

YOU'VE BEEN SERVED, NOW WHAT?

Respondent's Guide to a Family Law Case

If you do not serve and file a Response within 30 days after being served with the Petition Packet, your spouse may enter your default, and the Court could make orders affecting your family and finances without hearing from you. If you cannot afford the filing fee, you may qualify for a fee waiver. The fact that the first Case Progress Conference may be set more than 30 days after you are served does not affect your responsibility to file a Response within 30 days after you are served.

Financial Disclosure: If you file a Response, or you plan to have a written settlement agreement, you must give Petitioner an Income & Expense Declaration and a Schedule of Assets & Debts, and you must file a form to let the Court know that you have done this.

Judgment: There must be a Judgment entered by the Court before your case is finalized. In a divorce, although you may receive a Judgment sooner, *you will not be single until six months and a day after you are served.* There are three paths to Judgment, and each requires different paperwork.

- **True Default:** Respondent does not respond to the Petition, and does not enter into a written agreement. Judgment is limited by what is requested in the Petition. Disclosure is required from Petitioner only.
- **Default with Written Agreement:** Respondent does not respond to the Petition, but does enter into a written agreement. Respondent's signature on the agreement must be notarized. Disclosure is required from both parties.
- **Response:** Respondent does respond to the Petition, which prevents the entry of a default judgment. To resolve your issues and obtain a Judgment, you must have: 1) a written agreement; or 2) an agreement at a settlement conference; or 3) a trial. Disclosure is required from both parties.

Case Progress Conference: The Court must keep track of its cases and make sure they are timely resolved. To assist people who do not have lawyers, the Court has a self-represented Case Progress Conference calendar (CPC). At this informal hearing, you will update the Court on the progress of your case. Court staff and volunteer attorneys will be there to help you through the procedural steps. You must come to court for your CPC *unless* 1) you obtain a judgment before the date set, or 2) you file a Stipulation to Continue the Case Progress Conference (local form FL007). Otherwise, *if you fail to appear for your CPC, the Court may set your case for dismissal.*

Law & Motion: If you and your spouse cannot agree on a support or child-custody issue, either one of you may ask for a Court Order. The Court will issue a tentative ruling the day before the hearing. The Clerk's Office will give you more information when you apply for the Order.

(see Resources on reverse)

RESOURCES

FROM THE COURT (FREE):

Legal Self Help Services (drop-in): Staff members will guide you through the required paperwork to complete your family law case. Located in Room C-27 on the court floor of the Marin Civic Center. (415) 444-7130.

Family Law Facilitator (drop-in): Assistance with child and spousal support issues and other family law matters. Mediation is available by appointment only. Located in Room C-27 on the court floor of the Marin Civic Center. (415) 444-7130.

Early Assistance Mediation Program (by appointment): For self-represented parents, in the early stages of their legal matter, who agree to meet with an attorney and a child-development expert to mediate the child-related issues that may arise in separating families. (415) 444-7369.

Family Court Services: Provides child custody recommending counseling for parents who have a pending court date regarding child custody and parenting time.

Settlement Conferences: An informal process in which a judge and/or experienced attorneys meet with the parties and their attorneys, hear the facts and issues in dispute, and suggest a resolution that the parties may accept or use as a basis for further negotiation.

Websites: www.courts.ca.gov/selfhelp for statewide information and forms. www.marincourt.org for local information (including referrals to counseling and parent education services), rules, forms, and links to *I-Can!* (a free form-completion program).

OUTSIDE OF COURT:

DCSS: The Department of Child Support Services is *free* for parents who want to establish, modify, or enforce child and spousal support orders. (866) 901-3212.

Family & Children's Law Center: Legal advice and representation with fees on a sliding scale. Ask about FACLC's low-income mediation program. (415) 492-9230.

Legal Aid: Legal advice and representation that is *free* for income-qualified individuals. (415) 492-0230.

Lawyer Referral Service: Ask about low-cost initial consultations and unbundled legal services. (415) 499-1813.

Legal Documents Assistants: Look for licensed LDAs for help with forms and filings.

Mediation: A neutral professional helps both parties to resolve their issues without the court's intervention.