



DIVORCE MEDIATION - FREQUENTLY ASKED QUESTIONS

1. What are court filing fees?

The Court charges you to file your divorce paperwork. Each party pays a fee of \$435 to file their “first paper” with the court. This means that there is a \$435 fee to file the initial divorce petition paperwork, and a second \$435 fee to file the Response paperwork, if that paperwork is necessary. In addition, there are some documents filed with the Court that require additional fees. One common example in divorce mediation matters is a stipulation, or agreement, between the parties, where the court will charge a \$20 filing fee. All court fees should be paid by check and made payable to “Clerk of the Court.”

2. What are “Declarations of Disclosure”?

California law requires you to make full disclosure of your financial situation to each other, even when you mediate your divorce. Court forms are provided to make this easier. These forms are lists of things you own, debts you owe and information about your income and expenses. For some items, you must attach additional supporting information like bank statements or pay stubs; the form will indicate what is required. Each party **MUST** complete and sign these forms. Once completed, these forms must be formally exchanged between the parties. My office can aid in the preparation and exchange of these documents, if so requested by the parties.

3. I have already filed my divorce petition, and received a “Notice to Appear” for a “Family Resolution Conference.” What is this and how can I avoid having to go to court?

Following the filing of a divorce petition, the court will automatically set a hearing known as the “Family Resolution Conference.” This is simply a hearing for the judge to “check-in” with the parties and see where the case is progressing. With mediation clients, these hearings can generally be continued out later until the entire mediation process is completed and Judgment is entered to finalize the divorce. If a Judgment is entered to finalize the divorce before the hearing takes place, the Court will automatically terminate the hearing, and the parties should not have the need to appear in court ever.

Such hearings can be continued by having either party call the court clerk to request the continuance. If it is continued, the Court will send out a new notice with the new hearing date. **However, if the Court does not grant the continuance, you must still attend the hearing.** It is important that if there has been a hearing set in your matter, you notify my office as soon as possible so that we can provide answers to any questions you may have about the continuance process.

4. What is the absolute earliest the divorce can be finalized?

By California law, there must be a minimum of six (6) months between the date that the divorce Petition and Summons are served upon the Respondent and the final date the Judgment of divorce is entered by the court. This means that even if you and your spouse come to an agreement on all of the terms of your divorce expeditiously, a legal judgment that declares you are divorced and terminates your status as a married person can happen no earlier than that six-month period.

5. How long does this mediation process take?

On average, a mediation at Weber Dispute Resolution will typically take around six months to complete. However, each case is different because the mediation process is almost entirely in the parties' control. This means that the parties choose and control the pace of the sessions. Some couples are finished in one or two sessions, while others may take dozens of sessions to come to an agreement. You decide how frequently you wish to meet and the pace of each session. You decide when you want to file paperwork. The only primary external factor that may cause delay is waiting for paperwork to be processed and filed with the Court. Due to statewide budget cuts, the Courts are understaffed and can take several weeks to several months to process documents.