



The Complete California Divorce Guide

2026 Edition



Fehn
Divorce Mediation



Welcome

If you're reading this guide, you're likely facing one of the most significant transitions of your life. Divorce can bring uncertainty, difficult decisions, and emotions that feel overwhelming. While every family's journey is different, one thing remains true: having the right information can make all the difference.

As a Certified Divorce Mediator and Certified Divorce Specialist with more than 20 years of experience helping people navigate conflict and life-changing decisions, I created this guide to give you the knowledge, confidence, and practical tools you need to understand the California divorce process.

Inside, you'll find a clear, step-by-step explanation of how to file for divorce in California, what forms and documents you'll need, your legal rights and responsibilities, and how to prepare for important decisions involving property, finances, and, if applicable, your children. You'll also discover how divorce mediation can help many couples reach fair, lasting agreements while avoiding the stress, expense, and uncertainty of courtroom litigation.

Remember, divorce is not simply the end of a marriage, it is the beginning of a new chapter.

Wishing you peace, clarity, and hope for the road ahead,

Important: This guide provides general educational information about California divorce procedures and is not legal advice.



Step-by-Step Divorce Process



1. **Confirm residency requirements (6 months in California and 3 months in county).**
2. **File Petition (FL-100) and Summons (FL-110).**
3. **Serve your spouse and file proof of service.**
4. **Exchange preliminary financial disclosures.**
5. **Negotiate agreements or participate in mediation.**
6. **Prepare and submit the judgement package.**
7. **Wait the mandatory six-month period before finalization.**

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Step-by-Step Divorce Process

1. California Divorce Residency Requirements

Can You File for Divorce in California?

Before you can file for divorce in California, you must meet the state's residency requirements. These rules determine whether a California court has the authority to grant your divorce.

The Basic Residency Rule

To file a Petition for Dissolution of Marriage (Divorce) in California, at least one spouse must have:

- **Lived in the State of California for at least six (6) consecutive months** immediately before filing for divorce; **and**
- **Lived in the county where the divorce will be filed for at least three (3) consecutive months** immediately before filing.
- Only one spouse needs to satisfy these residency requirements. It is not necessary for both spouses to be California residents.

Example

If Maria has lived in California for two years and recently moved from Orange County to Los Angeles County two months ago, she cannot yet file for divorce in Los Angeles County because she has not lived there for at least three months. However, if she still qualifies to file in Orange County because she met the residency requirements there before moving, she may be able to file there instead. Otherwise, she will need to wait until she has lived in Los Angeles County for three months.

What If You Recently Moved to California?

If you have lived in California for less than six months, you generally cannot file for a California divorce yet. Depending on your circumstances, you may:

- Wait until you meet California's residency requirements.
- File for divorce in the state where you previously lived if you still qualify there.
- Consult with a family law attorney or mediator to determine the best course of action.

What If You Don't Meet the Residency Requirements?

If you do not yet qualify for a California divorce, you may still be able to file for a Legal Separation. Unlike divorce, California does not require any minimum residency period to file for legal separation. Many couples choose legal separation to:

- Establish temporary custody and parenting schedules.
- Obtain child support or spousal support orders.
- Divide responsibilities for bills and debts.
- Protect financial interests while waiting to qualify for divorce.
- Begin resolving issues through mediation before converting the case to a divorce later.

Once the residency requirements have been met, a legal separation case can often be amended to a divorce case.



Step-by-Step Divorce Process

1. California Divorce Residency Requirements

Can You File for Divorce in California?

Military Families

Special residency rules may apply to members of the United States Armed Forces and their spouses. Generally, a service member stationed in California may be considered a California resident for purposes of filing for divorce even if California is not their permanent home of record. Because military divorces can involve additional legal issues—including military retirement benefits, residency, and jurisdiction—it is advisable to seek legal guidance if either spouse is serving in the military.

Registered Domestic Partners

California's residency requirements may differ for registered domestic partners who are ending their registered domestic partnership. In some situations, registered domestic partners may file in California even if neither partner currently lives in the state, provided the partnership was registered in California.

Residency Checklist

Before filing your divorce, confirm the following:

- ☐ One spouse has lived in California for at least six consecutive months.
- ☐ One spouse has lived in the county where the case will be filed for at least three consecutive months.
- ☐ You have determined the correct county in which to file.
- ☐ You have gathered the information needed to complete your Petition.
- ☐ If you do not meet the residency requirements, you have considered whether legal separation is an appropriate temporary option.

Mediation Tip

Many couples use the waiting period before filing to prepare for mediation. During this time, you can begin gathering financial documents, discussing parenting goals, identifying community and separate property, and developing a plan for the future. Completing this preparation early often results in a smoother, faster, and less stressful divorce process once you become eligible to file.



Step-by-Step Divorce Process

2. Filing Your Divorce Case Petition (FL-100) & Summons (FL-110)

Petition (FL-100) and Summons (FL-110)

Once you have confirmed that you meet California's residency requirements, the next step is to officially begin your divorce by filing two required forms with the Superior Court:

- Petition—Marriage/Domestic Partnership (FL-100)
- Summons (Family Law) (FL-110)

These forms officially open your divorce case and notify both the court and your spouse that you are requesting a dissolution of your marriage. Every divorce case in California begins with these documents. The FL-100 starts the legal process and establishes the issues that will be addressed as your case moves forward.

What Is Form FL-100?

The Petition (FL-100) is one of the most important documents in your divorce. Think of it as your formal request asking the court to dissolve your marriage and identify the issues that will need to be resolved during your divorce. The Petition does not finalize your divorce or decide who receives what. Instead, it tells the court:

- Who you are
- Who your spouse is
- Basic information about your marriage
- Whether you have children together
- What you are asking the court to decide
- The general relief you are requesting

Information You'll Need Before Completing FL-100

Personal Information

- Full legal names
- Current mailing addresses
- Telephone numbers
- Email addresses (if applicable)

Marriage Information

- Date of marriage
- Date of separation (if applicable)
- City and state where you were married

Residency Information

You'll confirm that either you or your spouse has:

- Lived in California for at least six months.
- Lived in the county where you're filing for at least three months.

Minor Children

If you have children under 18 together, you'll identify:

- Number of children, Children's names, Children's birthdates

You will also **complete Form FL-105 (Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act)** to tell the court where your children have lived the previous five years.



Step-by-Step Divorce Process

2. Filing Your Divorce Case Petition (FL-100) & Summons (FL-110)

What Are You Asking the Court to Decide?

You do not list every asset on this form. Detailed financial information comes later through your financial disclosures. One of the most important parts of the Petition is indicating which issues need to be resolved. These may include:

Property Division

You will indicate that there are:

- Community assets
- Separate property
- Community debts

Child Custody

If you have children, the Petition simply notifies the court that custody will need to be addressed. You'll indicate whether you're requesting:

- Legal custody
- Physical custody
- Joint custody
- Sole custody

Child Support

You'll indicate that child support should be determined according to California law. The actual amount is not calculated on the Petition.

Spousal Support

You may request:

- Temporary spousal support
- Long-term spousal support
- Termination of the court's ability to award support

Requesting support on the Petition preserves your right to ask the court to consider it later.

Attorney's Fees

If appropriate, you may request that one spouse contribute toward attorney's fees and costs.

Restoration of Former Name

If you wish to return to your former name after the divorce, you may request it within the Petition. Many people overlook this section and later have to file additional paperwork.

California Is a "No-Fault" Divorce State

California does not require you to prove wrongdoing by your spouse. Most Petitioners select - Irreconcilable Differences. This simply means the marriage has broken down beyond repair. The court is generally not concerned with who caused the divorce. Fault, adultery, or personality conflicts usually do not determine whether a divorce will be granted.



Step-by-Step Divorce Process

2. Filing Your Divorce Case Petition (FL-100) & Summons (FL-110)

What Is Form FL-110?

The Summons (FL-110) accompanies your Petition. Unlike the Petition, which explains what you're asking the court to decide, the Summons serves several important legal purposes: It officially notifies your spouse that a divorce case has been filed. It explains that **the Respondent has 30 calendar days after being served to file a Response (Form FL-120)**. It contains Automatic Temporary Restraining Orders (ATROS), which immediately apply to both spouses once the case is filed and served.

Understanding the Automatic Temporary Restraining Orders (ATROS)

One of the most important parts of the Summons is the Automatic Temporary Restraining Orders (ATROS). Despite the name, these are not domestic violence restraining orders. Instead, they are automatic legal rules designed to preserve the status quo while the divorce is pending. Unless both spouses agree in writing or the court orders otherwise, neither spouse may remove minor children from California. Neither parent may take the children out of California without: Written permission from the other parent, or a court order.

Transfer or Hide Property

Neither spouse may:

- Sell major assets
- Transfer property
- Hide assets
- Give away community property
- Remove the other spouse from financial accounts
- Dispose of valuable property outside the ordinary course of business

Cancel Insurance

These protections help ensure that insurance remains available while the divorce is pending.

Neither spouse may:

- Cancel health insurance
- Cancel automobile insurance
- Cancel life insurance
- Change beneficiaries where prohibited by the ATROS

Create Certain Non-Probate Transfers

The ATROS also restrict certain transfers of property that could affect the other spouse's legal rights after death.



Step-by-Step Divorce Process

2. Filing Your Divorce Case Petition (FL-100) & Summons (FL-110)

Filing Your Forms With the Court

After completing the Petition and Summons:

1. Make copies of all forms.
2. File the originals with the Superior Court in the appropriate county.
3. Pay the filing fee or request a fee waiver if you qualify.
4. The court clerk will assign a case number and return your filed copies.

Your divorce case officially begins once the Petition is filed. However, your spouse must still be formally served before the court can proceed.

Common Mistakes to Avoid

Many first-time filers make avoidable mistakes that delay their case.

Be sure to:

- Double-check names, dates, and addresses.
- Sign and date every required form.
- Request all issues you want the court to address.
- Read the Summons carefully before filing.
- Keep copies of everything you submit.
- Do not forget additional required forms if you have children.

Mediation Tip



If you are pursuing divorce mediation, the Petition and Summons are simply the documents that start your case—they are not a declaration of war. Many couples successfully file these forms, complete their financial disclosures, and then work together in mediation to reach agreements on property, parenting, child support, and spousal support without ever going to trial. Starting the legal process early while committing to mediation often saves time, reduces costs, and gives both spouses greater control over the outcome.



Step-by-Step Divorce Process

3. Serving Your Spouse and Filing Proof of Service

What Does "Serving Your Spouse" Mean?

After filing your **Petition (FL-100)** and **Summons (FL-110)** with the court, the next step is to legally notify your spouse that a divorce case has been filed. This process is called service of process, or simply "service." Serving your spouse is a legal requirement in every California divorce case. It ensures that your spouse receives copies of the filed court documents, understands that a divorce has been initiated, and has the opportunity to respond.

The court cannot move forward with your divorce until your spouse has been properly served and Proof of Service has been filed.

Why Is Service So Important?

California law requires every person to receive proper notice before a court can make decisions affecting their legal rights. If service is not completed correctly, your divorce may be delayed, and you may have to repeat the process.

Proper service:

- Protects your spouse's constitutional right to due process.
- Starts important legal deadlines.
- Gives the court authority (jurisdiction) to proceed.
- Begins the six-month waiting period for divorce once service is completed.

Can I Serve My Spouse Myself?

No. California law does not allow you to personally hand the divorce papers to your spouse. This rule helps ensure that service is impartial and properly documented. Many people choose a professional process server because they are familiar with California's service rules and can complete the required paperwork accurately. The papers must be delivered by someone who:

- Is a trusted friend or family member who is at least 18 years old.
- A registered California process server.
- The county sheriff (available in many counties for a fee).
- Another adult who is not involved in the case.

What Documents Must Be Served?

The person serving your spouse generally delivers copies of the filed documents, which often include:

- Petition – Marriage/Domestic Partnership (FL-100)
- Summons (FL-110)
- Declaration Under UCCJEA (FL-105), if you have minor children
- Blank Response – Marriage/Domestic Partnership (FL-120)
- Blank Declaration Under UCCJEA (FL-105), if applicable
- Any required local court forms

Depending on your county or the circumstances of your case, additional documents may also be included.



Step-by-Step Divorce Process

3. Serving Your Spouse and Filing Proof of Service

Personal Service

Most divorces begin with personal service. This simply means the server personally hands the divorce papers directly to your spouse. The server may say something as simple as: "These are legal documents related to your divorce." Your spouse does not have to:

- Read the papers immediately.
- Sign anything acknowledging receipt.
- Agree with the divorce.
- Accept the documents verbally.

Once the papers are handed to them, service is generally complete.

What If My Spouse Refuses to Take the Papers?

A spouse cannot avoid being served simply by refusing to accept the documents.

If the server clearly identifies your spouse and informs them that the documents are legal papers, the server may leave the papers in your spouse's presence if they refuse to physically take them. Simply refusing service does not stop the divorce process.

What If I Don't Know Where My Spouse Lives?

Sometimes a spouse cannot be located despite reasonable efforts. Before asking the court for alternative service, you should make diligent efforts to locate them, such as:

- Contacting relatives or mutual friends.
- Checking with former employers.
- Reviewing social media.
- Searching public records.
- Looking through online people-search resources.
- Sending correspondence to the last known address.

If those efforts are unsuccessful, you may ask the court for permission to serve by another method, such as publication or posting, depending on your circumstances. These methods require court approval and are generally used only as a last resort.

Filing the Proof of Service

Once your spouse has been served, the person who completed the service must fill out a Proof of Service form. The Proof of Service tells the court:

- Who was served.
- What documents were served.
- The date and time of service.
- The address where service occurred.
- Who completed the service.
- How the documents were delivered.

The server, not the person filing for divorce, signs the Proof of Service under penalty of perjury. You then file the completed Proof of Service with the court. This document becomes part of your official court file and demonstrates that your spouse received proper legal notice.



Step-by-Step Divorce Process

3. Serving Your Spouse and Filing Proof of Service

Why Is Proof of Service So Important?

Without a properly filed Proof of Service, the court cannot proceed toward a final judgment. The Proof of Service establishes several important legal milestones:

- It confirms that your spouse was legally notified.
- It starts your spouse's 30-day period to file a Response (FL-120).
- It allows the court to move forward with the case.
- It marks the date from which California's six-month minimum waiting period for finalizing the divorce is generally measured.

What Happens After My Spouse Is Served?

Once service is complete, your spouse has several options.

They may:

- File a Response with the court within 30 days.
- Work with you through mediation to negotiate a settlement.
- Hire an attorney.
- Choose not to respond, which may allow the case to proceed by default if all legal requirements are met.

A Response does not mean the case is headed to trial. Many couples who both participate in the process still resolve every issue through mediation and submit a complete settlement agreement to the court without appearing before a judge.

Common Mistakes to Avoid

Correct service at the beginning of your case helps prevent delays later in the divorce process. Avoid these common service errors:

- Serving your spouse yourself.
- Using someone under 18 years old.
- Forgetting to include required documents.
- Filing an incomplete or unsigned Proof of Service.
- Waiting too long to complete service after filing.
- Assuming a verbal conversation counts as legal service.
- Failing to keep copies of all filed documents.

Mediation Tip

Service of divorce papers often causes anxiety because many people associate it with conflict. In mediation, however, it can simply be viewed as a legal step required to open the court case. Many couples discuss the filing process in advance, agree on when and how service will occur, and continue working together respectfully throughout the mediation process. Planning this step together can reduce stress and reinforce a cooperative approach from the very beginning.



Step-by-Step Divorce Process

4. Exchanging Preliminary Financial Disclosures

One of the Most Important Steps in a California Divorce

After your divorce case has been filed and your spouse has been served, California law requires both spouses to exchange detailed financial information. This process is known as **Preliminary Financial Disclosures** or the **Preliminary Declaration of Disclosure**. The purpose of these disclosures is to ensure that **both spouses have complete and accurate financial information before making decisions about property division, child support, spousal support, or a settlement agreement**. California law is based on the principle that both parties should negotiate and make decisions with full knowledge of the family's financial situation. Neither spouse is allowed to hide assets, minimize income, or keep financial information from the other. Unlike many court forms, **these documents are generally exchanged directly between the spouses (or their attorneys)** and are **not filed with the court**, except for the Declaration Regarding Service of Declaration of Disclosure (Form FL-141), which confirms that the exchange took place.

Why Are Financial Disclosures Required?

Financial disclosures promote transparency and fairness throughout the divorce process.

They help both spouses:

- Understand the family's complete financial picture.
- Identify community and separate property.
- Determine income available for support.
- Calculate child support and spousal support.
- Value assets and debts.
- Negotiate informed settlement agreements.
- Reduce future disputes over hidden or omitted assets.

A settlement reached without complete financial disclosure can later be challenged or even set aside by the court.

California's Fiduciary Duty Between Spouses

Even though you are divorcing, California law continues to impose a fiduciary duty on spouses until all marital assets and debts have been divided. This means each spouse has a legal obligation to:

- Act honestly and in good faith.
- Provide complete and accurate financial information.
- Disclose all assets and debts.
- Avoid hiding, transferring, or wasting community property.
- Correct any disclosure that later proves inaccurate or incomplete.

Failing to meet these duties can result in significant court sanctions, monetary penalties, or an unequal division of property.



Step-by-Step Divorce Process

4. Exchanging Preliminary Financial Disclosures

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What Forms Are Included in the Preliminary Declaration of Disclosure?

Most couples will prepare several required forms as part of their financial disclosures.

Form FL-140 – Declaration of Disclosure: This form serves as the cover sheet for your financial disclosures. It identifies:

- The forms you are providing.
- Whether additional schedules are attached.
- Whether you are using a Schedule of Assets and Debts (FL-142) or a Property Declaration (FL-160).

Think of FL-140 as a checklist confirming that your complete financial disclosure package has been assembled.

Form FL-142 – Schedule of Assets and Debts

This is one of the most detailed forms in the divorce process. It requires you to list virtually everything you own and owe, including whether each item is community property, separate property, or partly both. Common assets include:

Real Estate

- Family home
- Rental properties
- Vacation homes
- Timeshares
- Vacant land

Financial Accounts

- Checking accounts
- Savings accounts
- Credit union accounts
- Money market accounts
- Certificates of deposit (CDs)



Step-by-Step Divorce Process

Retirement Accounts

- 401(k) and 403(b)
- Pension plans
- IRA and Roth IRA accounts
- Deferred compensation plans

Investments

- Stocks and Bonds
- Mutual funds
- Brokerage accounts
- Cryptocurrency
- Stock options
- Restricted stock units (RSUs)

Business Interests

- Sole proprietorships
- Partnerships
- Limited liability companies (LLCs)
- Corporations
- Professional practices

Vehicles

- Cars and Trucks
- Motorcycles
- Boats
- Recreational vehicles (RVs)

Personal Property

- Jewelry
- Firearms
- Collectibles
- Artwork
- Furniture
- Electronics
- Antiques

Debts

You must also disclose:

- Mortgages
- Vehicle loans
- Student loans
- Credit cards
- Personal loans
- Medical debt
- IRS or Franchise Tax Board obligations
- Home equity lines of credit

4. Exchanging Preliminary Financial Disclosures

Whenever possible, list current balances and estimated fair market values.

Supporting statements help verify the information you provide.



Step-by-Step Divorce Process

4. Exchanging Preliminary Financial Disclosures

Form FL-150 – Income and Expense Declaration

The Income and Expense Declaration provides a snapshot of your current financial circumstances. Be as accurate as possible. If your income varies from month to month, explain why and provide documentation. You will disclose:

Employment Information

- Employer name
- Job title
- Date hired
- Occupation

Income

- Salary or wages
- Overtime
- Bonuses
- Commissions
- Self-employment income
- Rental income
- Pension income
- Social Security benefits
- Disability benefits
- Investment income
- Unemployment benefits
- Any other recurring income

Monthly Expenses

You'll estimate your regular monthly expenses, including:

- Housing
- Utilities
- Groceries
- Transportation
- Insurance
- Medical expenses
- Childcare
- School expenses
- Entertainment
- Debt payments
- Other recurring household costs

Supporting Documentation

The FL-150 is typically accompanied by documents such as:

- Recent pay stubs
- W-2s or 1099s
- Recent federal and state tax returns
- Proof of self-employment income, if applicable

These documents help verify the income reported on the form.



Step-by-Step Divorce Process

4. Exchanging Preliminary Financial Disclosures

The more organized your financial information is, the more efficient your divorce or mediation process.

Additional Documents You Should Gather

Although not all of these documents are attached to the court forms, collecting them early will make the disclosure process much easier. Consider gathering:

Tax Returns

- Federal tax returns (last two years, or more if helpful) and State tax returns

Banking Records

- Checking and Savings account statements
- Credit union statements

Retirement Statements

- 401(k)
- IRA
- Pension statements

Investment Statements

- Brokerage accounts
- Mutual funds
- Cryptocurrency accounts

Employment Records

- Recent pay stubs
- Bonus statements
- Commission reports
- Employment contracts

Business Records (Business Owners, Business Partners)

- Business tax returns
- Profit and loss statements
- Balance sheets
- Payroll records
- Business bank statements
- Buy-sell agreements
- Partnership agreements
- Business valuation reports

Real Estate Records

- Mortgage statements
- Property tax bills
- Appraisals
- Loan balances
- Home equity loan statements

Insurance

- Life insurance policies
- Health insurance
- Disability insurance
- Long-term care insurance



Step-by-Step Divorce Process

4. Exchanging Preliminary Financial Disclosures

In mediation, these disclosures help negotiations be based on facts rather than assumptions.

What Happens After the Financial Disclosures Are Exchanged?

Once both spouses have exchanged their disclosures, they have a much clearer understanding of the family's financial situation.

This information becomes the foundation for discussing:

- Division of community property
- Allocation of debts
- Child support
- Spousal support
- Retirement division
- Business interests
- Tax considerations
- Settlement proposals

Common Mistakes to Avoid:

- Forgetting retirement accounts.
- Omitting stock options or cryptocurrency.
- Underestimating the value of assets.
- Failing to disclose debts.
- Guessing about income without documentation.
- Forgetting business interests.
- Not updating disclosures if financial circumstances change.
- Hiding assets or transferring property after filing.

Remember, honesty and complete disclosure are not only ethical—they are required by California law.

Mediation Tip

One of the greatest advantages of mediation is that financial disclosures become a tool for collaboration rather than conflict. Instead of using financial information to gain leverage over one another, couples work together to fully understand their assets, debts, income, and future financial needs. This transparency helps build trust, encourages productive discussions, and allows spouses to create customized solutions that meet the needs of both parties and their family. Couples who prepare complete and organized financial disclosures often spend less time in mediation, reduce professional fees, and reach agreements more efficiently.



Step-by-Step Divorce Process

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Step-by-Step Divorce Process

5. Negotiate a Settlement Agreement or Participate in Divorce Mediation

Most California Divorces Settle Without Going to Trial

Many people believe that once they file for divorce, they will eventually have to appear before a judge and fight over every issue. In reality, the overwhelming majority of divorce cases in California are resolved through negotiation, mediation, or settlement rather than a trial. After both spouses have exchanged their financial disclosures, they are in a much better position to begin discussing how they want to divide their property, make parenting decisions, and resolve financial issues. At this stage, couples generally have several options:

- Negotiate directly with one another.
- Work through their attorneys.
- Participate in divorce mediation.
- Attend a court settlement conference if necessary.
- Proceed to trial if no agreement can be reached.

What Is Divorce Mediation?

Divorce mediation is a confidential, voluntary process in which a neutral third party—the mediator—helps spouses communicate, identify issues, explore options, and negotiate mutually acceptable agreements. Unlike a judge, the mediator does not make decisions for either spouse. Instead, the mediator guides productive conversations, helps manage conflict, keeps discussions focused, and assists both spouses in developing practical solutions that work for their family. The goal is to help couples reach their own agreements rather than having decisions imposed by the court.

The Mediator's Role

A divorce mediator remains **neutral** throughout the process. The mediator does not:

- Take sides.
- Decide who is right or wrong.
- Represent either spouse.
- Provide legal advice to one party.
- Force anyone to settle.

Instead, the mediator helps both spouses:

- Improve communication.
- Clarify misunderstandings.
- Exchange information.
- Identify priorities.
- Explore settlement options.
- Understand the practical consequences of different decisions.
- Develop creative solutions tailored to their family's needs.

A skilled mediator focuses on problem-solving rather than assigning blame. The more issues resolved together, the less time, money & emotional stress you will experience.



Step-by-Step Divorce Process

5. Negotiate a Settlement Agreement or Participate in Divorce Mediation

Issues Commonly Resolved in Mediation

Every family is different, but mediation frequently addresses the following topics.

Property Division

Couples decide how to divide:

- The family home
- Investment properties
- Bank accounts
- Retirement accounts
- Vehicles
- Furniture and personal belongings
- Businesses
- Stock options
- Cryptocurrency
- Debts and loans

Rather than asking a judge to divide everything, spouses have the flexibility to create customized solutions that fit their financial goals.

Child Custody

Parents work together to develop a parenting plan that addresses:

- Legal custody
- Physical custody
- Parenting schedules and Holidays
- School vacations
- Transportation
- Decision-making responsibilities
- Communication expectations

Instead of a judge determining how children will spend their time, parents remain actively involved in designing a plan that reflects their children's unique needs.

Child Support

Parents review California's child support guidelines while also discussing practical issues such as:

- Health insurance
- Childcare costs
- Extracurricular activities
- Educational expenses
- Uninsured medical costs
- Future financial planning

The goal is to create a clear understanding of each parent's financial responsibilities.



Step-by-Step Divorce Process

5. Negotiate a Settlement Agreement or Participate in Divorce Mediation

Spousal Support

Couples discuss whether spousal support is appropriate and, if so:

- Amount
- Duration
- Payment schedule
- Modification provisions
- Termination events

Understanding each spouse's financial needs and future earning potential often leads to more thoughtful agreements.

Business Interests

If one or both spouses own a business, mediation may address:

- Business valuation
- Buyout options
- Co-ownership after divorce
- Cash-flow planning
- Division of ownership interests
- Tax considerations
- Future management responsibilities

Business-owner divorces often benefit from the collaborative nature of mediation because preserving the value of the business is usually in everyone's best interest.

What Happens During a Mediation Session?

Although every mediator has a unique style, most mediation sessions follow a similar structure.

Step 1: Identify the Issues

The mediator helps both spouses identify the topics that need to be resolved.

Step 2: Gather Information

Financial documents, parenting concerns, and other relevant information are reviewed so everyone is working from the same facts.

Step 3: Discuss Priorities

Each spouse has an opportunity to explain what is most important to them and why. Often, couples discover they share many of the same goals, such as protecting their children, preserving financial stability, and avoiding unnecessary conflict.

Step 4: Explore Options

The mediator helps generate possible solutions.

Rather than focusing on positions ("I want the house"), the discussion often shifts to interests ("I want stability for the children" or "I need financial security").

This approach opens the door to more creative and flexible solutions.



Step-by-Step Divorce Process

5. Negotiate a Settlement Agreement or Participate in Divorce Mediation

Step 5: Negotiate Agreements

As agreements begin to emerge, the mediator helps refine the details, address remaining concerns, and ensure both spouses understand the terms being discussed.

Step 6: Prepare the Settlement

Once all issues have been resolved, the mediator or a related professional prepares a written settlement agreement that reflects the parties' decisions. The agreement can then be reviewed, signed, and submitted to the court as part of the final divorce paperwork.

Benefits of Divorce Mediation

Many couples choose mediation because it offers significant advantages over traditional litigation.

Greater Control

You and your spouse—not a judge—make the decisions affecting your family.

Lower Cost

Resolving issues through mediation is often substantially less expensive than prolonged litigation.

Faster Resolution

Many mediated divorces are completed more quickly because couples focus on reaching agreements rather than preparing for trial.

Privacy

Mediation sessions are confidential, allowing spouses to discuss sensitive financial and parenting issues in a private setting rather than in open court.

Better Communication

Mediation encourages respectful communication and cooperative problem-solving, which can be especially valuable for parents who will continue raising children together after the divorce.

Customized Solutions

Court orders are often limited by statutory requirements. Mediation allows couples to develop flexible agreements tailored to their family's unique circumstances.



Step-by-Step Divorce Process

5. Negotiate a Settlement Agreement or Participate in Divorce Mediation

When Mediation May Not Be Appropriate

Although mediation is highly effective for many families, it is not the right choice in every situation.

- Ongoing domestic violence or credible threats of harm.
- Serious concerns about coercion or intimidation.
- A party who is unwilling to participate in good faith.
- Active concealment of significant assets.
- Severe substance abuse or mental health issues that prevent meaningful participation.
- An inability to communicate safely, even with professional assistance.

If safety is a concern, speak with an attorney or domestic violence advocate before deciding whether mediation is appropriate.

Common Misconceptions About Mediation

"Mediation means we have to agree on everything."

No. The purpose of mediation is to help you work through disagreements. It is common to begin mediation with many unresolved issues.

"The mediator decides who wins."

No. The mediator remains neutral and does not make decisions for either spouse.

"Mediation is only for couples who get along."

Not at all. Many couples who struggle to communicate successfully reach agreements through mediation because the mediator provides structure, guidance, and tools for productive conversations.

"Choosing mediation means giving up my legal rights."

No. Each spouse retains the right to consult with an attorney at any time during the mediation process. Many couples choose to have an attorney review their final settlement agreement before signing.

Mediation Tip

Approach mediation with an open mind and a willingness to listen. Successful mediation is not about one person "winning" and the other "losing." Instead, it is about finding balanced, practical solutions that allow both spouses—and especially their children—to move forward with greater stability and less conflict. The more prepared you are with financial documents, realistic goals, and a problem-solving mindset, the more productive your mediation sessions are likely to be.

Remember, the end of a marriage does not have to begin a battle. For many California families, mediation provides a respectful path toward resolution, allowing couples to preserve relationships, protect their finances, and create a solid foundation for their next chapter.



Step-by-Step Divorce Process

6. Preparing and Submitting Your California Divorce Judgement Package

Bringing Your Divorce to a Successful Conclusion

After you and your spouse have exchanged your financial disclosures and reached agreements on all of the issues in your divorce, the next step is preparing your Judgment Package. This is the collection of documents that asks the court to approve your agreements and officially end your marriage.

Think of the Judgment Package as the final chapter of your divorce case. Up to this point, you have completed the work of identifying assets and debts, discussing parenting arrangements, determining support, and resolving other important issues. Now those decisions must be organized into legally required court forms so a judge can review them.

If everything has been completed correctly, the judge may approve the paperwork without requiring either spouse to appear in court.

What Is a Divorce Judgment?

A Judgment of Dissolution is the court's final order that legally ends your marriage. The judgment:

- Officially dissolves your marriage or registered domestic partnership.
- Confirms the terms of your property division.
- Establishes custody and parenting orders, if applicable.
- Sets child support and spousal support orders.
- Divides retirement benefits when appropriate.
- Becomes an enforceable court order once signed by the judge.

Even if you and your spouse agree on every issue, your divorce is not final until the court signs the judgment, and the required waiting period has passed.

What Is Included in a Judgment Package?

Although every case is different, a typical uncontested California divorce Judgment Package may include many of the following forms.

FL-180 – Judgment: This is the primary document that the judge signs. It summarizes the court's orders and officially ends the marriage. The Judgment identifies:

- Names of the parties
- Date of separation (when applicable)
- Date marital status will terminate
- Custody orders
- Child support orders
- Spousal support orders
- Property division
- Whether agreements are attached

The FL-180 serves as the cover document for your entire judgment package.



Step-by-Step Divorce Process

6. Preparing and Submitting Your California Divorce Judgement Package

Marital Settlement Agreement (MSA)

One of the most important documents in a mediated divorce is the Marital Settlement Agreement, often called the MSA. This written agreement outlines every decision the spouses have made. Topics commonly included are:

Property Division

- Family home
- Rental property
- Bank accounts
- Retirement plans
- Vehicles
- Personal property
- Business interests
- Investments

Debt Allocation

The agreement identifies responsibility for:

- Credit cards
- Mortgages
- Vehicle loans
- Student loans
- Tax obligations
- Personal loans

Child Custody

If children are involved, the agreement generally includes:

- Legal custody
- Physical custody
- Parenting schedule
- Holiday schedule
- Vacation schedule
- Transportation arrangements
- Decision-making responsibilities
- Communication guidelines

Child Support

The agreement explains:

- Monthly support amount
- Payment dates
- Health insurance responsibilities
- Childcare expenses
- Educational expenses
- Uninsured medical expenses
- Future modification provisions when permitted by law



Step-by-Step Divorce Process

6. Preparing and Submitting Your California Divorce Judgement Package

Spousal Support

If applicable, the agreement specifies:

- Amount
- Payment frequency
- Duration
- Termination events
- Whether the court retains jurisdiction to modify support

Tax Matters

Many settlement agreements also address:

- Dependency exemptions (subject to applicable law)
- Filing status
- Allocation of refunds
- Responsibility for prior tax liabilities

Future Dispute Resolution

Many mediated agreements include a provision requiring the parties to attempt mediation before returning to court for future disputes involving parenting or interpretation of the agreement.

Additional Court Forms

Depending on your circumstances, your Judgment Package may also include forms such as:

- Notice of Entry of Judgment (FL-190)
- Child Support Information and Order Attachment (FL-342)
- Child Custody and Visitation Order Attachment (FL-341 series)
- Spousal or Family Support Order Attachment (FL-343)
- Property Order Attachment
- Declaration for Default or Uncontested Dissolution (FL-170), if applicable
- Declaration Regarding Service of Declaration of Disclosure (FL-141), confirming that financial disclosures were exchanged
- Income Withholding for Support (FL-195), when required
- Other local county forms

The exact forms required depend on whether your case is a default, uncontested, or stipulated judgment, whether children are involved, and the issues being resolved.



Step-by-Step Divorce Process

6. Preparing and Submitting Your California Divorce Judgement Package

Organizing Your Judgment Package

Before submitting your paperwork to the court, review everything carefully. Use the following checklist:

- ☐ All required court forms are complete.
- ☐ Every required signature has been obtained.
- ☐ Dates are accurate and consistent throughout the documents.
- ☐ Property descriptions match your settlement agreement.
- ☐ Parenting schedules are complete and easy to understand.
- ☐ Support amounts are clearly stated.
- ☐ Required attachments are included.
- ☐ Financial disclosure requirements have been satisfied.
- ☐ Copies have been made for both spouses.

Careful preparation reduces the likelihood that the court will reject the paperwork for corrections.

Filing the Judgment Package

Once the documents are complete, they are submitted to the Superior Court where the divorce case was filed. The court will:

1. Receive the Judgment Package.
2. Review the paperwork for completeness.
3. Ensure all required forms have been included.
4. Verify that mandatory disclosures were completed.
5. Confirm the settlement complies with California law.
6. Submit the package to a judicial officer for review.

If the judge approves the paperwork, the judgment will be signed and entered by the court clerk. If corrections are needed, the court may return the package with instructions describing what must be fixed before it can be approved.

Do We Have to Go to Court?

In many uncontested or mediated California divorces, **no court appearance is required**. If all required forms have been properly completed, all issues have been resolved, and the court approves the Judgment Package, the judge may finalize the divorce based solely on the written paperwork.

However, certain cases—especially those involving disputes or complex legal issues—may require one or more court appearances.



Step-by-Step Divorce Process

6. Preparing and Submitting Your California Divorce Judgement Package

How Long Does Court Review Take?

The time required for the court to review a Judgment Package varies by county and by the court's workload. Some courts review uncontested judgments within a few weeks, while others may take several months. Be patient during this stage. Delays do not necessarily mean there is a problem with your case.

Can Someone Help Prepare the Judgment Package?

Yes. Many people choose to receive professional assistance with preparing the final paperwork. Depending on your situation, you may work with:

- A divorce mediator.
- A family law attorney.
- **A Legal Document Assistant (LDA) registered in California.**
- A self-help center provided by the Superior Court.

Fehn Divorce Mediation uses an LDA who prepares legal documents at our direction but cannot provide legal advice to our clients unless they are also a licensed attorney. If you are unsure about your legal rights or the terms of your settlement agreement, consider consulting a qualified family law attorney before signing.

Common Reasons Judgment Packages Are Rejected

The court may return a Judgment Package if it contains errors such as:

- Missing signatures.
- Incomplete forms.
- Inconsistent dates.
- Missing attachments.
- Unclear parenting schedules.
- Incorrect support calculations.
- Failure to file required disclosure forms.
- Mathematical or clerical errors.

Reviewing your documents carefully before filing can save weeks—or even months—of additional processing time.

Mediation Tip

One of the greatest benefits of mediation is that by the time you prepare your Judgment Package, the difficult decisions have already been made. Instead of asking a judge to resolve disputes, you are submitting an agreement that you and your spouse created together. Because the settlement reflects your family's unique needs and priorities, many couples find greater satisfaction and long-term success with mediated agreements than with orders imposed after litigation.

Once the court approves your Judgment Package, you are one step closer to closing this chapter and beginning the next with confidence and clarity.



Step-by-Step Divorce Process

7. Understanding California's 6-Month Waiting Period

Why Isn't My Divorce Final Right Away?

One of the biggest surprises for many people filing for divorce in California is learning that your divorce cannot become final immediately—even if you and your spouse agree on everything. California law requires a mandatory six-month waiting period before a divorce can be finalized. This is often referred to as the "cooling-off period."

The purpose of this waiting period is to give couples time to carefully consider their decision, resolve important issues, and ensure that all legal requirements have been completed before the marriage is officially dissolved.

Even if your paperwork is perfect, your settlement agreement is complete, and the judge signs your judgment, your marital status generally cannot terminate until at least six months have passed.

When Does the Six-Month Waiting Period Begin?

A common misconception is that the six-month period begins when you file your divorce papers. It does not. Instead, the six-month waiting period generally begins on the date the Respondent (the spouse who did not file first) is served with:

- The Petition (FL-100)
- The Summons (FL-110)
- or when the Respondent files a Response (FL-120), whichever occurs first. This means that delaying service also delays the earliest possible date your divorce can become final.

Example

Suppose the following timeline:

- January 10: Petition is filed.
- January 20: Spouse is personally served.
- March 15: Financial disclosures are completed.
- April 10: Settlement agreement is signed.
- May 5: Judgment Package is submitted to the court.
- June 1: Judge signs the Judgment.

Even though the judge signed the Judgment in June, the marriage **cannot legally terminate before July 20**, because six months must pass from the date the spouse was served.

The court will identify the effective date of termination of marital status in the Judgment.



Step-by-Step Divorce Process

7. Understanding California's 6-Month Waiting Period

Why Does California Require a Waiting Period?

California adopted the six-month waiting period to encourage thoughtful decision-making and to provide time for spouses to address important legal and financial matters.

The waiting period allows couples to:

- Exchange complete financial disclosures.
- Negotiate a fair settlement.
- Participate in mediation.
- Develop a parenting plan.
- Resolve support issues.
- Divide property and debts.
- Prepare for their financial futures.
- Reduce the likelihood of rushed decisions.

While some couples reconcile during this period, many use the time to organize their lives and complete the legal process in an orderly manner.

Can We Finish All the Paperwork Before Six Months?

Yes. In fact, many couples complete every required document well before the waiting period expires. During the six months, you can:

- Exchange financial disclosures.
- Participate in mediation.
- Negotiate all terms of your settlement.
- Sign a Marital Settlement Agreement.
- Prepare your Judgment Package.
- Submit your paperwork to the court.
- Receive the judge's approval.

The only thing you cannot do is legally end the marriage before the six-month minimum period has elapsed. This means your case can be "ready" well before your marital status officially terminates.

Are We Still Married During the Waiting Period?

Yes. Until the effective date listed in the Judgment arrives, you remain legally married. During this time:

- You cannot legally marry someone else.
- Certain legal and financial rights associated with marriage may continue.
- The Automatic Temporary Restraining Orders (ATROS) generally remain in effect unless modified by the court or otherwise terminated according to law.
- Existing court orders regarding custody, support, or property remain enforceable.



Step-by-Step Divorce Process

7. Understanding California's 6-Month Waiting Period

Using the waiting period productively can make the transition after divorce much smoother.

Can We Live Apart During the Waiting Period? Absolutely.

Many spouses begin living separately long before the divorce is finalized.

Living apart does not affect the six-month waiting period.

Likewise, continuing to live in the same residence for financial or parenting reasons does not necessarily prevent you from obtaining a divorce if you otherwise meet the legal requirements.

Can We Reconcile During the Waiting Period?

Yes. Some couples decide to reconcile after filing for divorce.

If you choose to stay married, you may be able to dismiss your divorce case before the Judgment becomes final, provided certain legal requirements are met.

If reconciliation is only temporary, you should seek legal advice before taking any action that could affect your case.

What If My Spouse Doesn't Respond?

Your spouse's failure to respond does not eliminate the six-month waiting period.

If your spouse does not file a Response within the required time, you may still be able to proceed by default, but California's minimum waiting period still applies.

Even default divorces cannot be finalized sooner than six months after service or appearance.

What Happens During These Six Months?

Many important tasks are completed during this period.

Financial Matters

- Exchange financial disclosures.
- Value community assets.
- Obtain appraisals if needed.
- Divide retirement accounts.
- Address tax considerations.

Parenting Matters

- Develop parenting schedules.
- Establish holiday plans.
- Determine child support.
- Create communication guidelines.

Property Division

- Refinance or sell the family home if appropriate.
- Transfer vehicle ownership.
- Divide bank accounts and allocate debts.
- Close or separate joint accounts.

Planning for the Future - Many people also begin:

- Creating a post-divorce budget.
- Updating their estate planning documents.
- Reviewing insurance coverage.
- Updating beneficiaries where legally appropriate.
- Establishing new financial goals.
- Building healthy co-parenting routines.



Step-by-Step Divorce Process

7. Understanding California's 6-Month Waiting Period

Can the Court Waive the Six-Month Waiting Period?

No. The six-month waiting period is established by California law. Neither the judge nor the spouses can shorten it simply because:

- Both spouses agree.
- The divorce is uncontested.
- There are no children.
- There are no assets.
- The paperwork was completed quickly.

Every California divorce is subject to the minimum waiting period unless a specific legal exception applies.

What Happens After the Waiting Period Ends?

Once:

- The six-month waiting period has expired,
- The court has approved your judgment,
- All required documents have been filed,

your marital status terminates on the date specified in the Judgment. From that date forward:

- You are legally divorced.
- Court orders regarding property, custody, and support become enforceable according to their terms.
- You may remarry if you choose.
- You can begin implementing the agreements contained in your judgment.

Keep certified copies of your final Judgment in a safe place, as you may need them when changing your name, updating financial accounts, transferring property, or modifying legal documents.

Common Misconceptions About the Waiting Period

"We agree on everything, so we'll be divorced in a few weeks."

Not necessarily. Even complete agreement does not eliminate California's six-month waiting period.

"The waiting period starts when I file the Petition."

Incorrect. It generally begins when the Respondent is served with the Petition and Summons or first appears in the case.

"The judge signed my judgment, so I'm divorced."

Not always. Check the Judgment carefully. Your marriage ends on the termination date listed in the Judgment, which cannot generally be earlier than six months after service or appearance.

"Nothing happens during the six months."

In reality, this is often the busiest stage of the divorce process. Most negotiations, financial disclosures, parenting discussions, and settlement preparations occur during this period.



Step-by-Step Divorce Process

7. Understanding California's 6-Month Waiting Period

Mediation Tip

Many couples initially view the six-month waiting period as an inconvenience. In reality, it can be one of the most valuable parts of the divorce process. Rather than rushing life-changing decisions, use this time to organize your finances, develop a thoughtful parenting plan, and work through unresolved issues in mediation. Couples who approach the waiting period as an opportunity, not simply a delay, often reach more durable agreements, experience less conflict, and begin their next chapter with greater confidence and stability.

Important: This guide provides general educational information and is not legal advice. Although California law generally requires a six-month minimum waiting period, individual circumstances and court procedures may affect your case. Always review your signed Judgment carefully to determine the official date your marital status terminates and consult a qualified family law attorney or mediator if you have questions.



Know Your Rights



Knowledge Gives You Confidence

Divorce can feel overwhelming, especially when you're uncertain about your legal rights. One of the most empowering things you can do is understand how California divorce laws work before making important decisions. Whether your divorce is amicable or contested, involves children, significant assets, or a family business, you have legal rights throughout the divorce process. Knowing these rights allows you to make informed decisions, ask the right questions, and confidently participate in mediation, negotiations, or court proceedings.

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Know Your Rights

California is a "No-Fault" Divorce State

You do not have to prove that your spouse did something wrong to obtain a divorce. You are not required to prove:

- Adultery
- Abuse (unless seeking protective orders)
- Abandonment
- Substance abuse
- Financial misconduct
- Personality conflicts

Instead, most divorces are filed based on irreconcilable differences, meaning the marriage has broken down beyond repair. This allows couples to focus on resolving important financial and parenting issues rather than assigning blame.

Your Right to Equal Treatment Under California Law

California law gives both spouses equal legal standing throughout the divorce process. Neither spouse automatically has greater rights because they:

- Earn more money
- Earn less money
- Stayed home to raise children
- Managed the household finances
- Filed for divorce first
- Own the family business
- Was the primary breadwinner

The spouse who files first (the Petitioner) does not receive special rights or advantages simply because they started the case.

Your Right to Full Financial Disclosure

One of the most important protections in California divorce law is the requirement that both spouses provide complete and honest financial disclosures. You have the right to receive accurate information about:

- Income
- Bank accounts
- Retirement accounts
- Real estate
- Investments
- Business interests
- Debts
- Credit card balances
- Stock options
- Cryptocurrency
- Other assets and liabilities



Know Your Rights

Likewise, you have the responsibility to provide the same information to your spouse. California law imposes a fiduciary duty on spouses, requiring honesty, transparency, and good faith throughout the divorce process. If a spouse intentionally hides assets or provides false financial information, the court may impose significant penalties.

Your Right to a Fair Division of Community Property

California is a community property state. In general, Community property consists of assets and debts acquired during the marriage before the date of separation, regardless of whose name appears on the title. Examples include:

- Wages earned during the marriage
- Retirement contributions earned during the marriage
- Homes purchased during the marriage
- Vehicles
- Bank accounts
- Businesses started during the marriage
- Investments purchased with community funds

Community property is generally divided equally unless the spouses agree otherwise. However, equal does not always mean every asset is split in half. Instead, spouses often receive different assets of equal overall value. For example, one spouse may keep the family home while the other receives additional retirement assets or investment accounts to achieve an equal division.

Your Right to Keep Separate Property

Not everything belongs to both spouses, separate property generally includes:

- Property owned before marriage
- Gifts received individually during marriage
- Inheritances received individually
- Certain personal injury recoveries
- Property specifically agreed to remain separate

Separate property is generally not divided during divorce unless it has become mixed (commingled) with community property. If separate property has increased in value or has been combined with community funds, additional legal analysis may be necessary.

Your Rights Regarding Children

If you have children together, California courts focus on one primary principle: The best interests of the child. When possible, California encourages children to have frequent and continuing contact with both parents when it is safe and appropriate. The court does not automatically favor mothers or fathers. Parents generally have equal rights to request:

- Joint legal custody
- Sole legal custody
- Joint physical custody
- Sole physical custody
- Parenting time
- Holiday and Vacation schedules



Know Your Rights

Your Right to Participate in Parenting Decisions

Legal custody refers to a parent's authority to make important decisions regarding a child's:

- Education
- Medical care
- Mental health treatment
- Religious upbringing
- Extracurricular activities

Parents may share legal custody jointly or one parent may be granted sole legal custody depending on the circumstances.

Your Right to Child Support

Every child has the right to receive financial support from both parents. Child support belongs to the child, not to either parent. California uses a statewide guideline formula that considers factors such as:

- Each parent's income
- Parenting time
- Health insurance costs
- Childcare expenses
- Certain tax considerations

Parents cannot simply waive child support if doing so would not serve the child's best interests.

Your Right to Request Spousal Support

Depending on the circumstances of your marriage, either spouse may request spousal support. Either spouse may receive support regardless of gender. The court considers numerous factors, including:

- Length of the marriage
- Each spouse's earning capacity
- Standard of living during the marriage
- Contributions to education or career advancement
- Age and health of each spouse
- Ability to become self-supporting
- Financial needs and resources

Your Right to Request Spousal Support

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- Length of the marriage
- Each spouse's earning capacity
- Standard of living during the marriage
- Contributions to education or career advancement



Know Your Rights

Your Right to Request Spousal Support, cont.

- Age and health of each spouse
- Ability to become self-supporting
- Financial needs and resources

Your Right to Be Treated Respectfully During the Divorce Process

Divorce is often emotional, but every person deserves to be treated with dignity and respect. You have the right to:

- Ask questions.
- Understand documents before signing them.
- Participate in decisions affecting your future.
- Seek professional guidance.
- Express concerns during mediation.
- Decline settlement proposals that you do not understand or believe are unfair.

No one should pressure you into signing an agreement without having the opportunity to review it carefully.

Your Right to Choose Mediation

Many people are surprised to learn that they do not have to fight their divorce in court. You have the right to explore alternatives such as:

- Divorce mediation
- Collaborative divorce
- Attorney-assisted negotiations
- Settlement conferences

Mediation allows couples to maintain greater control over decisions affecting their family while often reducing costs, delays, and conflict.

Your Right to Consult an Attorney

Even if you participate in mediation, you may consult with an independent attorney at any time. Many mediation clients choose to have an attorney:

- Explain their legal rights.
- Review settlement agreements.
- Answer legal questions.
- Provide advice before signing final documents.

Seeking legal advice does not mean your case must become adversarial.

Your Right to Privacy

Many aspects of divorce mediation are confidential. Unlike courtroom proceedings, mediation discussions generally occur in a private setting designed to encourage open communication and problem-solving. This privacy often allows couples to discuss sensitive financial and parenting issues more comfortably.



Know Your Rights

Your Right to a Safe Process

If you are experiencing domestic violence, coercive control, threats, intimidation, or fear for your safety, additional legal protections may be available. These may include:

- Domestic Violence Restraining Orders (DVROs)
- Emergency protective orders
- Temporary custody orders
- Exclusive use of the family residence
- Supervised visitation when appropriate

Your safety—and the safety of your children—should always come first.

Your Responsibilities During Divorce

Along with important legal rights come important responsibilities. You are expected to:

- Provide truthful financial information.
- Follow court orders.
- Participate in good faith.
- Preserve community assets.
- Act in your children's best interests.
- Respect parenting schedules.
- Complete required paperwork accurately.

Working cooperatively whenever possible often results in a smoother and less expensive divorce.

Frequently Asked Questions

Does filing first give me an advantage?

No. Filing first simply begins the legal process. It does not provide additional property, custody, or financial rights.

Can my spouse hide money from me?

No. California law requires complete financial disclosure. Intentional concealment of assets can result in serious legal consequences.

Will everything automatically be split 50/50?

Not necessarily. While community property is generally divided equally, spouses may agree on different arrangements that are fair and equitable overall.

Can we create our own agreements?

Yes. As long as your agreements comply with California law and are approved by the court when required, you and your spouse have considerable flexibility to design solutions that fit your family's unique needs.



Know Your Rights

Mediation Tip

Knowing your rights does not mean preparing for a fight—it means preparing to make informed decisions. The more you understand California divorce law, the more confident you'll feel during mediation and negotiations. Couples who are informed about their rights are often better equipped to communicate effectively, resolve disagreements, and create lasting agreements that work for everyone involved. Remember, divorce is not about "winning" or "losing." It is about creating a fair path forward that protects your future, your finances, and, most importantly, your family.



Moving Forward After Divorce



Your Next Chapter Begins Here

Finalizing your divorce is a significant milestone, but it is not the end of your journey, it is the beginning of a new chapter. While it's natural to experience a range of emotions, many people discover that divorce also creates space for personal growth, renewed confidence, and a fresh start. There is no "right" way to move forward. Everyone heals at their own pace. The important thing is to take one step at a time, make thoughtful decisions, and build a future that reflects your values, goals, and the life you want to create.

Important: This guide provides general educational information about California divorce procedures and is not legal advice.



Moving Forward After Divorce

Give Yourself Time to Heal

Divorce is more than a legal process—it is a life transition. Even when a divorce is the right decision, it is common to experience:

- Sadness
- Relief
- Anxiety
- Uncertainty
- Anger
- Hope
- Loneliness
- Optimism

Some days you may feel confident about your future, while other days may feel overwhelming. Both experiences are normal. Give yourself permission to grieve the relationship you once had while also looking forward to the opportunities ahead. Healing doesn't happen overnight, and comparing your journey to someone else's rarely helps.

Create a New Financial Foundation

One of the biggest adjustments after divorce is managing your finances independently. Now is an excellent time to review your financial picture and create a plan for the future. Consider:

Creating a New Budget - Review your:

- Income
- Monthly expenses
- Housing costs
- Utilities
- Insurance
- Child-related expenses
- Savings goals

A realistic budget helps reduce financial stress and provides a roadmap for your future.

Build an Emergency Fund

If possible, begin setting aside savings for unexpected expenses. Even small monthly contributions can create financial stability over time.

Review Your Credit

After divorce, obtain copies of your credit reports and verify that:

- Joint accounts have been closed or refinanced as agreed.
- Debt balances are accurate.
- No unauthorized accounts exist.
- Your personal information is correct.

Monitoring your credit helps protect your financial future.



Moving Forward After Divorce

Update Important Legal and Financial Documents

Divorce often requires updating many personal records. Consider reviewing:

- Your will or trust.
- Powers of attorney.
- Advance health care directives.
- Life insurance beneficiaries.
- Retirement account beneficiaries.
- Bank account ownership.
- Investment account beneficiaries.
- Vehicle titles.
- Real estate ownership records.
- Emergency contacts.

Completing these updates helps ensure your documents reflect your current wishes.

Establish Healthy Co-Parenting Habits

If you have children, your marriage may have ended—but your parenting relationship continues. Successful co-parenting focuses on your children's well-being rather than past marital conflicts. Helpful practices include:

- Communicating respectfully.
- Following the parenting schedule.
- Keeping children out of adult disagreements.
- Supporting your children's relationship with the other parent when it is safe and appropriate.
- Being flexible when reasonable.
- Addressing concerns calmly and directly.

Children thrive when parents work together, even if they no longer live together.

Take Care of Your Emotional Well-Being

Divorce can be emotionally exhausting. Make your well-being a priority. Consider:

- Speaking with a therapist.
- Joining a divorce support group.
- Working with a divorce coach.
- Spending time with trusted family and friends.
- Journaling your thoughts.
- Practicing prayer or meditation.
- Exercising regularly.
- Spending time outdoors.
- Developing healthy daily routines.

Seeking support is a sign of strength—not weakness.



Moving Forward After Divorce

Rediscover Who You Are

Many people spend years identifying themselves primarily as a spouse or parent. After divorce, you have the opportunity to rediscover yourself. Ask yourself:

- What brings me joy?
- What goals have I postponed?
- What kind of life do I want to create?
- What values will guide my future?

Consider:

- Taking a class.
- Learning a new skill.
- Volunteering.
- Traveling.
- Starting a new hobby.
- Growing professionally.
- Reconnecting with old friends.

Your future is not limited by your past.

Focus on Your Physical Health

Stress can take a toll on your body as well as your emotions. Take time to care for yourself by:

- Getting adequate sleep.
- Eating nutritious meals.
- Staying hydrated.
- Exercising regularly.
- Scheduling routine medical appointments.
- Limiting alcohol and unhealthy coping habits.

Healthy habits improve both physical and emotional resilience.

Build a Strong Support Network

No one should go through divorce alone. Surround yourself with people who encourage and support your growth. Your support network may include:

- Family members.
- Friends.
- Faith community.
- Therapist.
- Divorce coach.
- Financial advisor.
- Mediator.
- Attorney.
- Support groups.

Don't be afraid to ask for help when you need it.



A Message From Leticia

If there is one thing I hope you take away from this guide, it is this:

Divorce does not define you.

It is one chapter in your life—not your entire story.

Throughout my career, I have had the privilege of helping individuals, families, and professionals navigate conflict and life-changing transitions. One lesson has remained constant: ***people are far more resilient than they realize.***

While you cannot change the past, you have complete control over the choices you make moving forward.

Choose healing over bitterness.

Choose growth over fear.

Choose peace over conflict.

Choose hope over uncertainty.

Most importantly, choose to believe that your best days may still be ahead.

Thank you for allowing me to be part of your journey. It has been my honor to walk alongside you during this important season of your life. I sincerely wish you peace, strength, and every success as you begin your next chapter.

With encouragement,

Leticia Fehn

Certified Divorce Mediator | Certified Divorce Specialist | Mediation Advocate
Founder, Fehn Divorce Mediation

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