

ROADMAP TO SUCCESS: RESPONDENT'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.

NOTIFICATION THAT YOUR SPOUSE HAS FILED FOR DIVORCE

You have just received notice, called “service” from your spouse that he or she has filed divorce papers with the Court. Please be aware that **YOU ARE NOT YET DIVORCED! THE DIVORCE PROCESS TAKES A MINIMUM OF SIX MONTHS TO COMPLETE**. Notifying you that the paperwork has been filed is the first step in filing for divorce. You should have received all of the documents listed below from your spouse:

1. Your spouse’s completed Summons, Petition, and Declaration Under Uniform Child Custody Jurisdiction Enforcement Act form;
2. A Notice of Case Management Conference. This includes your assigned court dates – **DO NOT LOSE THIS FORM; IT IS IMPORTANT TO KNOW THE DATES THAT YOU MAY HAVE TO GO TO COURT**;
3. The yellow forms including: (a) Blank Case Management Conference Questionnaire; (b) Family Law Alternative Dispute Resolution information form; (c) Notice to Parties regarding Tentative Rulings - Appendix E; (d) Information sheet regarding 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).

Your spouse will file a form with the Court, called Proof of Service, stating that he or she has provided you with these forms. Now that you have been served with the papers above, you have two options: (1) you may file a Response with the Court and have **someone other than you and over the age of eighteen** serve a copy on your spouse or (2) if you have entered into a written agreement with your spouse about all of the issues related to your divorce, your spouse may file a Declaration for Default or Uncontested Dissolution and a Request to Enter Default with the Court. **If you do nothing, the Court may enter Orders affecting your family and finances without hearing from you.**

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 approximately 180 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.