


Slide 1

Welcome to the class:
"DIVORCE BASICS: PROCESS and the LAW"

While you are waiting for class to begin, please:

- ▶ If possible, watch using a computer, laptop or tablet
- ▶ Mute your audio
- ▶ Print the documents posted at the court's website:
<https://www.santabarbara.courts.ca.gov/divisions/family-law/family-law-zoom-classes>
- ▶ Print and complete the "Property Worksheet"
- ▶ Have a pen and paper available
- ▶ Be ready to start promptly at 8:30 a.m.

Thank you!



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DIVORCE BASICS:
PROCESS
and the LAW


▶

SANTA BARBARA COUNTY SUPERIOR COURT
Office of the Family Law Facilitator
Deborah K. Mullin, J.D.

© Santa Barbara County Superior Court 2022

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FAMILY LAW
FACILITATOR:
What can we do for
you?




- Court attorney who can help you better represent yourself
- Available to either side
- Nothing is confidential
- Can help you with legal papers
- Can help you with service of the legal papers
- Can help with the filing of papers
- FLF does **not** go to court with you
- FLF does **not** represent you

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GOALS FOR THIS CLASS:

- Understand the **divorce process**—what steps you need to take and when
- Understand the **basic law** in the different issue areas, such as custody, support, property—so you understand your options
- Gain **important pointers** on how to fill out your forms correctly—so you can save time



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Want to get divorced?



- ▶ One spouse must file the **correct** legal papers with the **correct** court
- ▶ The legal papers must be **correctly** served (given) to the other spouse
- ▶ One or both spouses must do their **correct** financial disclosures
- ▶ Resolve your issues: (Default, mutual agreement or trial?)
 - ▶ Custody and visitation
 - ▶ Child support
 - ▶ Spousal support
 - ▶ Property division: Both assets and debts
- ▶ File the **correct** documents in the **correct** manner to get your Judgment



Slide 6

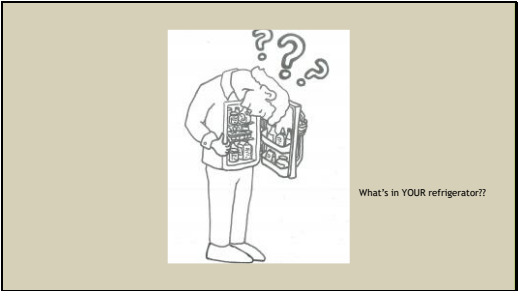
Before I think about filing for divorce...



- ▶ Have we tried marriage counseling?
- ▶ Do I have copies of all our important legal and financial documents—in a safe place?
- ▶ Have I run a credit check?
www.annualcreditreport.com
- ▶ Do I need to make estate planning changes?




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Do I need an attorney????



- ▶ Hire an attorney: "YOU do it!"
- ▶ Limited scope representation: "I can do part of it!"
- ▶ Mediation: "I want to work on the divorce amicably with my partner."
- ▶ Self-represented: "I can do this!"


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California Courts Self-Help Center: Lots of information and the free forms available that you complete on your own



Guide and File: Answer online questions and automatically create the forms. File electronically or print and file on your own.



Law Help Interactive: Free forms that you complete yourself by answering written interview questions



Links: On the next page

OPTIONS FOR CREATING YOUR LEGAL PAPERS


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Websites to create the legal forms:

California Courts Self-Help Center: Extensive information and free forms to complete on your own: <https://selfhelp.courts.ca.gov/divorce> **GREAT SITE!**

Law Help Interactive: By answering written interview questions, you complete legal forms for free: <https://www.butte.courts.ca.gov/self-help/online-resources>

Guide and File: Answer online questions on your own and your forms are created for free. You can then print the documents to serve and file or electronically file: www.guideandfile.com



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BASIC INFORMATION ABOUT YOUR POSSIBLE ISSUES--

- Custody
- Visitation
- Child Support
- Spousal Support (alimony)
- Division of Property: Assets and Debts

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Custody and Visitation....It's all about who is RESPONSIBLE and when



By Children's Attorney's Association

CUSTODY: There are 2 types of custody:

- ▶ **PHYSICAL CUSTODY:** With whom does your child live on a day-to-day basis?
- ▶ **LEGAL CUSTODY:** Who makes the decisions about your child's welfare?
 - ▶ Choice of daycare and school
 - ▶ Choice of medical and mental health providers
 - ▶ Choice of religion

VISITATION:

- ▶ When the parent who does not have physical custody is with the child

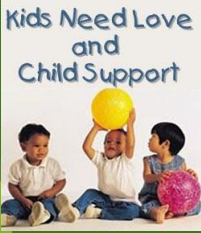
OTHER WAYS OF NAMING THE SAME THING:

- ▶ "Parenting plan"
- ▶ "Time share schedule"

PEACE CLASS is required! Online only and FREE:
<https://www.santabarbara.courts.ca.gov/divisions/family-law/peace-online>
Remember to file that Certificate of Attendance.


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1. If you have a minor child or children of the marriage, there must be an order for child support.
2. If neither spouse receives Cal-Works (welfare), then you both are free to negotiate the amount of child support and the effective date of the order.
3. If you want to mediate the issue of child support, please call the (South County) Family Law Facilitator's Office to schedule an appointment--FREE.
4. Amount of child support in CA is based generally on:
 - ▶ Number of children
 - ▶ Percentage of time share for each parent
 - ▶ Gross income
 - ▶ Tax deductions
5. Contact the Dept of Child Support Services for help: (866) 901-3212



Kids Need Love and Child Support

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Spousal Support??

- ▶ This is money that one spouse may pay to the other spouse to help support them. Must be in the form of a court order.
- ▶ **"Temporary Spousal Support"** for while the case is pending
 - ▶ Usually based on a formula
- ▶ **"Post-Judgment Spousal Support"** is based on the FC 4320 factors:
 - ▶ https://leginfo.ca.gov/faces/codes_displaySection.xhtml?sectionNum=4320.&lawCode=FAM
- ▶ Can be waived....bye-bye!

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FINANCIAL ENCLOSURES:
ARE THE ADULTS' TITLES COMMENTS OR SEPARATE?

The goal of this financial disclosure form is to identify, in a way that is not unduly burdensome with either one of the adults, persons or items of property that determine the values of an **enclosure**:

- 1. Every itemization of your assets and liabilities (the "Net Worth" or "Assets") will require the identification of the person or persons who own the asset or liability. The name of the owner of each item of property should be indicated in the box to the left.
- 2. Characteristics must exist and each of the other assets or liabilities property based on the asset or liability must be identified by the person or persons who own the asset or liability. This does not mean that the person or persons who own the asset or liability must be identified by the person or persons who own the asset or liability. The person or persons who own the asset or liability must be identified by the person or persons who own the asset or liability.

STEP 3: List all valuable property you can identify, such as: vehicles/boats/aircraft, real estate, bank accounts, pensions or retirement plans, IRAs, computers, life savings (IRA, 401(k), 403(b), 457(b), 458(b), 459(b), 460(b), 461(b), 462(b), 463(b), 464(b), 465(b), 466(b), 467(b), 468(b), 469(b), 470(b), 471(b), 472(b), 473(b), 474(b), 475(b), 476(b), 477(b), 478(b), 479(b), 480(b), 481(b), 482(b), 483(b), 484(b), 485(b), 486(b), 487(b), 488(b), 489(b), 490(b), 491(b), 492(b), 493(b), 494(b), 495(b), 496(b), 497(b), 498(b), 499(b), 500(b), 501(b), 502(b), 503(b), 504(b), 505(b), 506(b), 507(b), 508(b), 509(b), 510(b), 511(b), 512(b), 513(b), 514(b), 515(b), 516(b), 517(b), 518(b), 519(b), 520(b), 521(b), 522(b), 523(b), 524(b), 525(b), 526(b), 527(b), 528(b), 529(b), 530(b), 531(b), 532(b), 533(b), 534(b), 535(b), 536(b), 537(b), 538(b), 539(b), 540(b), 541(b), 542(b), 543(b), 544(b), 545(b), 546(b), 547(b), 548(b), 549(b), 550(b), 551(b), 552(b), 553(b), 554(b), 555(b), 556(b), 557(b), 558(b), 559(b), 560(b), 561(b), 562(b), 563(b), 564(b), 565(b), 566(b), 567(b), 568(b), 569(b), 570(b), 571(b), 572(b), 573(b), 574(b), 575(b), 576(b), 577(b), 578(b), 579(b), 580(b), 581(b), 582(b), 583(b), 584(b), 585(b), 586(b), 587(b), 588(b), 589(b), 590(b), 591(b), 592(b), 593(b), 594(b), 595(b), 596(b), 597(b), 598(b), 599(b), 600(b), 601(b), 602(b), 603(b), 604(b), 605(b), 606(b), 607(b), 608(b), 609(b), 610(b), 611(b), 612(b), 613(b), 614(b), 615(b), 616(b), 617(b), 618(b), 619(b), 620(b), 621(b), 622(b), 623(b), 624(b), 625(b), 626(b), 627(b), 628(b), 629(b), 630(b), 631(b), 632(b), 633(b), 634(b), 635(b), 636(b), 637(b), 638(b), 639(b), 640(b), 641(b), 642(b), 643(b), 644(b), 645(b), 646(b), 647(b), 648(b), 649(b), 650(b), 651(b), 652(b), 653(b), 654(b), 655(b), 656(b), 657(b), 658(b), 659(b), 660(b), 661(b), 662(b), 663(b), 664(b), 665(b), 666(b), 667(b), 668(b), 669(b), 670(b), 671(b), 672(b), 673(b), 674(b), 675(b), 676(b), 677(b), 678(b), 679(b), 680(b), 681(b), 682(b), 683(b), 684(b), 685(b), 686(b), 687(b), 688(b), 689(b), 690(b), 691(b), 692(b), 693(b), 694(b), 695(b), 696(b), 697(b), 698(b), 699(b), 700(b), 701(b), 702(b), 703(b), 704(b), 705(b), 706(b), 707(b), 708(b), 709(b), 710(b), 711(b), 712(b), 713(b), 714(b), 715(b), 716(b), 717(b), 718(b), 719(b), 720(b), 721(b), 722(b), 723(b), 724(b), 725(b), 726(b), 727(b), 728(b), 729(b), 730(b), 731(b), 732(b), 733(b), 734(b), 735(b), 736(b), 737(b), 738(b), 739(b), 740(b), 741(b), 742(b), 743(b), 744(b), 745(b), 746(b), 747(b), 748(b), 749(b), 750(b), 751(b), 752(b), 753(b), 754(b), 755(b), 756(b), 757(b), 758(b), 759(b), 760(b), 761(b), 762(b), 763(b), 764(b), 765(b), 766(b), 767(b), 768(b), 769(b), 770(b), 771(b), 772(b), 773(b), 774(b), 775(b), 776(b), 777(b), 778(b), 779(b), 780(b), 781(b), 782(b), 783(b), 784(b), 785(b), 786(b), 787(b), 788(b), 789(b), 790(b), 791(b), 792(b), 793(b), 794(b), 795(b), 796(b), 797(b), 798(b), 799(b), 800(b), 801(b), 802(b), 803(b), 804(b), 805(b), 806(b), 807(b), 808(b), 809(b), 810(b), 811(b), 812(b), 813(b), 814(b), 815(b), 816(b), 817(b), 818(b), 819(b), 820(b), 821(b), 822(b), 823(b), 824(b), 825(b), 826(b), 827(b), 828(b), 829(b), 830(b), 831(b), 832(b), 833(b), 834(b), 835(b), 836(b), 837(b), 838(b), 839(b), 840(b), 841(b), 842(b), 843(b), 844(b), 845(b), 846(b), 847(b), 848(b), 849(b), 850(b), 851(b), 852(b), 853(b), 854(b), 855(b), 856(b), 857(b), 858(b), 859(b), 860(b), 861(b), 862(b), 863(b), 864(b), 865(b), 866(b), 867(b), 868(b), 869(b), 870(b), 871(b), 872(b), 873(b), 874(b), 875(b), 876(b), 877(b), 878(b), 879(b), 880(b), 881(b), 882(b), 883(b), 884(b), 885(b), 886(b), 887(b), 888(b), 889(b), 890(b), 891(b), 892(b), 893(b), 894(b), 895(b), 896(b), 897(b), 898(b), 899(b), 900(b), 901(b), 902(b), 903(b), 904(b), 905(b), 906(b), 907(b), 908(b), 909(b), 910(b), 911(b), 912(b), 913(b), 914(b), 915(b), 916(b), 917(b), 918(b), 919(b), 920(b), 921(b), 922(b), 923(b), 924(b), 925(b), 926(b), 927(b), 928(b), 929(b), 930(b), 931(b), 932(b), 933(b), 934(b), 935(b), 936(b), 937(b), 938(b), 939(b), 940(b), 941(b), 942(b), 943(b), 944(b), 945(b), 946(b), 947(b), 948(b), 949(b), 950(b), 951(b), 952(b), 953(b), 954(b), 955(b), 956(b), 957(b), 958(b), 959(b), 960(b), 961(b), 962(b), 963(b), 964(b), 965(b), 966(b), 967(b), 968(b), 969(b), 970(b), 971(b), 972(b), 973(b), 974(b), 975(b), 976(b), 977(b), 978(b), 979(b), 980(b), 981(b), 982(b), 983(b), 984(b), 985(b), 986(b), 987(b), 988(b), 989(b), 990(b), 991(b), 992(b), 993(b), 994(b), 995(b), 996(b), 997(b), 998(b), 999(b), 1000(b).

Is all debt you can identify, such as: credit card debts, mortgage/credit/vehicle bills, bank loans, retirement debts (such as in Ability Transfer), personal loans from a friend or relative, child/parent, etc.)

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Q102 How characterize your assets and debts as either separate property or community property by marking in the appropriate column (1, 2 or 3) but according to when the debt was acquired.

DATE OF MARRIAGE ____/____/____ Month / Day / Year		Married Period	DATE OF SEPARATION ____/____/____ Month / Day / Year										
<table border="1"> <thead> <tr> <th>Separate Property (S)</th> <th>Community Property (CP) - 1</th> <th>Community Property (CP) - 2</th> <th>Community Property (CP) - 3</th> <th>Separate Property (S)</th> </tr> </thead> <tbody> <tr> <td></td> <td> <p>* EXCLUSION OF ASSET INCOME</p> <p>Property received by gift, inheritance or as a settlement of a lawsuit or judgment</p> <p>Property acquired before marriage (except as otherwise noted under separate property)</p> </td> <td></td> <td></td> <td></td> </tr> </tbody> </table>	Separate Property (S)	Community Property (CP) - 1	Community Property (CP) - 2	Community Property (CP) - 3	Separate Property (S)		<p>* EXCLUSION OF ASSET INCOME</p> <p>Property received by gift, inheritance or as a settlement of a lawsuit or judgment</p> <p>Property acquired before marriage (except as otherwise noted under separate property)</p>						
Separate Property (S)	Community Property (CP) - 1	Community Property (CP) - 2	Community Property (CP) - 3	Separate Property (S)									
	<p>* EXCLUSION OF ASSET INCOME</p> <p>Property received by gift, inheritance or as a settlement of a lawsuit or judgment</p> <p>Property acquired before marriage (except as otherwise noted under separate property)</p>												

"Property Worksheet" p. 2

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Let's check out the following legal forms:

FORMS:

- FL-107 INFO SHEET
- FL-110 SUMMONS
- FL-100 PETITION
- FL-105 Declaration Under UCCJEA

FILING FEE:

- \$435: Cash, check, money order or credit card
- FW-001 Request to Waive Court Fees
- FW-003 Order on Court Fee Waiver

GET MORE INFORMATION:
<https://www.courts.ca.gov/1229.htm>



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FL-107-INFO Legal Steps for a Divorce or Legal Separation

FL-107 INFO

STEP 3B: Identify and solve your issues:

- Child custody and visitation
- Child support
- Spousal support
- Division of property: Both assets and debts

For more information on ways to get orders regarding your issues, see the "Resolve Your Issues" handout from the Family Law Facilitator's Office.



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Pull that wagon to completion!

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Judgment FL-180 p. 1





- Your goal is to get this document
- When signed by the judge and filed with the court, it signals that your divorce is complete
- Page 1: Indicates the date that marital status is terminated (you've become single)

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Judgment FL-180 p. 2

- The issues in your divorce are listed here. They are determined by what is requested in the Petition FL-100 and Response FL-120. These issues must be resolved by the time of Judgment.
- For each issue: Either you both make a written agreement OR the judge makes orders.
- The final orders are attached to the Judgment. You can treat each issue as a "chapter" in your divorce "book." Get each one resolved—one at a time.


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Box #2 Couples:

"Petitioner, don't take my default" letter

"Default":

- The Respondent has a minimum of 30 days to file a Response FL-120.
- After 30 days if they don't file the Response, then Petitioner may "take the Respondent's default"—terminate Respondent's ability to participate in the court case.
- This is done by Petitioner filing the Request to Enter Default FL-165.



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A screenshot of a legal document titled "SUMMONS (Family Law)" and "SUMMONS-FL-110". The document contains various sections, including "SUMMONS (Family Law)", "SUMMONS-FL-110", and "SUMMONS (Family Law)". It includes a table with columns for "Case Number", "Case Name", "Case Type", "Case Status", and "Case Date". The document is a legal form for family law cases.

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A screenshot of a legal document titled "Petition FL-100". The document contains various sections, including "Petition FL-100", "Petition FL-100", and "Petition FL-100". It includes a table with columns for "Case Number", "Case Name", "Case Type", "Case Status", and "Case Date". The document is a legal form for family law cases.

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DATE OF SEPARATION

...hmmm

▶ When did I know in my heart of hearts that our marriage was over?

▶ When did I communicate this to my spouse?

▶ When did we physically separate?



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PETITION
FL-100

1. PETITIONER'S INFORMATION

2. GROUNDS FOR PETITION

3. VERIFICATION OF PETITIONER'S STATEMENT

4. VERIFICATION OF PETITIONER'S STATEMENT

5. VERIFICATION OF PETITIONER'S STATEMENT

6. VERIFICATION OF PETITIONER'S STATEMENT

7. VERIFICATION OF PETITIONER'S STATEMENT

8. VERIFICATION OF PETITIONER'S STATEMENT

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UCCJEA
FL-105

1. PETITIONER'S INFORMATION

2. GROUNDS FOR PETITION

3. VERIFICATION OF PETITIONER'S STATEMENT

4. VERIFICATION OF PETITIONER'S STATEMENT

5. VERIFICATION OF PETITIONER'S STATEMENT

6. VERIFICATION OF PETITIONER'S STATEMENT

7. VERIFICATION OF PETITIONER'S STATEMENT

8. VERIFICATION OF PETITIONER'S STATEMENT

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[illegible]

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[illegible]

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[illegible]

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NEXT STEP: Filing your documents

1. Filing fee – \$425 (payable to Santa Barbara Superior Court Clerk) or qualify for fee waiver
2. File in person M – F 9 a.m. – 1:30 p.m.
3. FAX: file to Clerk's Office at: 805.882-4519; \$1/page; Use MC 005.
4. E-File your documents through a private filing provider: tell us on the court's website; \$ to provider for e-filing
5. Drop off the original and 2 copies to the security guard at the Financial Division of the court. Include a self-addressed stamped envelope for return of copies.
6. Mail the original and 2 copies to the Clerk's Office. Include a self-addressed stamped envelope for return of copies.

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[illegible]

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A paper airplane is shown flying from left to right across a teal oval. Below the airplane, a dashed white line curves upwards. The word "Service!" is written in black text inside the oval.

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NEXT STEP:
Serving your documents...

IMPORTANT:
YOU CANNOT SERVE your own documents. You need another adult to serve, who is not part of the case.

Serve by personal service, or

In CA: serve by mail with Notice and Acknowledgment of Receipt (NAR) JL-117

Outside CA in US: serve by certified mail, restricted delivery, return receipt requested with NAR or by personal service

Outside the US: Very complicated.

General Information:
<https://www.court.ca.gov/gov/1229.htm#panel87>
60

Contact the Family Law Facilitator for help!

IMPORTANT:

YOU CANNOT SERVE your own documents. You need another adult to serve, who is not part of the case.


Outside CA in US: serve by certified mail, restricted delivery, return receipt requested or with NAR or by personal service

General information:
<http://www.fishbase.org>

<https://www.courts.ca.gov/1229.htm#panel87>

Co

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DON'T FORGET TO FILE THAT PROOF OF SERVICE!

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[illegible]

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Yay! You've completed Steps #1 and 2.

NEXT STEPS:

- ▶ Do your **Financial Disclosures**:
 - ▶ Class starts at 10:30 a.m. today!
- ▶ Work on making an **agreement regarding custody and visitation**:
 - ▶ Attend FLF custody/visitation classes.
 - ▶ Attend the PEACE class.
 - ▶ Make a mediation appointment with Family Court Services
- ▶ Work on making an **agreement regarding child support and spousal support**:
 - ▶ Make a mediation appointment with FLF
- ▶ Work on making an **agreement regarding property division**:
 - ▶ Simple cases: Make a mediation appointment with FLF

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Unsure of what to do??

...Take the High Road!

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You too can do it....

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Thank you.

For further assistance, please:
call 805.882.4660
or email us at SBFLF@sbcourts.org
Check us out at
<https://www.santabarbara.courts.ca.gov>

And remember...
It will get better.