



GILLIGAN FRISCO
& TRUTANICH LLP

EXPLANATION OF DIVORCE PROCEDURES

A divorce is the process of deciding where and with whom your children should live; determining the value and appropriate division of any assets you own with your spouse; determining what property is the separate property of each spouse; allocating any debts or obligations owed; providing for the financial support of your children; and providing for the financial maintenance (support) of the lower earning spouse. There are typically significant emotions involved with the dissolution of a marriage and our firm will compassionately assist you so that you may focus on the division of your assets and the development of a parenting plan for your children.

Starting Divorce Proceedings: A divorce starts with the filing of a Petition for Dissolution of Marriage. This document along with a Family Law Summons is then served on your spouse who has 30 days to file a Response to Petition for Dissolution. After the Response is served "temporary orders" are made regarding many different issues, including, but not limited to, custody of your children; use of the family residence; child support; and spousal support. These temporary orders are either made through agreement of the parties or by requesting the orders from the Court by filing an Order to Show Cause.

Discovery and Disclosure Procedures: After filing the Petition for Dissolution each side must serve a disclosure statement that sets forth their income, expenses, property, debts and reimbursement requests. This form is called a Preliminary Declaration of Disclosure. Each party also has the opportunity to ask questions of the other spouse who is required to give responses to the questions under penalty of perjury. The questions may be asked informally in a letter; by sending written questions called interrogatories or requests for admission; or in person at a deposition. This process of obtaining information from your spouse is called "discovery."

Each spouse also has the opportunity to request that the other spouse provide a list of documents relating to issues being litigated in the divorce. These documents often include tax returns, general ledgers, profit and loss statements, paycheck stubs, W-2 forms, bank statements, financial statements and other similar documents. The documents are reviewed to create a community property balance sheet; determine cash flow available for payment of child and/or spousal support; to develop trial exhibits and questions; and for many other purposes.

Settlement Negotiations: After discovery is completed, the parties and their attorneys typically meet to discuss settlement of the case. This meeting can be an informal meeting at one of the attorney's offices; a formal mediation where a neutral third party (typically a retired judge) attempts to help the parties resolve any

disagreements they might have; or a settlement conference held at the Court. If a settlement is reached, a marital settlement agreement or Stipulated Judgment is prepared and signed. Once this document is signed by the parties and their attorneys, it is filed with the Court and your case is concluded.

Going to Trial: In the event a settlement cannot be reached, either party may request that the Court set a Trial date. The Trial is presided over by a Judge who will hear witnesses' testimony and other evidence and rule on each party's requests by applying the relevant law to the facts involved in your case. There is no jury present in family law proceedings. Prior to Trial the parties must exchange an updated and comprehensive disclosure statement called the "Final Declaration of Disclosure." The parties must also gather documents and witnesses to prepare for the Trial. These witnesses and documents are typically gathered by serving subpoenas on third parties to come to Court and to testify and/or provide documents regarding the issues in the divorce. The parties are oftentimes the most important witnesses in a Trial and must be thoroughly prepared for their testimony before appearing at Trial.

Concluding the Case: After a settlement has been signed or the Court has made its rulings at Trial, a Judgment will be prepared for the Court's signature. This Judgment is a comprehensive document, which constitutes the final orders in your case. In the event, either party believes that the Court made a mistake in its Trial rulings, an appeal may be filed with the appellate court to request that the trial court's ruling be changed. Cases on appeal are decided by three-judge panels. The decisions of the panels are called opinions.