

STARTING THE DIVORCE PROCESS

Joint Summary Dissolution (JSD)	Dissolution of Marriage (FDI)
<ul style="list-style-type: none"> • A simpler way to get divorced for married couples and/or registered domestic partners ONLY. 	<ul style="list-style-type: none"> • Petitioner can petition for dissolution of marriage, legal separation (LS), and nullity of marriage and/or domestic partnership.
<ul style="list-style-type: none"> • Legal Grounds for joint petition for divorce: <i>Irreconcilable differences</i> 	<ul style="list-style-type: none"> • Legal Grounds for petition for divorce/LS: <ul style="list-style-type: none"> ▪ <i>Irreconcilable differences</i> ▪ <i>Permanent legal incapacity to make decisions</i> • Legal grounds for nullity of void marriage or DP <u>and</u> nullity of voidable marriage or DP are listed in Petition-Marriage/ Domestic Partnership, FL-100.
<ul style="list-style-type: none"> • Prerequisites to file JSD: <ul style="list-style-type: none"> ▪ Parties agree to the divorce and willing to jointly file the Petition ▪ > 5 years of marriage (from date of marriage (DOM) to date of separate (DOS)) ▪ No children together (born or adopted); not expecting a child at time of filing ▪ Don't own part of land/buildings ▪ Owe >\$6K acquired since DOM (exclude car loans) ▪ Own >\$45K of property DOM (exclude cars) ▪ Separate property is >\$45K (exclude cars) ▪ Parties agree to give up right to spousal support ▪ Have signed agreement dividing property (incl. cars) and debts (OPTIONAL) 	<ul style="list-style-type: none"> • No additional prerequisite to file. For example, a party who was married more or less than 5 years, have minor child(ren) of the relationship or is pregnant at the time of filing can file for divorce. No limitation as to fair market value of parties' community and/or separate property.
<ul style="list-style-type: none"> • Parties must read and understand the Summary Dissolution Information booklet, FL-810. 	<ul style="list-style-type: none"> • Not required to start the case.
<ul style="list-style-type: none"> • Parties waive the following rights/ orders: <ul style="list-style-type: none"> ▪ Child custody and visitation (CC/V) 	<ul style="list-style-type: none"> • Parties <u>can</u> request for the following orders: <ul style="list-style-type: none"> ▪ CC/V*

<ul style="list-style-type: none"> ▪ Child support (CS) ▪ Spousal support (SS) ▪ Appeal or Trial 	<ul style="list-style-type: none"> ▪ CS ▪ SS ▪ Division of community property ▪ Attorney fees ▪ Trial/Appeal <p>* If any minor children were born <i>before</i> the marriage or DP, the court has the authority to determine the children to be children of marriage or DP.</p>
<ul style="list-style-type: none"> • Required to complete and exchange Income & Expense Declaration, FL-150 	<ul style="list-style-type: none"> • Not required to start the case.
<ul style="list-style-type: none"> • Must comply with preliminary disclosure requirements by completing and exchanging financial disclosures before filing JSD: <ul style="list-style-type: none"> ▪ worksheets on pages 7.9. and 11 of FL-810 OR ▪ Declaration of Disclosure, FL-140, Schedule of Assets and Debts, FL-142, or Property Declaration, FL-160 	<ul style="list-style-type: none"> • Not required to start the case.
<ul style="list-style-type: none"> • Required to exchange tax returns in the last two (2) years before filing. 	<ul style="list-style-type: none"> • Not required to start the case.
<ul style="list-style-type: none"> • Parties agree/stipulate that the matter may be determined by a commissioner sitting as a temporary judge. 	<ul style="list-style-type: none"> • Stipulation not required at the time of filing the Petition.
<ul style="list-style-type: none"> • Both parties must list a mailing address. 	<ul style="list-style-type: none"> • Only Petitioner needs to list mailing address at time of filing.
<ul style="list-style-type: none"> • Forms required to start the case: <ul style="list-style-type: none"> ▪ Joint Petition for Summary Dissolution, FL-800 ▪ Judgment of Dissolution and Notice of Entry of Judgment, FL-825 ▪ A signed agreement listing division of community assets and/or liabilities (OPTIONAL) 	<ul style="list-style-type: none"> • Forms required to start the case: <ul style="list-style-type: none"> ▪ Summons (Family Law), FL-110 ▪ Petition-Marriage/Domestic Partnership, FL-100 ▪ Notice of Nature of Availability of Alternative Dispute Resolution Methods in FL Matters, SFUFC 11.17 ▪ Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act, FL-105 (if have minor children)
<ul style="list-style-type: none"> • Both parties required to sign under the penalty of perjury that the information on 	<ul style="list-style-type: none"> • Petitioner signs the Petition under penalty perjury (ONLY ONE (1) PETITIONER).

<p>the forms are true and correct (JOINT PETITION).</p>	
<ul style="list-style-type: none"> Judgment of Dissolution mailed to parties on or around six (6) months from filing the Joint Petition. 	<ul style="list-style-type: none"> The court will issue Judgment of Dissolution after part(ies) file all required paperwork to finalize the divorce. The earliest date of judgment is six (6) months and one (1) day from date of service of the Summons to the other party (also called waiting period).
<ul style="list-style-type: none"> A way to dissolve marriage and/or domestic partnership. To file, at least one of the parties must fulfill residency requirement: <ul style="list-style-type: none"> For disso of marriage: three (3) months in county of San Francisco, six (6) months in state of CA. For DP: DP was established in CA but parties are not residents of CA. Neither of the parties live in a place that allow them to get a divorce. Parties may request to restore his/her/their former name. Required to inform the court of any changes to mailing address or phone number by completing the Notice of Change of Address or Other Contact Information, MC-040** Filing fee \$435 or filing part(ies) may file a fee waiver (for JSD, both parties must qualify for fee waiver) At conclusion of case, parties get a divorce judgment. Restores single status. <p>**For JSD, only required if the change occurred within six months from filing the joint petition.</p>	