

Dissolution Orientation/Overview Workshop

CURRICULUM

Pre-workshop

Screen for location of filing. Gather information regarding attendees, spouses, and children (names/dates of birth) in order to check that there are not any cases currently open (Case Index, Children's Index).

Distribute worksheet, flow chart, and survey.

Introduction

Welcome, I'm _____. I'm going to start with some information about the workshop and the Resource Center before we get into the legal concepts we need to learn.

This is a self-help Center, meaning that you represent yourself and are responsible for all the decisions in your case and for completing all of the necessary steps, which we will explain.

The Center cannot provide advice or strategy. What we can provide is information and assistance about the divorce process in California.

The Resource Center is neutral, so if the other person comes to the Center they will also receive assistance with their paperwork.

Since you represent yourself each time you come to the court you should be sure to:

- 1) Bring copies of everything you've filed or received that is relevant to your case. This will allow you to refer to paper and will allow staff to answer questions for you more accurately.
- 2) Bring a pen
- 3) Understand the paperwork as you are filling it out.
- 4) Understand your next step before you leave – remember that the court will not move your case forward; you are responsible for your own progress.

The petition is not the last step – no matter how your case progresses you will eventually need to get a judge to sign your judgment, before that, you are still married

Handouts – Everyone should have received a 12 page worksheet that we will go through today, a flowchart of the divorce process, and a survey. Please raise your hand if you are missing any of these items.

Overview of Process

Just to set the expectations, today we are not going to be completing any paperwork, we are going to learn about the divorce process and what information is necessary so that you can gather that information before you return for the next step. The purpose of this worksheet is to help you gather the information that is necessary to start and file your case. You must gather this information. If you return to the next session without this information, you will be turned away.

This workshop series is only for people who are filing here in Los Angeles County. Anyone who resides in Los Angeles County is permitted to file downtown at Stanley Mosk Courthouse. You may also be able to file in the District Courthouse as long as you or your spouse reside in that district.

There are two sets of paperwork that you need to complete in order to complete the divorce. All three steps are necessary for this process. Set 1 includes the Petition and the Financial Disclosures. Set 2 is judgment paperwork for the judge to sign.

At the next session you will fill out and complete the petition telling the court what you want and your financial disclosure information. Once you have completed those forms you will need to have another person 18 or older deliver those papers to your spouse. We will talk more about this process of serving the other person in a minute.

After the papers are delivered to your spouse they have 30 days to respond. If they don't respond you can proceed without them. If they do respond you will either make an agreement with them or you will need to go to trial before you complete the process.

Regardless of how your case goes, it will not be completed until you write up the judgment documents for the judge to sign and receive them with the judge's signature. Please be aware that you are not divorced until the judge signs. Even if the judge tells you at trial that the divorce is being granted, the judge is telling you their decision so that you can write up the documents and file them with the court, after which the judge will sign. Without the judge's signature you are still married.

Screening

There are three types of cases that would use the process that I just briefly described.

- 1) **Dissolution (divorce)** – in California you don't need to prove that you or the other person did anything wrong to get a divorce and you don't need the permission or participation of the other person.
- 2) **Legal Separation** – a legal separation is like a divorce as far as you can divide your property, and receive orders about custody, visitation, and child support for your children. However, at the end of a legal separation case you are still married and do not have the ability to remarry. You also do not need to prove anything to get a legal separation. However, if the other person replies that they want to be divorced you cannot prevent this.
Please be aware that if after a legal separation, you later want to be divorced, you will have to re-do the process.
- 3) **Nullity (annulment)** – Unlike the other two you do need to prove certain facts in order for a nullity to be granted. Grounds for a nullity include the other party was already married or fraud was involved.

Joint Petition for Summary Dissolution. I also want to screen everyone for one other option that is a simpler process. You must meet all of these criteria in order for this to be an option. But if it works for you it could save you some time. The requirements are:

- 1) *No minor children of the marriage*
- 2) *Married for less than five years*
- 3) *Not asking for spousal support*
- 4) *Less than \$6,000 in community debt,*
- 5) *Less than \$40,000 in community property (excluding cars)*
- 6) *Less than \$40,000 in separate property*
- 7) *No real property*
- 8) *Able to work together to do the paperwork*

If you think that this would be an option for you, at the end of the session rather than signing up for the next workshop, we will show you the documents you need and the information we go through today should equip you to fill out those forms with your spouse.

We got everyone's address at the beginning, let me just check is there anyone who has not been living in Los Angeles County for at least 3 months?

Is there anyone that has not been living in California for at least 6 months?

Has anyone here ever served in the armed forces, does anyone have a spouse that currently or formerly served?

[If anyone has a spouse that has served: Is your spouse currently serving, are they active duty?]

Fee/Fee Waiver

The filing fee is \$435 unless you receive a fee waiver from the court. The other person will also have to pay a \$435 fee if they choose to respond and don't receive a fee waiver. If you wish, you will fill out a fee waiver when you return for the next session.

The clerk may be able to grant you a fee waiver if you receive assistance from the government including Medi-Cal, Food Stamps, SSI, SSP, County Relief/General Assistance, IHSS, CalWORKS, Tribal TANF, or CAPI.

The clerks may also be able to grant you a fee waiver if your income is under a certain amount each month. If you just support yourself that amount is \$1,196.88 for one person. For two \$1615.63. For three \$2034.38. For four \$2453.13 [2013 amounts].

If you don't receive any of the benefits I mentioned and your income is above these amounts, it may still be possible to receive a fee waiver, but it will be up to the judge to decide. The judge will look at your income, who you live with, and your budget/expenses to determine whether to grant you a fee waiver.

If you do not receive a fee waiver, the judge may grant you a reduced fee, or grant you a payment plan. Be aware that if you don't make the payments as determined by the judge your case won't be able to go forward and may be dismissed.

Name Restoration

A person who changed their name has the ability to have their former name restored. The other person does not get a say in this issue. If you choose not to restore your name at this time, and you later change your mind there is a one page form that will allow you to do so.

When you get on the computer, one of the questions will be about alternative names. This does not refer to nicknames but to different legal names.

For example if changed when became a citizen or in a prior marriage.

Date of Separation

Everyone is going to need to determine their date of marriage and date of separation. Hopefully date of marriage is something you already know, if not you'll need to look at your marriage certificate.

The date of separation is the date that you or your spouse communicated to the other person that the marriage was over and acted consistent with that going forward.

For example:

- 1) No: fight/leave and return a few days later and go back to acting as husband and wife. Separated physically but intending to be together again.
- 2) No: going to marriage counseling because you are trying to continue the marriage
- 3) Yes: statement to the other person that you no longer wish to be together and the marriage is over, even if you remain in the same household. Physical separation is not necessarily what they mean when they ask you for your date of separation; it is okay if you are still in the same household.

The date of separation can be important for a few reasons, one is for dividing your property which we'll talk about later, and another is for spousal support.

Spousal Support (a.k.a. Alimony)

The state divides marriages into short-term and long-term marriages. 10 years or longer is considered a long-term marriage. Under 10 years is considered a short-term marriage. This distinction matters to the court when it is making decisions about spousal support.

The court can make three different types of orders regarding spousal support:

- 1) Order an amount of support for one party to pay to the other.
- 2) Reserve spousal support meaning the court is not ordering an amount right now but that the court could at some point order support to be paid. So, it's \$0 now, but it's possible it could change.
- 3) Terminate the ability of the court to award spousal support forever – if spousal support is terminated even if the other person wins the lottery and you are completely incapacitated you cannot come back to the court for support.

The court looks at a lot of factors when deciding whether or not to award support. If you are asking for spousal support, you must prove the other person has the ability to pay support and that you have a need and deserve to receive support.

So for example if you and your spouse are both earning minimum wage, the court may think the other person does not have the ability to pay you spousal support.

The court will also look at each of your earning capacities. What could you earn based on your work history, your education, and the current job market.

The court will also consider length of marriage, as well as whether one person supported the other in going to school or building a career. The court also takes into account ages and health of the parties.

For example if a person is completely health and 22 the court may think that they can correct a lack of work history and may expect them to be able to find a job. But if someone has been a stay-at-home parent/spouse all their life with no work history and is now in their 60s and maybe is disabled, the court is going to have a different expectation for that person.

If you want to ask for spousal support you will do that in your petition when you return next time.

When the court is ordering support in a **short term marriage**, generally the longest that support would be ordered for half the length of the marriage.

In a **long term marriage**, more typically if there is support, it could be ongoing until the death of either party, the remarriage of the person receiving support, or until a judge makes another order.

On the petition that you fill out next time, one of the options to mark off is that you wish to terminate the other person's ability to request spousal support in the future. If you are in a short term marriage you would have the ability to terminate even if the other person doesn't respond. If you are in a long term marriage, the court won't terminate this ability for the other person without a written agreement in your judgment or a trial.

Children

If you have minor children, you will need to make three decisions with regards to minor children: Legal custody, physical custody, and the parenting or visitation schedule.

Legal custody is who will make decisions for your children, such as where they will go to school and the type of medical care they receive. You can ask that you make these decisions on your own, that the other person makes these decision, or that you make these decisions together. If only one of you is going to be responsible for these decisions, that would be sole legal custody; if you share this responsibility that would be joint legal custody.

Physical custody is about where the children will live most of the time. You will need to decide if they will live with you, the other person, or partially with each of you. Even if one parent has sole physical custody, in most situations the court wants to see that the child is able to spend time with both parents.

In order to do that, you'll have the opportunity to propose a schedule of **visitation** for when the children will be with each parent. A lot of people initially don't want to make a schedule, because they believe they will be able to work it out with the other parent on a weekly basis. This is your case, so you can choose to do that if you believe it is best for you. But, we do want to make you aware that even if you have a written schedule it is okay for you and your spouse to agree to make changes to that schedule. Having a written schedule gives you a baseline or a fall-back plan if you are ever unable to come to an agreement at some time in the future. It's easier to have a clear and enforceable schedule from the start before conflicts come up, such as both parents wanting to take the children to a family event on the same day.

For other people, you may already know that it is very difficult to negotiate with the other person or that you aren't sure if the other person will follow your agreement. If you don't believe that it will be easy for you and the other person to work out parenting time, you particularly want to make sure that your schedule is enforceable. Meaning that someone who has never spoken to you, like the Sheriff, can look at it and figure out exactly where the kids are supposed to be at a given time.

For example:

"One day a week" or "Three weeks in the summer" is not specific; the Sheriff will not know which day, or which weeks.

Alternate weekends is also unclear because the Sheriff will not go back months or years to try to figure out which weekend we are currently on. Even if you are just negotiating between yourselves without involving the Sheriff, alternate weekends can be problematic. Often parents make agreements to exchange or rearrange weekends so that its better for the children, but then later when a disagreement arises it is impossible for them to agree as to whose weekend it should be.

Keep in mind that you and your spouse can make any agreement you want with regard to visits as you go along, but if you have a clear written schedule you'll have a fall back plan if you aren't able to agree.

If you and your spouse cannot come to an agreement in the divorce regarding custody and visitation of the children, the judge will be forced to make orders on these issues. You will be required by the court to attend **mediation** prior to any orders. The goal of mediation is for you and your spouse to come to an agreement. However, you shouldn't feel forced or bullied into making an agreement, you always have the right to say that you want the judge to make the decision.

If the judge has to decide, when it comes to determining a visitation schedule, the expectation of the court is that both people will have substantial time with the child. If you are scared for your children to be alone with your spouse, you can ask for no visitation or supervised visitation, but it will be your responsibility to show the court why this type of limitation is necessary.

The court might grant supervised, limited, or no visitation if your spouse has been physically violent towards family members, or has physically or sexually abused either your child or another child. You will want to bring the judge any evidence that you have of these things happening.

The court might also grant this request if your spouse has a serious drug, alcohol, or mental health problem that causes danger to the children. You need to show the judge that there is truly a connection between their problem and the safety of the children.

For example if someone is driving drunk with the children in the car, the judge can see that they are at risk of physical injury. But, if they drink when the children are not around or they used to drink in the past, the judge may find it difficult to see how that puts the children at risk.

Something that is NOT grounds for supervised visitation is that the other parent doesn't know how to care for the child; the court would expect the other parent to have the opportunity to learn how. They need to be given the opportunity to learn how to change diapers etc.

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In addition to proposing the orders you want as we just discussed, you also need to give the court information on where the child lived for last five years (or since birth if younger than 5). I know sometimes it is difficult to come up with the exact day that you moved, do your best to remember the city and approximate dates, or to look at your paperwork at home to get this information.

Child Support

As part of the court orders, they will also look at child support. They will take into account your income, the other person's income, and the amount of time that each of you cares for the child.

When you fill out your paperwork, you will be asked for your spouse's income. If you do not know this information you will have to make a guess as to the other party's income. If you believe that they do not have any particular education or work history, one option would be to say that they are capable of making minimum wage, but for many people that will not be a very accurate guess. You may be able to make a better estimate by recalling what they made when you were together, if you saw their paychecks or paystubs, what they told you they make, what they paid each month in expenses, or by doing some research online as to what people with similar backgrounds make at their jobs.

Parentage

If you have a child born before marriage, you need to make sure you ask for parentage to be established in your petition. When a child is born while you are married, the husband is automatically the father of the child. However, if you have a child who was born before you got married, you will need to legally establish that Dad is really Dad. Let us know next time that this is an issue for you, so they can make sure it is checked. If it is not checked, Dad will not be established as the legal father and this can be important for medical insurance, VA benefits, Social Security, inheritance, and many other things.

Service

Someone who is not you and is 18 or older must serve the other party.

It is okay for it to be a friend or family member, you just cannot do it yourself.

If you don't feel it's safe for someone to serve them or don't want to involve them, you may be able to hire the sheriff for \$35; if you have a fee waiver they won't charge you.

You can also hire a process server for to serve your spouse.

This does not have to be a confrontational process, it is okay to call the person and ask them to meet your friend to receive service.

Your spouse does not have to agree to be served or sign anything. However, the person who serves them must sign a form saying they have served that person.

If your spouse does not want to be served, and refuses to take the envelope, your friend needs to leave the envelope at their feet and walk away. If your friend keeps the envelope they have failed to serve the other person. But, if the envelope is left on the ground or table in front of someone, they have the option to pick it up, and they are considered to have been served.

If the person lives in CA, the best option is personal service. There is a procedure within California to allow for service by mail if they are cooperating with you, but we highly suggest personal service.

[Check sign-in sheet to see if anyone out of state]

If they live outside of California, there are different rules that let you serve them by mail. You will need someone else to mail the paperwork to them with a "return receipt requested." At the post office you will fill out the green card, making sure to check the box that you need ONLY your spouse to sign. If you do not check this box, the post office will let anyone sign for the envelope. You need to get back the green card with their signature and bring that green card back to the court in order to prove that your spouse signed for the envelope. If you have a good relationship with your spouse, call them and tell them to ask their household members or co-worker NOT to sign this card, to be sure to find them so that they can sign themselves.

[Check sign-in sheet to see if anyone out of country]

There are special rules for serving people who are living outside of the United States, we will have to talk to you about that individually when you return next time.

If there is anyone whose spouse is incarcerated, that should make it easy to serve them, you will just need to contact the prison staff. Most prisons have a litigation office and they will serve your spouse. Does anyone feel they might not be able to serve their spouse?

[It is still possible for you to get divorce, but you will need to make your best efforts to try to find that person. If you cannot find the other person after an extensive search you can ask the judge for permission to publish in the newspaper in the area where the person lives, or if you have a fee waiver for permission to post at court downtown. This is not an option that the court allows lightly, so you will need to prove that you have tried to find the other person. This option can also add a lot of time to your case. We will talk with you individually another day if this is a problem for you. In the meantime you may want to start brainstorming friends or family members of your spouse that might be able to assist you in locating them.]

Remember, it doesn't matter whether or not the other party accepts the service. They do not have to touch the paperwork or sign for it. The person serving can put it down in front of the person and walk away.

Declarations of Disclosure

In addition to completing your request to the judge next time you will also complete your financial declaration.

Even if you feel that you don't have very much property, you must complete these forms before your divorce can be finalized.

The logic behind requiring these forms is that by disclosing all the property early in the process, the parties are more likely to be able to come to an agreement or be prepared for trial. However, even if you believe you already have an agreement, you still must complete these forms as they are required by law for all divorces.

I'm going to return to the questions on the packet and go through each section, please feel free to ask questions as you will be expected to fill out all of the information in this packet before returning for the next session.

For those of you who are not working, please note that you need to list your last job. So, if you have not worked for 10 or 15 years you will just do your best to recall your last job and when it ended and include that information where it asks about your employment.

Current income

The court also requires that everyone provide information about their income. You will need to indicate your income over the last month, you will also need to tell the court what your average income was over the last 12 months. So the last month is going to be everything you earned from _____ until today's date. And the average over the last year is going to be everything you earned from _____ until today's date, divided by 12.

For some people these two numbers are going to be the same, for example if you've had the same job for awhile and haven't had a raise in the past year. For other people these numbers might be very different. If you are only working seasonally or if you just got a job last month, these two numbers could be very different. So, if I just went back to work last month, I might list \$2000 as my income last month but only have \$166 as my average monthly income over the last year. If I earned money in more than one category I need to list my income in all categories, this includes cash benefits, SSI, and unemployment.

For this section you are just listing your income you don't need to include your spouse's income.

Household budget

If everyone can turn the page, this page asks for your household expenses. So, if you are still living with your spouse this might include your spouse's income. If you are living with other family members this is probably going to include their expenses. However, if you are renting a room or have a roommate, and you just pay your share of the rent but otherwise don't share expenses with them, you don't need to include their expenses. You'll see that the page is divided into what you spend each month, and then at the bottom any loans that you are paying each month. For example if you are paying off your car loan

each month that is going to be at the bottom, but if you are buying gas each month it is going to be included in the top section.

Community v Separate Property.

In order to effectively complete these forms, we need to understand the difference between community and separate property.

Community property is anything that was earned or spent from the date of marriage to the date of separation.

Remember that it does not matter whose name is on the title or the account or who is in physical possession of the item. It also does not matter that you both agree who is going to keep that item. Unless you made a written agreement when you got married, everything earned during the marriage is community property and belongs 50% to each person.

If you are going to make an agreement you can agree to anything; however, you still must list everything – yours, theirs, ours - or the court will not accept your agreement. If the court has to decide, everything will be divided 50/50.

Examples:

If I am married and working, and I take some of the money I earn and put it in an account with just my name on the account, and then when I have enough money I buy a car and I put the title or pink slip in my name and the car is only insured for me, who owns that car? I only own 50% of that car and my spouse owns the other 50%.

Conversely if I spend \$2000 on clothing for myself on a credit card in my name alone, that is still community property debt and my spouse still owes 50% of that amount.

Remember though that my spouse and I can agree on anything that we want. If my spouse wants to be nice and say I can keep the whole car we can do that. If I want to be nice and tell my spouse that I will pay the whole \$2000 debt we can do that. But, that does not change that fact that those two items are community property. I still list them as community property and assign them to myself.

As we are listing property we need to list all of our community property, all of our separate property and all of our spouse's separate property.

In California separate property mean anything that either of us earned before marriage or after separation, and anything that we got by gift or inheritance.

So, if my spouse bought a car and paid for it before we got married, that is my spouse's separate property. I still need to list it, and I will assign it to my spouse as separate property.

Exceptions: If you have student loans that were taken out during the marriage for one of you, those are generally assigned to the student even though they were taken out during the marriage. You can make an argument to the judge that they should be split if you went to school a long time ago and you believe

that both of you benefited from those loans. If you want to do that, you should speak with a private attorney before filing your paperwork.

If you believe that your spouse caused debts during your marriage that were not for the benefit of the community, meaning for example that your spouse was engaged in illegal activity that you didn't know about or benefit from, or that your spouse spent a lot of money on an affair, you may be able to claim you shouldn't be responsible for half of these debts, however if you wish to make that type of argument you will need to speak with a private attorney.

The Los Angeles County Bar Association has a panel of attorneys that will refer you to, to help you determine if you want to pursue these issues.

For each item, list the current market value, not what you paid. What could you reasonably sell it for on ebay or craigslist?

I know it can seem like a bit of a pain to list property, but it is important and in the long-run can really save you a lot of problems and aggravation. As I go through the categories I will try to mention some potential long-term problems.

Real Property

This means house, land, real estate. For each property you are going to need the legal description, meaning the lot, parcel, tract, book, and page number. You should have this on your title deed, or if you don't have access to that document right now, you need to go to the website of the county assessor and look up that information. You also need to know the current value of your house. This is probably not the same as the value when you bought the house. If you don't know the current value of house, you can talk with a realtor or go onto a website like Zillow.com. This will give you a rough idea of the value of the house. If you end up going to trial and you and your spouse cannot agree on the value, you may need an actual appraisal rather than this rough estimate. You also need to know the debt on the house, and when payments on the house were made (were they made with money earned during, before, or after separation?)

Even if a house is separate property you must list it so it will be included in your judgment. Otherwise you will not have clear title and may not be able to sell without returning to court.

Cars

Just like with the house, you need to have a specific description: year, make, model, and either the VIN or the license plate number. You need to know the current value of the car and the amount that is owed on the car. If you don't know the value you can look it up online at a site like kbb.com, the Kelly Blue Book site.

List all cars that you are aware of, you do not want to be responsible if your spouse gets in an accident or gets tickets, you also do not want your spouse's creditors to be looking at your vehicle.

Bank accounts

Again you need to have a specific description: the bank, the type of account (checking, savings, money market), and the last four digits of the account number. Please be aware that anyone can come to the court and look at your file, so although you are required to list the last 4 digits, you should not list any more than the last 4 digits. For each account you need to know the value as well as when the money was earned (before, during, after marriage)?

If you have a checking account that each month you put in your check and by the end of the month you don't have any money remaining, even if you had this account during your marriage, it may be a separate property account since the money it holds was earned after separation.

What matters is when the money was earned, not when the account was opened.

Pensions, retirements, 401k

It can be particularly important to get orders related to retirement accounts. Please take a moment when you are at home to think about if you are overlooking a retirement account. If you work or previously worked for the state or the county, or you are a public school teacher or work for a large hospital or big grocery store, or work anywhere with a large union, you may have a pension. You do not want to get to age 65 or 70 and have trouble receiving your money because it was not included in your judgment. The pension holder could decide that they don't want to pay out your pension without a court order specifying that it goes to you. Even if you didn't start working at the company until after you separated, the employer doesn't know that, and may just decide they can protect themselves by requiring a court order.

For each of these accounts you are going to have to determine if they are community or separate property. For many of you, your pensions or retirement accounts are likely to be partially community and partially separate property.

For pensions, in order to actually determine the value you will need to seek a professional assessment. But for IRAs, 401k, or 503b accounts, you can make a good estimate of the value of these accounts by calling the company and requesting information on the value of the account on the day you were married, the value on the day you separated and the current value. If you are going to trial and have high conflict over these accounts you will need additional information, but for the purpose of listing your property, these amounts will allow you to make a good estimate of the value and what parts are community and separate. If you have this type of account you need to speak with them and get this information before you return for the next session.

Remember, that even if you want the other person to keep their retirement or they want you to keep yours, you need to list these account otherwise you might be 70 years old and having to come back here, which I know none of you want.

Household property

You don't have to list every single item of furniture in your house. It is okay to use categories such as "living room furniture" or if you have already divided your furniture "all household items in Petitioner's possession" and "all household items in Respondent's possession."

However, if there is an item that is particularly valuable either sentimentally or financially, that item is going to need to be specified.

So, if I have a coffee table worth \$10,000 or an item that my child made, I may want to list that item even if I lump my other furnishings together.

For appliances, if you rent and don't own your appliances, go ahead and cross that off, for everyone else, remember to list used values not what you paid and to indicate if they were bought before, during, or after your marriage.

In addition to listing all of the assets, part of this process is listing all of the debts. If you feel like you cannot remember all the debts that you owe, you can request your credit report through the Federal Trade Commission. If you are asked to pay money to get your credit report you are not on the correct website, be sure to go to the government website.

Credit cards

Again we have to be specific as to issuing company, last four digits, amount owed, and when the money was spent.

For some people, these debts tend to start accruing when you separate because you now each have to pay for a household so your expenses are greater. But, for some people, they will want to pay off the joint credit card in order not to have any joint debts, to try to have fewer things to deal with together. So, if when you separated you had a joint debt, and you paid off that debt with money you earned after you separated, you can get credit for having paid that debt. But, in order to do so, you have to let the court know up front about the fact that you made that payment. Even if you don't want the other person to pay you back, you should list the fact that you paid this debt in case there is another piece of community property that you want to keep or in case they come forward later and ask you to pay half of a bill you didn't know about.

Other debts

Be sure to list any loans from family member, tax debts, money owed to landlords etc.

Depending on your age, how long you were married, and how long you were separated you may have mostly one category of property or the other, but still list for both as truthfully as possible.

If there is something that wasn't specified on the worksheet, please add it at the end or under "other."

If you have horses or some sort of collectible we didn't think of, still be sure to include it.

Lottery Story

In our county, actually downtown Los Angeles there was a case in which the wife was part of a lottery pool at work that won \$7 million. Her share of this was 1.3 million dollars. She decided that she would try to avoid disclosing it in her divorce. After the divorce was finalized the husband found out that she had won the lottery and took her back to court. She tried to argue that the lottery winnings were her separate property.

What do you think the judge did regarding the lottery winnings?

The judge didn't just give the husband 50% of the lottery winnings he would have been entitled to. Instead he decided that they should be awarded 100% to the husband because she failed to disclose the property as required by law.

I don't tell you this story because I think that any of you are going to try to commit fraud intentionally, what I want you to get from this story is that it is easier to list your items fully and correctly up front so that you will not have to come back to court or potentially lose the item to your spouse. If you and your spouse agree, that's great, and is all the more reason to list everything and make this process easy for yourself.

Next Steps

When you come back next time you are going to have all your information with you. You will get on the computer with another teacher and they will help you prepare all your paperwork. They will make sure that you leave with 3 copies: an original for the court, a copy for yourself, and a copy for the other person. You need to remember to safe keep your copy and bring it with you every time you come to the court.

You will have the other person served.

They have 30 days to respond. If they do not respond, you will come back and complete a form to ask the court for permission to do a default judgment.

If they do respond, you can either make an agreement with them, or go to trial.

In any event, remember that you need to come back to complete the judgment in order for your divorce to be final.

Timeline

The divorce process has a 6 month waiting period that begins at the time someone serves the other party. However, most people who represent themselves take about a year to get through this process. Sometime how long it takes is not in your control, so even if you are doing everything on time, please do not make wedding plans or schedule a wedding. You could think that you are nearly done, and then have your judgment rejected because the judge has a question about it.

Request for Orders

For those of you who are not able to wait 6-8 months for child custody, visitation or support, or for spousal support you can file a Request for Orders as soon as you have an open case. Once you start the divorce, come to the Center at any time and we can do those documents with you. If you know that you need them right away, you may want to do them and serve them at the same time as you serve the divorce papers.

Sign-ups

I'm going to give appointments [give out a ticket with a schedule of when the next session of this class will be held]. I'm going to do this in the order you signed-in today. I need to collect your survey when I

give you a ticket. For some of you we may have found information on existing cases, if so one of the volunteers will discuss that with you when I call your name. You may need to show them a photo identification card. They will ask to see that if it is necessary.

Once you have your appointment and have returned your survey, you are free to leave. Please remember next time you need to bring your worksheet, completely filled out with all your information OR YOU WILL BE TURNED AWAY FROM THE CLASS.