

Starting a Divorce

Litigants who wish to terminate a marriage in California must serve paperwork, called a petition and summons, on their spouse. The paperwork must be filed with the court before it is served. The party serving the documents is called the petitioner, while the party receiving the filings is referred to as the respondent.



** California courts modified hearings to allow for Zoom appearances in many instances, a service that has lessened the burden of fees and costs normally associated with in-person appearances.*

A filing fee must be paid unless the petitioner qualifies for a waiver of the charge. If the petitioner and respondent have children, then a declaration must be made, pursuant to the Uniform Child Custody Act, and filed and served as well. Therefore, the basic forms needed for filing include the petition (FL-100), the summons (FL-110), and, if children are declared in the marriage, a UCCJEA declaration (FL-105).

The divorce paperwork for the dissolution of marriage is served with the understanding that the respondent has 30 days to reply. He must also pay a filing fee when filing his response. If he does not respond in 30 days, then the petitioner is entitled to apply for a default judgment.

Parties in the case must meet certain residency requirements as well. One of the two litigants must have resided in the state for at least six months and in the county where the divorce is filed for a period of three months.*



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