



Riverside County Law Library

Divorce

How do I end my marriage?

There are three main ways to terminate a marriage in California: divorce, legal separation, and annulment. California is a “no fault” state, which means that neither party needs to prove wrongdoing in a divorce or legal separation. When filing, one party only needs to state “irreconcilable differences”. Additionally, there does not need to be a mutual agreement to terminate a marriage. A spouse or partner cannot stop the process simply by refusing to attend or participate.

What is the difference between divorce, annulment, and legal separation?

A *divorce* (also called “dissolution of marriage”) ends your marriage. After you get divorced, you will be single, and you can marry or become a domestic partner again.

A *legal separation* does not end a marriage. Reasons for opting for a legal separation, could range from personal, religious, or financial. A legal separation is not permanent and, given certain circumstances, may be changed to a divorce case later on.

A divorce or legal separation case can involve orders for child custody and visitation, child support, spousal or partner support, division of communal property, debt payment, or domestic violence.

An *annulment* (“nullity of marriage”) is when a court says your marriage is NOT legally valid. After an annulment, the marriage is considered nonexistent. It is important to note that a marriage is never legally valid if it is incestuous (between close blood relatives) or bigamous (when one spouse is currently in another marriage). An annulment differs from a divorce and a legal separation because “irreconcilable differences” is not a viable reason for an annulment.

What residency requirements must I meet before getting divorced in California?

In order to get divorced in California, residency must be established. One spouse or both spouses must have resided in California for a minimum of six months before filling a petition for dissolution. Additionally, one must live in the county of filing for three months prior to the filing. Both spouses do not need to show residency, only one.

Reference: Divorce or Separation Basics (2015) retrieved 11/19/2015 from <http://courts.ca.gov/1032.htm>

We recommend that you begin your research with the resources followed by an asterisk.

Online Resources:

The Superior Court of California Self Help*
<http://www.courts.ca.gov/selfhelp-divorce.htm>

Website provides a guide on getting divorced and the basics of filing and responding to a divorce case. Also provides links to judicial council forms.



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The Superior Court of California, County of Riverside Self Help*

http://www.riverside.courts.ca.gov/selfhelp/fl_divorce.shtml

Website provides divorce packets, information about dissolution workshops held in Riverside County and a divorce road map.

California State Bar pamphlet on Divorce

<http://www.calbar.ca.gov/Public/Pamphlets/DivorceCustody.aspx>

Pamphlet answers many frequently asked questions about getting a divorce.

Divorcenet.com published by Nolo

<http://www.divorcenet.com/states/california>

Website provides general information regarding child custody, child support, spousal support and property division as it pertains to divorce.

Print Resources:

Title: *California Family Law Basics** (R) (I)

CallNo: KFC 115 .F33

ISBN: N/A

Description: A procedural manual with samples for many of the forms required in a California dissolution proceeding.

Title: *How to Do Your Own Divorce in California* (R) (I) (T)

Publisher: Nolo Press

CallNo: REF KFC 126 .S54 H6 2015

ISBN: 9780944508886

Description: A "layman's" guide which provides information about doing your own divorce, basic information about divorce. Also, addresses the different aspects of divorce including dividing property and debt, custody and visitation, child and spousal support. Part two and three covers the procedural aspect of divorce and summary dissolution.

Title: *How to Solve Divorce Problems in California in 2015* (R) (I)

Publisher: Nolo Press

CallNo: REF KFC 126 .S54H61 2015

ISBN: 9780944508978

Description: A guide which covers the different ways to handle divorce problems in and out of court.

Title: *California Family Law Practice and Procedure* (R-d) (I)

Publisher: LexisNexis

CallNo: REF KFC 115 .C3

ISBN: 9780820511795

Description: A six volume set which provides in depth coverage in different family law topics. Dissolution is covered with specificity in Volume 3 and 4.

Title: *Practice Under the Family Law Code* (R) (I) (T)

Publisher: Continuing Education of the Bar (CEB)

CallNo: CEB KFC 115 .P73 2015

ISBN: 9780762619832



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Description: Guide that covers the substantive law and procedure of dissolution with specific reference to the applicable family law code sections.

Title: *California Practice Guide: Family Law* (R-d) (I) (T)

CallNo: KFC 115 .H64

ISBN: N/A

Description: In depth guide to family law which provides information about divorce litigation including forms and tips.

Call numbers are for use in RCLL. Initials after title specify which library the item can be located (R) Riverside, (R-d) Riverside reference desk, (I) Indio/Desert Branch, (T) Temecula. ISBN numbers are for use outside of the library, such as for personal purchase.

Pertinent California Codes:

Family Code § 2000-2452

This guide is also available on our website

<http://www.rclawlibrary.org/research/research-guides>

Please Note: The information presented in this research guide is intended to provide a foundation for legal research. For information pertaining to your case please consult with an attorney, court facilitator, or specialist.