

## 10 Things You Need To Know About Divorces in San Diego

### 1. California Is A No-Fault State

In San Diego, either party may file for divorce, but neither party needs to provide a reason for the divorce.

### 2. To File For Divorce In San Diego You Must Reside In The County For Three Months

To file for divorce in San Diego, you need to have lived in the State of California for six months, and you must be a resident of San Diego County for at least three months.

### 3. Your San Diego Divorce Can Be Contested Or Uncontested

If you and your spouse mutually agree to end the marriage, and agree on how to divide assets, accounts, child custody, child support, debts, property, and liabilities, you may file for an uncontested divorce. If these items are not mutually agreed upon, the divorce will be deemed contested.

### 4. The Party Who Has Been Served With Divorce Has 30 Days To Respond Or Contest

The respondent has 30 days to respond to the divorce petition, or contest the paperwork. If the respondent fails to do so, the petitioner may proceed anyway with a Default Judgment.

### 5. The Minimum Waiting Period For A Divorce To Be Finalized In San Diego Is Six Months

The soonest a divorce may become final is six months from the date of receipt of the divorce petition. This is confusing for many people. While the statute states the parties can't be divorced for 6 months, that doesn't mean you will actually have a Judgment of Divorce on that 6 month date. Many things can cause a divorce to take longer than 6 months including disputes as to custody and visitation, support, division of assets, and even the disclosure of information. The more parties are unwilling to be forthcoming and compromise, the longer and likely more costly the divorce will be.

### 6. California Is A Community Property State

Assets acquired during the marriage are ~~deemed~~ presumed to be community property, thus each party is entitled to an equal division of these assets in the divorce.

### 7. Separate Property Is Not Divided In A San Diego Divorce

Assets that each party had before the marriage, or property acquired by one party by inheritance, bequest, devise and/or gift during the marriage is called separate property. This includes any accumulations to said property. Each party retains their separate property in a divorce in San Diego.

### 8. The Separation Date In A San Diego Divorce Is Important

The date that spouses officially separate can be a pivotal date in determining a wide variety of factors—from whether certain property or assets are either community or separate, to matters of a spousal support, and more.

### 9. The Length Of The Marriage Dictates The Length Of Spousal Support

In San Diego divorces in which the marriage lasted less than 10 years, a spouse who needs financial support is typically entitled to receive spousal support for  $\frac{1}{2}$  of the length of the marriage. In marriages lasting more than 10 years, a spouse may be entitled to spousal support for life or until remarriage, whichever is first.

### 10. If Custody & Child Support Cannot Be Agreed Upon, The Court Will Decide

In divorces in which minor children are involved, the San Diego Court will determine appropriate custody, and child support payments if the divorcing spouses cannot come to agreements on how custody and support should be divided and allotted.

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