court actions with this person?

Divorce [] No [] Yes (Case # and County _____)

Domestic Violence [] No [] Yes (Case # and County _____)

Juvenile Court [] No [] Yes (Case # and County _____)

Child Support [] No [] Yes (Case # and County _____)

Adoption [] No [] Yes (Case # and County _____)

Guardianship [] No [] Yes (Case # and County _____)

Other [] No [] Yes (Case # and County _____)

INFORMATION ABOUT YOUR CHILDREN WITH YOUR SPOUSE

How many minor children are involved in this case? _____

Is there a child who is not yet born? [] Yes [] No

Have your children always lived together with their brothers / sisters? [] Yes [] No

If no, then use the *Other Children's Addresses* section below to show where your other child(ren) have lived.

Where did each child live for the past FIVE years?

Child #1

Child's name			Place of birth	Date of birth	Sex
Period of residence		Address	Person child lived with (<i>name and present address</i>)		Relationship
	to	NOW			
	to				
	to				
	to				
	to				

Child #2

Child's name	Place of birth	Date of birth	Sex
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Child #3

Child's name	Place of birth	Date of birth	Sex
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Child #4

Child's name	Place of birth	Date of birth	Sex
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Other Children's Addresses

Child's name			Place of birth	Date of birth	Sex
Period of residence		Address	Person child lived with (<i>name and present address</i>)		Relationship
	to	NOW			
	to				
	to				
	to				
	to				

INFORMATION ABOUT YOUR PROPERTY

Description of Assets	Date Acquired (Before Marriage, During Marriage or After Separation)
1. Real Estate. <i>(List street address)</i>	
2. Household Furniture, Furnishings, and Appliances. <i>(specify)</i>	
3. Jewelry, Antiques, Art, Coin Collections, etc... <i>(specify)</i>	
4. Vehicles, Boats, Trailers. <i>(List year, make and model)</i>	
5. Savings Accounts. <i>(List each account name, account number, bank and branch)</i>	
6. Checking Accounts. <i>(List each account name, account number, bank and branch)</i>	

<p style="text-align: center;">Description of Assets</p>	<p style="text-align: center;">Date Acquired (Before Marriage, During Marriage or After Separation)</p>
<p>7. Credit Union, Other Deposit Accounts. <i>(List each account name, account number, bank and branch)</i></p>	
<p>8. Cash. <i>(Give location)</i></p>	
<p>9. Tax Refund. <i>(List year of tax refund)</i></p>	
<p>10. Life Insurance with cash surrender or loan value. <i>(List name of each policy)</i></p>	
<p>11. Stocks, Bonds, Secured Notes, Mutual Funds, etc... <i>(List name)</i></p>	
<p>12. Retirement and Pensions. <i>(List name of plan)</i></p>	
<p>13. Profit Sharing, Annuities, IRAs, Deferred Compensation. <i>(List name of plan)</i></p>	
<p>14. Accounts Receivable and Unsecured Notes. <i>(List name of accounts)</i></p>	
<p>15. Partnerships and other Business Interests. <i>(List name of business)</i></p>	
<p>16. Other Assets. <i>(specify)</i></p>	
<p>Total Assets</p>	

INFORMATION ABOUT YOUR DEBTS

Description of Debts	Date Incurred (Before Marriage, During Marriage or After Separation)
17. Student Loans. <i>(List name of loan)</i>	
18. Taxes <i>(List year of taxes owed)</i>	
19. Support Arrearages. <i>(List type of support arrearages)</i>	
20. Loans – Unsecured. <i>(Give bank name and loan number)</i>	
21. Credit Cards. <i>(Give creditor's name and account number)</i>	
22. Other Debts. <i>(specify)</i>	
Total Debts	

INFORMATION ABOUT YOUR INCOME

Employment:

(Give information on your current job or, if you're unemployed, your most recent job.)

- a. Employer:
- b. Employer's address:
- c. Employer's phone number:
- d. Occupation:
- e. Date job started:
- f. If unemployed, date job ended:
- g. I work about _____ hours per week.
- h. I get paid \$ _____ gross (before taxes) per month per week per hour

* If you have more than one job, attach an 8½" x 11" piece of paper and list the same information as above for your other jobs.

INFORMATION ABOUT YOUR EXPENSES

The following people live with me:

Name	Age	How this person is related to me? (ex. son)	That person's gross monthly income	Pays some of the household expenses? <input type="checkbox"/> Yes <input type="checkbox"/> No
				<input type="checkbox"/> Yes <input type="checkbox"/> No
				<input type="checkbox"/> Yes <input type="checkbox"/> No
				<input type="checkbox"/> Yes <input type="checkbox"/> No
				<input type="checkbox"/> Yes <input type="checkbox"/> No
				<input type="checkbox"/> Yes <input type="checkbox"/> No

Average monthly expenses: Estimated expenses Actual expenses Proposed Needs

- | | | | |
|---|----------|--|----------|
| a. Home
<input type="checkbox"/> Rent or <input type="checkbox"/> Mortgage | \$ _____ | h. Laundry & cleaning | \$ _____ |
| b. Health care costs not covered by insurance | \$ _____ | i. Clothes | \$ _____ |
| c. Child Care, school expenses | \$ _____ | j. Education | \$ _____ |
| d. Groceries, household supplies | \$ _____ | k. Entertainment, gifts, vacation | \$ _____ |
| e. Eating out | \$ _____ | l. Auto expenses & transportation
(insurance, gas, repairs, bus) | \$ _____ |
| f. Utilities (gas, electric, water, trash) | \$ _____ | m. Insurance (life, accident, etc. do not include auto, home, health) | \$ _____ |
| g. Telephone, cell phone, e-mail | \$ _____ | n. Savings and investments | \$ _____ |
| | | o. Charitable contributions | \$ _____ |
| | | p. Child, spousal support (another marriage) | \$ _____ |
| | | q. Wages/earnings withheld by court order | \$ _____ |
| | | r. Other monthly expenses | \$ _____ |

Installment payments

(List here any loan payments, credit cards, credit accounts, revolving accounts not already listed above)

Name of account	Type of account (i.e. auto loan, credit card, etc.)	Monthly payment amount	Balance	Date of last payment (mo/yr)
		\$ _____	\$ _____	
		\$ _____	\$ _____	
		\$ _____	\$ _____	
		\$ _____	\$ _____	
Total monthly installment payments:		\$ _____		

Monthly Deductions (List each payroll deduction and amount below):

1. Federal Income Tax \$ _____
2. CA State Income Tax \$ _____
3. FICA and Medicare \$ _____
4. CA SDI \$ _____
5. Other Payroll Deductions \$ _____

LEGAL DEFINITIONS

The following general definitions are provided to assist you in your understanding and to aid you in your decision to proceed.

I. Marriage/Divorce

Annulment (or more correctly “nullity of marriage” or “nullity of domestic partnership”) is when a court says your marriage or domestic partnership is NOT legally valid. A marriage or domestic partnership that is incestuous or bigamous is never valid. Other marriages and partnerships can be declared "void" because:

- of force, fraud, or physical or mental incapacity;
- one of the spouses or partners was too young to legally marry or enter into a domestic partnership; or
- one of the spouses or partners was already married or in a registered domestic partnership.

Annulments are very rare. If you ask to have your marriage or domestic partnership annulled, you will have to go to hearing with a judge and prove the grounds (reasons) that you alleged on the Petition.

Divorce (more correctly called “dissolution of marriage” or “dissolution of domestic partnership”) ends your marriage or domestic partnership. After you get divorced, you will be single, and you can marry or become a domestic partner again.

Legal Separation does not end a marriage or domestic partnership. You cannot marry or enter into a partnership with someone else if you are legally separated (and not divorced). A legal separation is for couples that do not want to get divorced but want to live apart and decide on money, property, and parenting issues. Couples sometimes prefer separation for insurance or religious reasons.

California Residency Requirements To file for divorce in California, either you or your spouse must have lived in:

- California for the last 6 months, AND
- The county where you plan to file the divorce for the last 3 months.

If you and your spouse have lived in California for at least 6 months but in different counties for at least 3 months, you can file in either county.

Community Property Community property is everything that a husband and wife or registered domestic partners OWN TOGETHER, even if the property is held only in one spouse’s name.

Community Obligations Community obligations are the debts that a husband and wife or registered domestic partners OWE TOGETHER, even if the debt is held only in one spouse’s name.

Separate Property Separate property is everything that a husband or wife or registered domestic partners OWNS SEPARATELY. In most cases that includes:

- a. anything that you owned before you got married or registered as domestic partners;
- b. anything you earned or received after your separation; and
- c. anything that either of you received, as a gift or by inheritance, at any time.

Separate Obligations Separate obligations are the debts that a husband or wife or registered domestic partners OWE SEPARATELY. In most cases that includes the same categories as Separate Property:

- a. anything that you owed before you got married or registered as domestic partners; or
- b. anything you became indebted for after your separation.

Separation Date The date of separation for divorces or registered domestic partnerships is when one spouse (or both) or one partner (or both) decides that the marriage or partnership is over and takes some actions to show this (like moving out of the house).

II. Child Custody and Visitation

Custodial Parent The parent that has primary care, custody, and control of the child(ren).

Custody Mediation A meeting with a trained, neutral third party who helps the parents try to agree on a parenting plan for their children.

Parenting Plan A detailed custody and visitation agreement that says when the child will be with each parent and how decisions are made. The parenting plan may be developed by the parents, through mediation, with the help of lawyers, or by a judge after a trial or hearing.

Supervised Visitation Visitation between a parent and a child that happens in the presence of another specified adult. The court may order supervised visitation when there has been domestic violence, child abuse, or a threat to take the child out of state.

Child Custody The rights and responsibilities between parents for their child(ren). A parenting plan must describe the legal custody and physical custody that is in the best interest of the children. This term is also often used to describe who the children live with.

Legal Custody A parent's right and responsibility to make decisions about a child's health, education and well-being. There are two types of legal custody orders: joint legal custody and sole legal custody.

Physical Custody Where the children live, who takes care of them, and how much time they spend with each parent. There are two types of physical custody arrangements: primary or sole physical custody and joint or shared physical custody.

Joint Custody A court order that gives both parents legal and physical custody of a child.

Joint Legal Custody A type of court order that allows either or both parents to make important decisions about a child's health, education, and well-being.

Joint Physical Custody A type of court order in which a child spends about the same amount of time living with both parents.

Sole Legal Custody A type of court order in which one parent has the legal authority to make the major decisions affecting the child, such as decisions regarding: health care, education, and religion. If the parents do not agree on a decision about the child, the parent with sole legal custody has the right to make the final decision. "Sole custody" does not give one parent the right to move away with the child without notice to the other parent unless the court order specifically gives that right.

Primary Physical Custody A type of court order in which a child lives with one parent more than the other parent.

III. Child and Spousal Support

Support Order A court order for the support of a child, spouse or domestic partner. A support order can include monetary support; health care; payment of debts; or repayment of court costs and attorney fees, interest, and penalties; and other kinds of support.

- a. **Child Support** Money paid by a parent to help support a child or children.
- b. **Spousal Support** Court-ordered support of a spouse or ex-spouse; sometimes also referred to as "maintenance" or "alimony."

IV. Miscellaneous

Declaration A sworn, written statement that is used as evidence in court. The statement supports or establishes a fact. The person that makes the declaration certifies or declares under penalty of perjury that the statement is true and correct. The person that makes the declaration is called the "declarant." The declarant must sign and date the declaration. The declaration must also say where the declaration was signed or that it was made under the laws of the State of California.

Commissioner A person chosen by the court and given the power to hear and make decisions in certain kinds of legal matters.