

The Uncontested Divorce Process

In California, if you fail to respond to your spouse's divorce Petition or if you file a Response but reach an agreement, your case will be considered either a *default* or an *uncontested* divorce. In a default case, the person that did not file a Response to the Petition in a timely manner gives up their right to have any say in the outcome of the case. This means that issues like property division, child custody, child support, spousal support, and other issues will be entirely left up to the other party subject to approval by the judge. Most people, however, won't go this route because they want to have an active role in important decisions that will affect their future.

Before signing any agreement with your soon-to-be ex-spouse make certain you fully understand everything that you are agreeing to so that there is no confusion later on. It is also important that you make sure that your agreement has met all of the necessary legal requirements. For example, there are a number of considerations for calculating child support, etc. It is always a good idea to involve a lawyer before signing an agreement to ensure that its stipulations are in your best interest.

Creating & Submitting Written Agreements

If more than 30 days have passed and you still have not responded to your spouse's petition for divorce, you can still draft a written agreement with your spouse even though the case is now in default. Or, you can draft your agreement after you have responded to the petition in order to avoid having to litigate issues related to your divorce.

Whether or not you choose to respond to your spouse's petition for divorce, you can work together to reach an agreement about how you end your marriage. This can include making decisions about how you will divide up your assets and debts, whether spousal support is needed and if you have children together, what arrangements for child support, custody, and visitation are needed.

After creating your written agreement you must then fill out the final forms asking the court for a Judgment.

A complete list of the forms you will need to fill out including, a Request to Enter Default, Declaration for Default of Uncontested Dissolution or Legal Separation, any applicable child custody and support forms, and all other required forms can be found online on the California Courts website. After you have completed these forms you should have them reviewed by an experienced attorney who can check to ensure that they are completed correctly before you proceed with your case. You will then need to make two copies of each form. The originals stay with the court and the two copies are for you and your spouse. You must then submit all of your forms to the court clerk who will pass them along to a judge for review. If everything is completed correctly the judge will sign the Judgment without the spouses having to appear in court. If not, you may have to fix the error(s), or a court appearance may be necessary. Later you will receive a copy of your Judgment in the mail.