

DIVORCE IN CALIFORNIA

This is the California divorce process summarized in ten steps:

1 Preparation: Once you're mentally prepared for divorce, you'll want to take action to protect important assets. If you have children, you'll want to prepare them for the separation as well.

2-4. Filing & Responding: Legally initiating divorce is handled by only a few court forms. You will either a) 'Serve' divorce papers to your spouse or b) 'Respond' to the papers your spouse files. In general, neither position is automatically more advantageous than the other.

5. Temporary Orders: Before your divorce is finalized, you may request legally-binding, temporary (pre divorce judgment) orders that outline alimony, child support & custody, use of property, etc.

6. Financial Disclosures: With four court forms, you'll detail your assets, debts, income(s), and expenses for submission to the court. Just like taxes, these forms are required of everyone.

7. Discovery: If your spouse is uncooperative or you believe they are hiding information, Discovery is the legal process for obtaining that information. This step is often times not needed when both sides cooperate and are honest with each other.

8. Settlement: At this point, all of the prerequisite court forms have been filed and you can formally settle all aspects of your partnership through a divorce judgment. If you and your spouse are able to reach terms amicably, you can avoid trial altogether.

9. Trial: Sometimes, no matter how hard you try, your spouse will be disagreeable. A judge will weigh all information/testimony and decide the details of your divide, including: asset/debt allocation, financial support, and custody.

10. Post-Judgment: After trial or settlement, you'll prepare and submit your Judgment for the judge to sign. With your marriage legally

dissolved, you may now address issues such as estate planning, account ownership, and retirement.

The unique circumstances of your divorce will determine which steps you take during the process. We hope you take care of yourself during this difficult time. **More details on each step of the process can be found at:**

<https://cristinlowelaw.com/california-divorce-process-ten-steps/#10stepsSummary>

Divorce can feel stressful and overwhelming, especially for pregnant women, but the more you're able to educate yourself on the process, the better off you'll be in the long-run.

Hiring an Attorney

If you are considering hiring an attorney to represent you in your divorce, your first experience with that attorney will likely be a **face-to-face consultation**. A divorce consultation can cause anxiety for those going through their first divorce because they do not know what to expect with respect to the dissolution process and the consultation itself.

Your first consultation should be professional yet relaxed. However, in order to get the most out of the time you spend with an attorney during the initial consultation it is important to come prepared. Before your first meeting regarding your divorce matter you will want to gather as much information as you can regarding your family's **assets, debts, and overall finances**. The more information the client provides his or her divorce attorney the more specific advice the attorney can provide the client. Often times at the outset of a divorce, one spouse has little to no information regarding the other spouse's income. If a potential client provides the attorney with a recent tax return and/or current paystubs, the attorney can give the client more information regarding possible child support and spousal support scenarios.

Potential clients should beware of family law attorneys who provide free consultations but offer little specialized or specific advice during

that time. Many free consultations consist of an explanation of the process but do not go much deeper into the client's particular case. Taken from: <https://www.bickfordlaw.com/what-to-expect-in-a-divorce-consultation.html>

Resources for Napa County

Local Family Law Attorneys

<https://www.justia.com/lawyers/family-law/california/napa-county>

California Superior Court- Napa County

The Napa Self-Help is combined with the Family Law Facilitator's Office to provide assistance completing forms related to Dissolutions, Paternity, Child Custody & Visitation, Child & Spousal Support, and other matters as time permits. Their staff is available daily to answer questions regarding procedures, identify appropriate procedures, assist you in preparation and distribution of court forms, and help guide you through the legal process. Please keep in mind, however, that their services are limited to procedural information only:

Email: selfhelp@napa.courts.ca.gov
825 Brown Street- Second Floor
Napa, CA 94559
(707) 299-1137
<http://www.napa.courts.ca.gov/self-help>

Office hours:
Monday - Friday 8:00am to 4:00pm

Domestic Violence and/or Civil Harassment

Should you find yourself in need, Napa Self-Help is available to prepare the necessary forms to obtain a restraining order to protect yourself from harm. They will schedule your matter for court, prepare all the court paperwork, and provide instruction regarding the process from start to finish. In addition, they can refer you to other organizations that may be able to provide further support or assistance.

NEWS Napa: NEWS is dedicated to providing safety, hope, healing and empowerment for survivors of domestic and sexual abuse. Equally, NEWS is committed to promoting safe communities and social change through prevention, intervention, education, and advocacy.

In addition to a myriad of services, The Court Advocacy Program of NEWS provides help with the process of filing for protective orders and advocacy to victims of domestic violence. The Court Advocate will refer clients to resources pertaining to child custody, visitation, and other civil issues related to abuse.

Learn more: <https://www.napanews.org/>

Pregnancy And Divorce In California

Though California does allow women to proceed with their divorces while they're pregnant. A married couple in California can file a divorce during a pregnancy, but the divorce cannot be finalized until after the baby is born. How come? It mainly has to do with concerns over paternity. Understandably, those paternity rights and concerns will become a major focus of the divorce case, especially if the husband isn't sure if he's the father.

Questions About Paternity

Naturally, divorce and pregnancy have their complications. If the wife became pregnant while the couple was married, then legally the woman's husband would be the child's legal father, even if he isn't the biological father. So, if the husband or the wife suspects the child may not be the husband's, a paternity test will need to be performed after the child's birth.

Let's assume that, no doubt, the husband is the child's father. In that case, a number of issues will need to be resolved after the child's birth, such as child custody, child support, daycare expenses, health insurance, and visitation.

Paternity: What About Labor & Delivery?

If the husband is the child's father, there will be questions about the labor and delivery. Will the father attend the birth or will mother say that he is unwelcome? If it's an acrimonious divorce, the mother may not want the father in the delivery room.

In California, it would be hard to find a labor and delivery unit that would force the mother to have her husband in the room if she doesn't want him there. For example, if the wife discovered that her husband was having an affair, she may not want him at the birth because she finds him stressful. But later, the father could argue that his wife wouldn't let him bond with his child after birth.

Before the child's birth, the father can ask the court to include him in the delivery process. While he may be excluded during the mother's "Golden Hour," he may be awarded bonding time with the child shortly after the birth.

After the newborn is discharged from the hospital, the father will have to keep in mind the "best interests of the child," especially if the baby is breastfeeding. Custody initially, may not include overnight visits, at least while the child is still nursing, but it can be expanded as the child stops breastfeeding or starts taking a bottle.

<https://www.ocdivorce.net/blog/2019/march/pregnancy-and-divorce-in-california/>

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