

California's no-fault divorce law and the divorce process

A new scandalous celebrity affair seems to make its way to the headlines daily. One of the more recent celebrity infidelity headlines concerned LeAnn Rimes having an affair with a married man, Eddie Cibrian.

Another affair that California residents are not likely to forget about any time soon is the affair that former governor Arnold Schwarzenegger had on his wife Maria Shriver with the house maid. The affair not only led to a son between Schwarzenegger and the maid, but it also led to a divorce between Schwarzenegger and Shriver.

Although extramarital affairs are often regretted, in California, when it comes to divorce proceedings they simply do not matter. This is because California is a no-fault divorce state.

No-fault divorce defined

California is a no-fault divorce state, which means that the spouse who is asking for the divorce does not have to prove wrongdoing, such as having an extramarital relationship.

An overview of divorce in California

In California one can end a marriage or a registered domestic partnership three different ways: legal separation, annulment, or divorce. It only takes one of the two spouses or domestic partners to decide that the marriage is over. If the other party does not want the marriage to end, there is no way for him or her to stop the process.

In California, most people seeking a divorce cite irreconcilable differences as the reason for the breakdown of the marriage. According to California statute, irreconcilable differences are grounds determined by the court to be substantial reasons for not continuing the marriage and which make it appear that dissolution of the marriage is necessary.

A break down of the California divorce court process

In order to successfully obtain a divorce, the following must happen. First, if the person seeking the divorce is eligible to file in California, he or she must file the necessary divorce petition paperwork. The person seeking the divorce is called the petitioner.

Next, a copy of the divorce petition is given to the other spouse, who is now called the respondent. The respondent has the legal right to be informed, and therefore, proof of delivery must be obtained within a specified timeframe.

The respondent now has to decide whether or not he or she wants to file a response or allow a default judgment to be made against him or her. In some instances the petitioner and the respondent can come to an agreement about the terms of the divorce without a significant amount of judicial involvement.

In California, if the respondent decides to file a response, he or she has 30 days to do so. The respondent must also make sure that the petitioner receives that paperwork in a timely manner.

Next, the parties need to exchange financial documents that show the dividable assets and debts owed so that the court can determine a fair way to divide the couple's assets and debts.

Lastly, the couple then goes to court to tell the judge how each of them want the divorce decisions to end up. The judge usually will then sign a judgment finalizing the divorce.

The divorce process is a lot more complicated than the breakdown may make it seem. Anyone who is going through a divorce or who is considering a divorce would benefit from representation by a skilled divorce attorney.