

Request For Trial for Divorce when...

You and the Other Party Have Filed the *Petition* and *Response*

Step 1	Complete the following forms in blue or black ink: <input checked="" type="checkbox"/> FM-1012 Request for Trial (local form)
Step 2	Copy and service: <ul style="list-style-type: none">• Make 1 copy of the original and serve this copy by mail on the other party.• “<i>Service by mail</i>” means: someone other than you who is at least 18 years old must mail the unfiled copy to your husband/wife/partner.• Whoever does the service must complete the <i>Proof of Service</i> on the back of the original Request for Trial and return it to you.
Step 3 There is no filing fee.	Copy and file: Make 1 copy of the original (with the Proof of Service on back completed). File the original and copy in the Clerk’s Office in the Courthouse located at: <ul style="list-style-type: none">• 170 Park Avenue, San Jose, CA or • 99 Notre Dame Ave., San Jose, CA or• 605 W. El Camino Real, Sunnyvale, CA or • 301 Diana Ave., Morgan Hill, CA Monday-Friday from 8:30am to 4:00pm. The Clerk will keep the original and return the copy to you.
Step 4	Wait: Both you and the other party will get a notice in the mail to appear in court for a hearing called a “ Case Status Conference ” to tell the Judge about the issues in your divorce case and whether you and the other party have any agreements or disagreements.
Step 5	Go to your court date: You and the other party must go to this hearing.
NOTE	If you have not already completed the financial disclosure process, you should do so before your Case Status Conference. You may obtain the necessary forms at the Self-Help Center/Family Law Facilitator’s Office and at www.courts.ca.gov .

Please turn over for important information



WHEN WOULD I NEED TO FILE A REQUEST FOR TRIAL?

If both you and the other party have filed the *Petition* and *Response* and your divorce case still is not finished. If you or the other party just recently filed the *Response*, wait and give the court time to schedule a hearing called a "Case Management Conference". However, if it has been awhile since the *Response* was filed and the Court has not scheduled a Case Management Conference or a Mandatory Settlement Conference hearing, then you can file a *Request for Trial*.

WHAT HAPPENS IF WE AGREE?

If you and the other party are in agreement about everything in your divorce case at the Case Management Conference, the Judge may send you to the Family Court Clinic for help writing up your *Judgment* to finalize your divorce.

WHAT HAPPENS IF WE DO NOT AGREE?

If you do not agree about everything at the Case Management Conference, the Judge may schedule a Mandatory Settlement Conference and then a Trial date or you may be referred to other offices in the Court that can help you come to an agreement.

HOW LONG DOES IT TAKE TO FINISH THE DIVORCE?

The earliest you can be divorced is 6 months and a day from the date your spouse/partner was served with the divorce forms or 6 months from the date he/she filed a *Response*, if a *Proof of Service of Summons* was not filed. However, you will not automatically be divorced after 6 months. Petitioner and/or respondent must complete and file the necessary forms and documents to finish the case.

HOW CAN I GET THE FORMS?

There are a few ways that you can get the forms:

- hire an attorney;
- contact a Legal Services Agency such as Legal Aid or Pro Bono Project
- get the forms online at the state's website, (www.courts.ca.gov/selfhelp);
- use a self-help legal book or
- visit the Self-Help Center/Family Law Facilitator's Office in person, Monday through Thursday, starting at 8:30 am. Please go to www.scscourt.org (and click on the self-help section of the site) for details on how to sign up for help at our office. **Please note: we cannot help people who have attorneys.**

Self-Help Center/Family Law Facilitator's Office
Superior Court, County of Santa Clara
99 Notre Dame Avenue, San Jose, CA 95113
(408) 882-2926

www.scscourt.org
Superior Court, County of Santa Clara

www.courts.ca.gov/selfhelp
State of California Courts Self-Help

**THESE ARE THE DOCUMENTS
YOU HAVE TO COMPLETE,
COPY, FILE AND SERVE.**

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): TELEPHONE NO.: _____ FAX NO.: _____ ATTORNEY FOR (Name): IN PRO PER	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA	
STREET ADDRESS: 170 Park Center Plaza MAILING ADDRESS: 191 North First Street CITY, STATE AND ZIP CODE: San Jose, CA 95113 BRANCH NAME: Family	
PETITIONER: RESPONDENT: OTHER PARENT/CLAIMANT:	
<div style="text-align: center;"> REQUEST FOR TRIAL (Family Law) </div> <input type="checkbox"/> Dissolution <input type="checkbox"/> Nullity <input type="checkbox"/> Legal Separation <input type="checkbox"/> Other Family Law: <input type="checkbox"/> Parentage	CASE NUMBER: DEPARTMENT NUMBER:

1. How long will your trial take (estimate)? Hour(s) Day(s)
2. Check the issues on which you and the other party disagree or need orders:
- | | | |
|--|---|--|
| <input type="checkbox"/> Child Support | <input type="checkbox"/> Spousal Support | <input type="checkbox"/> Arrearages |
| <input type="checkbox"/> Property Characterization | <input type="checkbox"/> Property Valuation | <input type="checkbox"/> Property Valuation Date |
| <input type="checkbox"/> Property Division | <input type="checkbox"/> Reimbursement | <input type="checkbox"/> Date Of Separation |
| <input type="checkbox"/> Attorney's Fees & Costs | <input type="checkbox"/> Other: | |
3. **Discovery** (getting information about/from the other party) that still needs to be done:
 Has discovery been finished? Yes No Not required/requested in this case
 If no, what discovery still needs to be done? Interrogatories Depositions Document Production
 How long do you think it will take both parties to finish discovery:
4. Mandatory **Declarations of Disclosure** (Dissolution, Legal Separation and Nullity cases only):
 Petitioner has served Respondent with Preliminary Final Declarations of Disclosure
 Respondent has served Petitioner with Preliminary Final Declarations of Disclosure
 If financial disclosures have not been exchanged/served, do you need a deadline? Yes No
5. Do you want a **Trial on separate issues**? Yes No If yes, what issues:
6. Have you and the other party and/or your attorneys met to discuss settlement? Yes No
 Do you want a **Settlement Officer Conference**? Yes No
7. Is the **Department of Child Support Services** involved on this issue of child support? Yes No
 If yes, which county? FSB Number: Court case number (if different from this case):

Date:

 ATTORNEY FOR PETITIONER RESPONDENT OTHER

NOTE: THIS FORM SHALL NOT BE USED FOR CUSTODY OR VISITATION ISSUES OR IN DOMESTIC VIOLENCE PREVENTION ACT CASES.

PROOF OF SERVICE BY MAIL (C.C.P. 1013a)
--

I mailed a copy of the Request for Trial in a sealed envelope as follows:

- a. Mailed from (City): _____, (State): _____
- b. On (date): _____
- c. To (name and address of the person served): _____

Server's Information:

Name: _____

Address: _____

City: _____

State: _____

Zip: _____

(If you are a registered process server):

County of Registration: _____

Registration Number: _____

I am over the age of 18 and not a party to this case. I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date: _____

 SERVER PRINTS NAME HERE

 SERVER SIGNS NAME HERE

SAMPLES

**Use the samples to help you complete
the packet of blank forms.**

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address):

FOR COURT USE ONLY

YOUR NAME
YOUR ADDRESS

SAMPLE ONLY
Do not write on
this copy!

TELEPHONE NO.: FAX NO.:

ATTORNEY FOR (Name): **IN PRO PER**

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA

STREET ADDRESS: 170 Park Center Plaza
MAILING ADDRESS: 191 North First Street
CITY, STATE AND ZIP CODE: San Jose, CA 95113
BRANCH NAME: Family

PETITIONER: PETITIONER'S NAME (person who started the case)

RESPONDENT: RESPONDENT'S NAME

OTHER PARENT/CLAIMANT:

REQUEST FOR TRIAL
(Family Law)

- Dissolution
- Legal Separation
- Parentage

- Nullity
- Other Family Law:

CHECK THE BOX THAT MATCHES THE TYPE OF CASE YOU ARE FILING THIS IN

CASE NUMBER:

YOUR CASE NUMBER

DEPARTMENT NUMBER:

HOW MUCH TIME DO YOU NEED WITH THE JUDGE TO FINISH YOUR CASE

1. How long will your trial take (estimate)?

- Hour(s)
- Day(s)

2. Check the issues on which you and the other party disagree or need orders:

- Child Support
- Property Characterization
- Property Division
- Attorney's Fees & Costs
- Spousal Support
- Property Valuation
- Reimbursement
- Other:
- Arrearages
- Property Value
- Date Of Sepa

CHECK THE BOX FOR EACH ITEM THAT EITHER YOU AND THE OTHER PARTY DISAGREE ABOUT OR THAT YOU NEED ORDERS FOR

3. **Discovery** (getting information about/from the other party) that still needs to be done:

Has discovery been finished? Yes No Not required/requested in this case
If no, what discovery still needs to be done? Interrogatories Depositions Docu
How long do you think it will take both parties to finish discovery:

IF YOU NEED TO GET MORE INFORMATION ABOUT/FROM THE OTHER PARTY COMPLETE THIS SECTION

4. Mandatory **Declarations of Disclosure** (Dissolution, Legal Separation a

Petitioner has served Respondent with Preliminary Final D
Respondent has served Petitioner with Preliminary Final D
If financial disclosures have not been exchanged/served, do you need a

THE LAW REQUIRES PARTIES TO DISCLOSE THEIR FINANCIAL INFORMATION TO EACH OTHER, COMPLETE THIS SECTION TO LET THE COURT KNOW IF YOU HAVE DONE THIS OR NOT

5. Do you want a **Trial on separate issues**? Yes No If yes, what issues:

HAVE YOU AND THE OTHER PARTY MET TO TRY TO REACH A SETTLEMENT

CHECK YES OR NO, IF YOU CHECK YES YOU MUST LIST THE SEPARATE ISSUES YOU NEED TO BE HEARD AT TRIAL

6. Have you and the other party and/or your attorneys met to discuss settlement? Yes No

Do you want a **Settlement Officer Conference**? Yes No

DO YOU WANT THE COURT TO SET A SETTLEMENT OFFICER CONFERENCE SO YOU AND THE OTHER PARTY CAN TRY TO REACH AN AGREEMENT

7. Is the **Department of Child Support Services** involved on this issue of child support? Yes No

If yes, which county? FSB Number: Court case number (if different from this case):

IS THE DEPARTMENT OF CHILD SUPPORT SERVICES INVOLVED IN YOUR CASE FOR CHILD SUPPORT

Date: **TODAY'S DATE**

SIGN YOUR NAME HERE

- ATTORNEY FOR
- PETITIONER
- RESPONDENT
- OTHER

CHECK THE BOX THAT APPLIES

NOTE: THIS FORM SHALL NOT BE USED FOR CUSTODY OR VISITATION ISSUES OR IN DOMESTIC VIOLENCE PREVENTION ACT CASES.

PROOF OF SERVICE BY MAIL (C.C.P. 1013a)
--

I mailed a copy of the Request for Trial in a sealed envelope as follows:

- a. Mailed from (City): _____, (State): _____
- b. On (date): _____
- c. To (name and address of the person served): _____

THIS SECTION MUST BE COMPLETED BY THE PERSON WHO MAILS A COPY OF THIS FORM TO THE OTHER PARTY
--

Server's Information:

Name:

Address:

City:

State:

Zip:

(If you are a registered process server):

County of Registration:

Registration Number:

I am over the age of 18 and not a party to this case. I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date:

 SERVER PRINTS NAME HERE

 SERVER SIGNS NAME HERE