

## FREQUENTLY ASKED QUESTIONS

### Q. If I live here and my spouse lives in another county, where do I file for divorce?

- A. With a few exceptions, to get a divorce in California, you or your spouse must have lived in California for the last six (6) months and for three (3) months in the county where you are going to file for divorce.

### Q. How long does it take to get a divorce?

- A. The time frame for completion of a divorce varies by case. The shortest time frame is six (6) months and a day from the date of service or filing of a Response. There are many steps to finalize a divorce.

### Q. What if my spouse does not agree to a divorce?

- A. Both persons do not have to agree to the divorce. Either spouse may decide to end the marriage and file the appropriate paperwork to start the process.

### Q. How do I file for divorce, legal separation or annulment?

- A. Divorce can be complicated. We encourage you to talk to a family law lawyer so you will know your legal rights and the legal issues in your case.

### Q. Do I have to pay a fee?

- A. You will have to pay fees to file your forms with the court's Clerk's Office. You may qualify for a fee waiver if you meet the minimum requirements. Please see Court Fee Schedule at our website [www.sb-court.org](http://www.sb-court.org).

## Court Dress Code

Acceptable court attire is that which is consistent with the traditional dignity of the court and includes business or casual dress (jeans are allowed). Shorts, tank tops, crop tops and bare feet are not permitted. If the judicial officer finds your clothing inappropriate you could be ordered to go home to change or to return to court on another day.

## Weapons Screening

All persons entering the courthouse will go through a weapons screening process.

## SUPERIOR COURT FAMILY LAW LOCATIONS

### Joshua Tree Courthouse

6527 White Feather Road  
Joshua Tree, CA 92252  
760-974-3047

Monday—Friday 8:00 AM to 4:00 PM  
Family Court Services: 760-974-3039

### San Bernardino Historic Courthouse

351 N. Arrowhead Avenue  
San Bernardino, CA 92415-0240  
909-521-3136

Monday—Friday 8:00 AM to 4:00 PM  
Family Court Services: 909-521-3180

### Victorville Courthouse

14455 Civic Drive  
Victorville, CA 92392  
760-245-6215

Monday—Friday 8:00 AM to 4:00 PM  
Family Court Services: 760-269-4795

## ADDITIONAL RESOURCES

Visit our website [www.sb-court.org](http://www.sb-court.org)

### Self Help Services at these courthouse locations

Big Bear  
Joshua Tree  
Needles  
Rancho Cucamonga  
San Bernardino Historic  
Victorville

Scan the QR code with a smart-phone or internet-capable mobile device to access more information on the court website.



# SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN BERNARDINO

## Family Law

## Understanding Your Options



EXCELLENCE

INTEGRITY

FAIRNESS

ACCOUNTABILITY

INNOVATION

EQUAL ACCESS

# FAMILY LAW OVERVIEW

The Family Law Division handles actions such as:

- Divorce/Dissolution of Marriage
- Summary Dissolution
- Domestic Partnership
- Legal Separation
- Annulment
- Paternity/Parentage
- Child Custody and Visitation
- Child Support
- Adoptions
- Domestic Violence

## Divorce/Dissolution of Marriage

A married person may file for Dissolution of Marriage to end the marital relationship. Along with restoring the parties to single status, the court will issue orders for custody and visitation of the minor children of the marriage, child support, spousal support, and confirm or divide community and separate property assets and debts.

### What are the requirements?

In California you must meet the residency requirements.

- Either you or your spouse must have lived in California for the last six (6) months and the last three (3) months in the county where you plan on filing for the divorce; and
- If you and your spouse have lived in California for at least six (6) months but in different counties for at least three (3) months, you can file in either county.

The proper courthouse within San Bernardino County depends upon the residence of either of the spouses.

*NOTE: You are not automatically divorced six (6) months after you file your petition. You must complete the process and obtain a judgment signed by a judge or commissioner before you are officially divorced.*

**All forms are available on the court website, at [www.sb-court.org](http://www.sb-court.org)**

## Summary Dissolution

There is a quick, easy way to get divorced called “summary dissolution.” If you qualify for summary dissolution you may end the marital relationship between married parties and/or terminate a domestic partnership. To qualify for summary dissolution you must meet ALL of the following requirements.

- Married five (5) years or less (from the date you got married to the date you separated);
- Have no children together born or adopted before or during the marriage (and you are not expecting a new child now);
- Do not own any part of land or buildings;
- Do not rent any land or buildings (except for where you now live, as long as you do not have a one [1]-year lease or option to buy);
- Do not owe more than \$6,000 for debts acquired since the date you got married
- Have less than \$43,000 worth of property acquired during the marriage
- Agree that neither spouse will ever get spousal support; AND
- Have signed an agreement that divides your property (including your cars) and debts

## Domestic Partnership

Dissolution of a domestic partnership terminates the partnership. The parties do not have to agree to the dissolution and it takes a minimum of six (6) months for this action to become final.

## Legal Separation

A married person who wishes to maintain the marital status but separate and resolve all of the other issues of the marriage may file for Legal Separation. The Court will issue orders for custody and visitation of the minor children of the marriage, child support, spousal support, and confirm or award community and separate property assets and debts. If the Respondent files a response to the paperwork and requests dissolution of marriage, the court will grant the dissolution of marriage.

The proper courthouse within San Bernardino County depends upon the residence of either of the spouses.

## Annulment

A married person who wishes to restore the parties to the status of unmarried persons as if they were never married may file for Annulment. Certain conditions must be met before the court will consider the marriage as void or voidable. Regardless of how the case proceeds, the Petitioner (the person who initiated the case) will have the burden to prove to the court that one of the conditions for nullity has been met before the court will grant the nullity of marriage. The court can also issue orders regarding property and debt division, custody and support.

## Paternity/Parentage

This action is filed by an unmarried mother or by an unmarried father who have minor children together. Through this action, the court will determine paternity (or non-paternity if the father is found not to be the biological father of the minor children), and make custody and visitation as well as child support orders.

The proper courthouse within San Bernardino County depends upon the residence of the children.

## Custody and Visitation

In order for the court to address custody or visitation orders of the parties’ minor children there must be an underlying action. If the parents are married, either parent must first file an action requesting dissolution of marriage, legal separation, or nullity; or file a petition for custody and support of minor children. If the parents are unmarried, either parent must file an action to establish the parental relationship or file a petition for custody and support of minor children.

*NOTE: If the child has not been living in the State of California for the last six (6) months prior to filing, the California court may not have the authority to make custody or visitation orders. Please seek legal assistance or contact the Resource Center for more information.*  
**[www.sb-court.org](http://www.sb-court.org)**