

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