ROADMAP TO SUCCESS:

PETITIONER'S STEP-BY-STEP GUIDE TO COMPLETING YOUR DIVORCE

Dissolution of Marriage/Domestic Partnership, Legal Separation, Nullity

Legal processes are sometimes confusing and overwhelming. The information provided below is a step-by-step "roadmap" to help you reach your goal of finalizing your divorce.

NOTIFYING YOUR SPOUSE THAT YOU HAVE FILED FOR DIVORCE

Now that you have filed your divorce petition with the Court, please be aware that **YOU ARE NOT YET DIVORCED! THE DIVORCE PROCESS TAKES A MINIMUM OF SIX MONTHS TO COMPLETE.** First, you must officially notify your spouse that you have filed these papers with the Court. This notification is called "service." All of the papers that must be included in this service are listed below. Many are contained in the yellow packet that you just received from the court clerk. **Have someone other than you and over the age of eighteen** serve the following documents on your spouse:

1. Your completed Summons, Petition, and Declaration Under Uniform Child Custody Jurisdiction Enforcement Act;
2. A Notice of Case Management Conference (which includes your assigned court dates);
3. The yellow packet, containing: (a) Blank Case Management Conference Questionnaire; (b) Family Law Alternative Dispute Resolution information form; (c) Notice to Parties regarding Tentative Rulings - Appendix E; (d) Family Court Services Mediation Program; (e) Blank Declaration Under Uniform Child Custody Jurisdiction Enforcement Act form; (f) Blank Response; (g) Stipulation to Continue

Case Management Conference (Alternative Dispute Resolution); (h) Roadmap to Success: Respondent's Step-By-Step Guide to Completing your Divorce.

APPEARING IN COURT IF YOU HAVE NOT BEEN ABLE TO NOTIFY YOUR SPOUSE

After serving these papers on your spouse, you must file a form with the Court called Proof of Service. If you do not do this within 45 days of the date that you filed your Petition with the Court, you will have to appear in court at the *Status Conference on Failure to Provide Proof of Service* to explain why you have not been able to complete the service. Your court date is on the Case Management Conference form given to you when you filed the Petition. If, however, the proof of service is filed 5 days before the date of your hearing, you do not need to come to court that day.

APPEARING IN COURT IF YOUR SPOUSE HAS NOT FILED A RESPONSE TO YOUR PETITION OR IF YOU HAVE NOT FILED A REQUEST TO ENTER DEFAULT

If your spouse does not file a response and serve that response on you, or if you have not filed a Request to Enter Default within 90 days of the initial filing of the Petition, both you and your spouse must attend the *Status Conference regarding filing of the Response or Default.* Your Notice of Case Management Conference form has your court date. A Request to Enter Default may be filed if: (1) your spouse fails to file a response to your petition, or (2) you and your spouse have entered into a written agreement about all issues related to your divorce and you are not asking the Court to help you settle any outstanding issues. You do not need to come to court if the Response or the Notice of Entry of Default is filed 5 days before the hearing.

APPEARING IN COURT IF YOU OR YOUR SPOUSE HAVE NOT SERVED DECLARATIONS OF DISCLOSURE ON EACH OTHER AND FILED A DECLARATION REGARDING SERVICE OF THOSE DECLARATIONS WITH THE COURT

This is not as confusing as it sounds! Both spouses must serve a form called Declaration of Disclosure on each other. This form is a checklist of key information about your income, property, assets, debts and other financial obligations that you must share with your spouse. You must attach other family law forms that you have completed to this Declaration of Disclosure. Once you have served your Declaration of Disclosure and all other required forms on your spouse, you must then file a Declaration Regarding Service of the Declaration of Disclosure with the Court, so that the Court has a record that you have completed this step.

If either spouse fails to (1) serve the Declaration of Disclosure on the other spouse or (2) file the Declaration Regarding Service of the Declaration of Disclosure with the Court within 110 days of filing of the Petition, then both parties must appear at an *Order to Show Cause hearing* to explain to the Court why this step has not been done. Your Notice of Case Management Conference form has your court date. If, however, each party has served the Declaration of Disclosure and each party's Declaration Regarding Service of the Declaration of Disclosure is filed 5 days before the hearing, you do not need to come to court.

APPEARING IN COURT AT THE FIRST CASE MANAGEMENT CONFERENCE

The *First Case Management Conference* will occur 120 days after the filing of the Petition. Your Notice of Case Management Conference form has your court date. **Both spouses must attend this court appearance** unless you have already received your divorce judgment from the Court. Before this

court appearance, both spouses must serve a Case Management Conference Questionnaire on the other spouse and file a copy of this form with the Court at least 5 court days prior to the First Case Management Conference.

NOW FOR THE GOOD NEWS! At this First Case Management Conference, the Court will provide expert assistants – such as lawyers, mediators, form completion assistants, child support experts, interpreters - right in the courtroom to help you and your spouse complete many, if not all, of your outstanding divorce issues. Many people will actually finish their divorce at this hearing. Others will resolve many of their issues and ask the Court to help resolve the remaining ones. The Court is committed to working with you to reach agreement on as many issues as possible at this hearing.

If not all issues are resolved at this hearing, the Court will review the status of your case and unresolved issues and will set up future hearings and other activities to help you move your case forward. These future activities may include: setting a settlement conference; setting the time for your trial or next case management conference or other hearing; scheduling discovery (the process where you and your spouse share additional information with each other); appointing court experts for you or your minor children; referring you to some form of alternative dispute resolution; or referring you to Family Court Services for custody and visitation mediation.

ATTORNEY OR PARTY WITHOUT ATTORNEY (NAME & ADDRESS) Telephone: Facsimile: ATTORNEY FOR (*Name*):	*FOR COURT USE ONLY*
SUPERIOR COURT OF CALIFORNIA, COUNTY OF MARIN STREET ADDRESS: 3501 Civic Center Dr. MAILING ADDRESS: P. O. Box 4988 CITY AND ZIP CODE: San Rafael, CA 94913-4988 BRANCH NAME:	
PETITIONER: RESPONDENT:	
CASE MANAGEMENT CONFERENCE QUESTIONNAIRE ☐ Dissolution ☐ Domestic Partnership ☐ Legal Separation ☐ Nullity ☐ Parentage ☐ Other Family Law:	CASE NUMBER: DATE OF CONFERENCE:

Please do your best answering these questions. This helps the Judge to understand your situation when you come to court. If you need more space, please attach a separate page.
(Haga por favor su mejor contestar estas preguntas. Esto ayuda el Juez a entender su situación cuando usted viene a corte. Si usted necesita más espacio, conecta por favor una página separada).

1. _____ CHILD CUSTODY AND VISITATION (*Custodia y visitacion con sus hijos)*

   a. ___ We do not have minor children *(No tenemos hijos de menor edad)*
   b. ___ We do not have an agreement (*No tenemos un acuerdo*)
   c. ___ We agree as follows (*Tenemos un acuerdo que)*:

2. _____ CHILD SUPPORT (*Mantenimiento economico de sus hijos)*

   a. ___ We do not have minor children *(No tenemos hijos de menor edad)*
   b. ___ We do not have an agreement (*No tenemos un acuerdo*)
   c. ___ The Department of Child Support Services is collecting support (*El Departemento de Servicios de Mantenimiento para Ninos esta cobrando mantenimiento.*)
   d. ___ We agree as follows (*Tenemos un acuerdo que)*:

3. _____ SPOUSAL SUPPORT (*Mantenimiento conyugal*)

   a. ___ We do not have an agreement (*No tenemos un acuerdo*)

b. ___ We agree as follows (*Tenemos un acuerdo que)*:

4. _____ ATTORNEY'S FEES AND COSTS (*Los honorarios del abogado y gastos.*)

a. ___ We do not have an agreement (*No tenemos un acuerdo*)
b. ___ We agree as follows (*Tenemos un acuerdo que):*

5. _____ DISCOVERY (getting information about/from other party) (*Descubrimiento. Metedos para obtener e intercambiar informacion entre los partes en un caso.)*

a. Do you still need information from the other party (*Todavia necesita informacion del otro partido.)?*

☐ Yes/*Si* ☐ No

b. If yes, please specify what information you still need: (*Si sí, especifica por favor qué información usted todavía necesita*)

6. _____ Other Issues – (please describe) *Otros asuntos (describe por favor)*:

Date/*Fecha*: _____

_____
TYPE OR PRINT NAME
Nombre

_____
SIGNATURE OF DECLARANT OR ATTORNEY
Firma de Declarante o Abogado

Marin County Superior Court
Alternative Methods of Resolving Family Law Disputes

Most family law cases can be resolved without the need for litigation which can be very expensive, time consuming and stressful. The Court finds that it is often in the best interests of the parties to explore alternatives to litigation and encourages parties to consider the following alternative methods at the earliest possible date.

Out of Court: The following methods enable parties to reach agreement on all issues without ever going to Court. These services are offered privately, generally on an hourly fee basis. Providers of these services can be located through the yellow pages or internet.

Mediation. A neutral mediator assists the parties in communicating and better understanding their own needs and the needs of the other party. The mediator helps the parties work in a cooperative, nonadversarial way. In mediation, the parties explore options and arrive at a mutually acceptable resolution of the dispute. The mediator does not render a decision. Rather, the determination of any final agreement remains in the parties' hands. Parties are free to have attorneys assist them as they go through mediation, but they are not required to do so. For more information, see www.mediate.com/fam/index.cfm.

Collaborative Law. Family lawyers specially trained in collaboration represent each party, but only for the purpose of helping them settle the case. The parties and collaborative lawyers participate in a series of four-way meetings to gather necessary information and explore options for reaching agreement on terms acceptable to the parties. The collaborative lawyers are prohibited from going to court if the parties are unable to reach agreement. This process works well for parties who hope to settle out-of-court but also wish to have legal representation throughout the process. For information, see www.collaborativepractice.com.

In Court : For cases in the Court system, the following services are provided without charge:

Family Court Services. Provides mandatory mediation to parents who are unable to agree on issues related to child custody and parenting. Financial issues and division of property are not addressed.

Settlement Conference. An informal process in which a judge and/or experienced attorneys meet with the parties and their attorneys, hear the facts and issues in dispute, and suggest a resolution that the parties may accept or use as a basis for further negotiation.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN

NOTICE
To Parties in Family Law Cases

Whether you have filed a motion or are opposing a motion, you are expected to comply with all applicable *Uniform Local Rules of the Marin County Superior Court* which are available for review at the Clerk's Office in room 113 (Marin County Civic Center) or on-line at the Court's website (www.co.marin.ca.us/depts/mc/main/index.cfm). A printed version of the local rules may be purchased at the Clerk's Office at a cost of $40.00 per copy.

If you are served with a *Notice of Motion* or *Order to Show Cause*, the Court will make a **tentative ruling** based on information submitted by each party.

1. You must fill out a *Responsive Declaration* (form #FL 320) and provide the information you want the Court to know about your case. A blank *Responsive Declaration* should be included with the papers served on you.

2. You must make 2 copies of your *Responsive Declaration* and file them in the Clerk's Office (room 113).

3. You must have a filed copy of your *Responsive Declaration* served on the attorney for the other party or on the other party, if he or she has no attorney. All papers opposing a motion so noticed shall be filed with the court and a copy served on each party at least 9 court days before the hearing, and shall be served by personal delivery, facsimile transmission, express mail, or other means consistent with the provisions of Sections 1010,1011,1012 and 1013, and reasonably calculated to ensure delivery to the other party or parties not later than the close of the next business day after the time the opposing or reply papers, as applicable, are filed. The server must fill out and file a *Proof of Service* (form #FL 330 - Personal Service or FL 335 – Service by Mail) at the Clerk's Office (room 113) at least 2 court days before the hearing.

If a *Responsive Declaration* is not filed, the Court may grant the relief sought in the other party's motion without a hearing.

Whether you are the moving or responding party, the following rules apply to you:

1. On the business day before your court date, you should call the Court at: 415-473-7545, between 2:00 and 4:00 p.m. to hear the **tentative ruling** in your case.

2. If you disagree with the **tentative ruling** and wish to appear in court to oppose the decision, you must call the Court at 415-473-6723 and the other party's attorney, or, if unrepresented, the other party, before 4:00 p.m. to notify him/her that you will appear at the scheduled hearing the next day.

Both the Court and the other party must be notified of your intention to argue the **tentative ruling** or it will become the formal order of the Court without a hearing.

[See reverse side of Notice for Spanish translation]

TRIBUNAL SUPERIOR DEL CONDADO DE MARIN

AVISO
A Las Partes Involucradas en Casos de Derecho Familiar

Igualmente que haya presentado una petición o se oponga a una petición, se requiere que usted cumpla con todas la normas pertinentes de las *Reglas Uniformes Locales del Tribunal Superior del Condado de Marin* que están disponibles para repaso en la Oficina del Actuario Condadal, en el cuarto 113 (Centro Cívico de Marin). También se pueden consultar en la página electrónica de la corte (www.co.marin.ca.us/depts/mc/main/index.cfm). Se puede comprar la versión impresa en la Oficina del Actuario Condadal a razón de $40.00 el ejemplar.

Si se le presenta con un *Aviso de Petición* o *Mandato de Presentar Razón*, el Juez darà un **fallo provisional** basándose sobre la información presentada por cada parte.

1. Usted tiene que llenar la *Declaración de Respuesta* (formulario #FL320) y proveer la información sobre el caso que usted quiere que el Juez sepa de su caso. Una *Declaración de Respuesta* en blanco acompañará los documentos que se le presenten.

2. Tiene que hacer 2 copias de su *Declaración de Respuesta* y archivarlas en la Oficina del Actuario Condadal (cuarto 113).

3. Es obligatorio archivar una copia de su *Declaración de Respuesta* que presentó al abogado de la contraparte o a la contraparte misma si él o ella no tiene abogado. Todos los documentos en oposición a una petición ya reconocida se archivarán con la corte y una copia se presentará a cada parte por lo menos 9 tribunal dias antes de la fecha de la corte y se presentará en persona, por transmisión de facsímil, correo urgente u otros medios consecuentes según las disposiciones de los Capítulos 1010, 1011,1012 y 1013 y con tiempo razonablemente deliberado como para asegurar su entrega a la otra parte o partes a más tardar a fines del día laborable después del momento en que los documentos en oposición o de respuesta, cual categoría sea pertinente, se hayan archivado. La parte que presenta tiene que llenar y archivar un *Comprobante de Haber Presentado* (formulario #FL 330 o FL 335) en la Oficina del Actuario Condadal (cuarto 113) por lo menos dos días laborables antes de la audiencia.

Si no se tramita la Declaración de Respuesta, el Juez puede conceder el alivio peticionado por la parte contraria sin celebrar una audiencia.

Que sea usted la parte interesada o la parte demandada, las pautas siguientes se le aplican:

1. El día laborable antes de la fecha de su comparecencia, usted debe llamar a la corte al número 415-473-7545 entre las 2:00 y 4:00 p.m. para oír el **fallo provisional** en su causa.

2. Si está en desacuerdo con el **fallo provisional** y desea comparecer en el tribunal para oponerse a la decisión, tiene que llamar a la corte al 415-473-7623 y al abogado de la contraparte, o, si no le representa un abagado, a la parte misma, antes de las 4:00 p.m. para avisarle que usted comparecerá en la audiencia programada para el día siguiente.

Se le avisará tanto a la corte como a la contraparte de su intención de disputar el **fallo provisional**, si no, dicho fallo se convertirá en mandato jurídico formal del Juez, sin audiencia.

[Véase el dorso del Aviso para la versión el inglés]

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN
P. O. Box 4988
San Rafael, CA 94913-4988

FAMILY COURT SERVICES
MEDIATION PROGRAM

(NOTE: This form must be served to both parties at the time the case is filed.)

Mandatory Orientation: Prior to your initial mediation meeting, you must receive Family Court Services Orientation information. You can schedule an orientation viewing by calling Family Court Services at (415) 473-7187 **OR** you can view the presentation online by going to:

http://www.co.marin.ca.us/courts/familycourt-mediation.cfm

Initial Mediation Meeting:

1. Marin Family Court Services (FCS) will contact you by letter to set your first appointment.
2. The goal of the initial mediation session will be to develop a co-parenting agreement.

If Issues are Resolved in Mediation:

1. The mediator will draft your agreement.
2. Parents then sign the agreement.
3. After the Judicial Officer signs the agreement it becomes a court order.

If Issues are Unresolved in Mediation:

1. The mediator will make a recommendation to the court regarding a co-parenting agreement.
2. Parents then attend their Order to Show Cause (OSC) hearing (set at the time of filing the motion).

OSC Hearing:

1. The court will work with the parents to reach an agreement based on FCS recommendations.
2. The court may make temporary orders based on FCS recommendations.
3. The court may set a Judicial Settlement Conference.
4. The court may schedule a custody trial in order to address outstanding issues.
5. The court may order a custody evaluation to be conducted by an FCS evaluator.

TRIBUNAL SUPERIOR DE CALIFORNIA
CONDADO DE MARIN
P. O. Box 4988
San Rafael, CA 94913-4988

SERVICIOS FAMILIARES DEL TRIBUNAL
PROGRAMA DE MEDIACIÓN

(NOTA: Esta información se le debe dar a ambos partidos cuando se hace la demanda.)

Orientación mandatoria: Antes de su cita inicial de mediación usted debe recibir nuestra información de orientación. Usted puede hacer una cita para ver la presentación llamando a nuestra oficina de servicios familiares al (415) 473-7187 o puede ver la orientación a través del internet en la siguiente página:

http://www.co.marin.ca.us/courts/familycourt-mediation.cfm

La reunión inicial de mediación:

1. El servicio del tribunal familiar de Marin le mandara una carta avisandole de su primera cita.
2. La meta de la primera sesion de mediación sera desarrollar un acuerdo entre los dos padres para la custodia infantil.

Si los asuntos se resuelven en mediación:

1. El mediador redactará el acuerdo.
2. Los padres firman el acuerdo.
3. Después el juez firma el acuerdo y se convierte en orden oficial del Tribunal.

Si los asuntos no se resuelven en mediación:

1. El mediador hará su recomendación al tribunal en lo que se refiere al cuidado de los niños por ambos padres.
2. Los padres tendrán que atender la orden del tribunal en la fecha que se les dio cuando se hizo la demanda, este audiencia se llama OSC (Orden de Audiencia para mostrar causa).

Audiencia OSC:

1. El tribunal trabajará con los padres para llegar a un acuerdo basado en la recomendación del mediador de la oficina de servicios familiares que trabajó en su caso.
2. El Tribunal puede dar ordenes temporales que se basan en la recomendación de la oficina de el tribunal familiar (FSC).
3. El Tribunal puede dictar una conferencia necesaria de acuerdo judicial.
4. El Tribunal puede poner una fecha para un juicio de custodia para remediar los desacuerdos.
5. El tribunal puede ordenar una evaluación custodial que sera conducida por un evaluador de los servicios familiares del tribunal (FCS) .

ATTORNEY OR PARTY WITHOUT ATTORNEY (NAME & ADDRESS) Telephone: Facsimile: ATTORNEY FOR (*Name*):	*FOR COURT USE ONLY*
SUPERIOR COURT OF CALIFORNIA, COUNTY OF MARIN STREET ADDRESS: 3501 Civic Center Drive MAILING ADDRESS: P.O. Box 4988 CITY AND ZIP CODE: San Rafael, CA 94913-4988 BRANCH NAME:	
PETITIONER: RESPONDENT:	
STIPULATION TO CONTINUE CASE MANAGEMENT CONFERENCE **(Alternative Dispute Resolution)**	CASE NUMBER: DATE OF CONFERENCE:

We agree to postpone the Case Management Conference for the following reason:

The parties are currently participating in

a. ☐ Mediation

b. ☐ Collaborative Law

c. ☐ Private Arbitration/Private Judge

d. ☐ Neutral Case Evaluation

e. ☐ Other (specify) _____

We request a continuance of the case management conference for ____ days to enable us to complete this process. (You may have up to 120 days.)

_____	_____	_____	_____
Petitioner	Date	Respondent	Date

DO YOU NEED HELP WITH YOUR FAMILY LAW CASE?

The court clerks can give you forms to use in your case, but they cannot give you legal advice or tell you how to prepare those forms. However, there are many other places where you can get help filling out your forms and preparing your case to go to court. Many legal services are offered right across the street from the courthouse at the **Marin Justice Center**.

FREE HELP PREPARING YOUR COURT PAPERS

If you do not have a lawyer, you can get free assistance at the **Legal Self Help Center of Marin**, which has easy-to-use computer programs to help you complete your forms and an extensive library of materials related to divorce. Services are provided in Spanish and Vietnamese. Usually, someone there can help you find the right forms and assist you with the process. The Center is located across the street from the courthouse at the Marin Justice Center, 30 North San Pedro Road, Suite 160, San Rafael, CA 94903, (415) 492-1111.

FREE HELP IF YOU HAVE CHILD OR SPOUSAL SUPPORT ISSUES

If you need assistance with child or spousal support problems, you can get free help from Judith Beck, the **Family Law Facilitator.** You may drop in or make an appointment to see her. In the morning, the Facilitator is located on the Court Floor in the Civic Center, 3501 Civic Center Drive, Room C-27, San Rafael, CA 94903, (415) 473-3062. During the afternoon, she is at the **Legal Self Help Center of Marin** (address above).

LOW COST LEGAL ADVICE AND FAMILY LAW LAWYERS

You can get low-cost legal advice and representation from the **Family & Children's Law Center**, which provides advice in family law matters such as domestic violence, divorce, paternity, child custody and visitation, child support and spousal support. Fees are based on a sliding scale, from $0 to $150 per hour based on your income. The Center is located at the Marin Justice Center, 30 North San Pedro Road, Suite 245, San Rafael, CA 94903, (415) 492-9230.

The **Lawyer Referral Service (LRS), part of the Marin County Bar Association,** can recommend qualified lawyers who may be able to help you with your legal issues. Your first 30-minute consultation with the lawyer is $35. LRS is located at the Marin Justice Center, 30 North San Pedro Road, Suite 140, San Rafael, CA 94903, (415) 499-1813. You may wish to speak to a lawyer about **"unbundled" legal services**, where the lawyer is hired only for a limited purpose, such as writing up an agreement, or appearing in court for a specific hearing.

FREE INTERNET HELP

There are many web sites where you can find user-friendly help filling out forms and information about how to process your case. Here are some helpful sites:

State Self Help Center
http://www.courtinfo.ca.gov/selfhelp
Marin County Superior Court
http://www.co.marin.ca.us/depts/MC/main/index.cfm
Marin County Bar Association
http://www.marinbar.org
Further Information
http://lawhelpcalifornia.org/CA/index.cfm

Forms
http://www.ezlegalfile.org/index.jsp
https://www.icandocs.org
http://www.courtinfo.ca.gov/forms

California Statutes
http://www.legalinfo.ca.gov/calaw.html