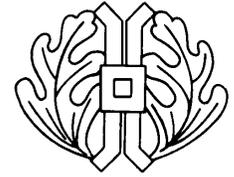


PREVENTIVE LAW SERIES

DIVORCE



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In California, seeking a divorce is known as seeking a “dissolution.” California is a “**No-Fault**” state. It does not require any showing of wrongdoing on the part of either spouse in order to get dissolution of marriage. If one spouse wants a divorce, there is nothing the other one can do to prevent it. Fault may be a factor in determining child custody. After filing the proper court paperwork, there is a six-month waiting period before dissolution will become final.

SUMMARY DISSOLUTION

To file for summary dissolution, you must meet **ALL** of the following requirements;

- 1) Married less than five years
- 2) No children and wife is not pregnant
- 3) No real estate (land) is owned
- 4) Less than \$5,000 in community debts, not counting car loans.
- 5) Less than \$25,000 in separate assets, not counting car loans.
- 6) Less than \$25,000 in community assets, not counting car loans.

Summary dissolution requires much less paperwork and no court appearances are necessary. There is one filing fee of \$191.00. Spousal support cannot be granted in a summary dissolution. During the six-month waiting period, either party can revoke the summary dissolution. This will have the effect of ending the summary dissolution process and requiring the parties to start the dissolution process all over again, either by seeking a regular dissolution or attempting to seek another summary dissolution.

REGULAR DISSOLUTION

If you and your spouse do not qualify for summary dissolution, you must seek a regular dissolution. For the most part a regular dissolution can be handled by the mail but sometimes you may be required to make a court appearance. There is a filing fee of \$191.00 per party, unless the active duty service member acts as the respondent and agrees to waive certain rights under the Soldier’s and Sailor’s Civil Relief Act, in which case there is only one filing fee of \$191.00. As opposed to a summary dissolution, regular dissolution involves much more paperwork.

CONTINUED ON THE REVERSE SIDE

LEGAL SEPARATION

Seeking a legal separation is very similar to seeking a dissolution. The only difference is that a legal separation does not terminate your marriage. When you are legally separated, you are still married. In a legal separation, the couple divides their property and debts, decides who will have child custody and who will visitation, and arranges child and spousal support. The cost is \$191.00 per party to file. Legal separation is often used, as opposed to dissolution, for financial or religious reasons or because the non-military spouse keeps his/her military benefits when he/she is legally separated.

ANNULMENT

An annulment is a legal proceeding in which the parties seek to end the marriage and treat the marriage as if it never happened. But the circumstances under which an annulment is granted, are extremely limited. The circumstances when an annulment can be granted are:

- 1) a spouse was under 18 and entered into the marriage without parental permission
- 2) a spouse was already married
- 3) a spouse entered into the marriage as a result of fraud or force
- 4) a spouse was of unsound mind when entering into the marriage (requires medical evidence)
- 5) a spouse, at the time of the marriage, was incapable of having children, the incapacity appears to be incurable, and the incapacity was fraudulently concealed from the other spouse.

One of these causes for annulment must be proved in court and as a result the annulment process requires a court hearing. There is no six-month waiting period for an annulment.

Legal Assistance Appointments:

You must first attend the dissolution seminars held at Building 610, Naval Air Station North Island before you can speak to an attorney about seeking a termination of your marriage. For the place and times of the dissolution seminars, please call (619) 545-6278.