

## When is an Expedited Divorce Possible?

We receive many questions about when an expedited divorce (formally known as a *summary dissolution*) is possible. It can be a relatively straight-forward and inexpensive procedure for ending a marriage. But in order to qualify for this type of expedited divorce certain conditions must exist at the time the dissolution is commenced. A brief rundown of the main conditions necessary for an expedited divorce are listed here. For a more thorough explanation, please see *California Family Code Sections 2400 through 2406* and the Judicial Council's booklet titled *Summary Dissolution Information* available at [www.courts.ca.gov](http://www.courts.ca.gov)

There are seven conditions which are necessary to meet in order to qualify for a quick divorce.

1. **California Residency:** At least one party to the marriage is a California resident and has been for at least 6 months and has been a resident of the county where the divorce is filed for at least 3 months.
2. **No Minor Children:** The parties in the marriage have no minor children together, under the age of 18, who were born prior to or during their marriage. Unless the child is still a full-time High School student, is unmarried and is not self-supporting, the obligation of child support will continue until either the child graduates 12<sup>th</sup> grade or turns 19 years of age, whichever occurs first.
  - Neither party is pregnant.
  - The parties have not adopted any children currently under the age of 18 during their marriage.
3. **Community Property Assets:** The fair market value of all community property assets cannot be in excess of \$43,000. This includes deferred compensation and retirement plans. However, the lien or debt owed on a house and/or automobiles are not included.
4. **Separate Property Assets:** The fair market value of either party's separate assets cannot be in excess of \$43,000.
5. **The Number of Years of Marriage:** The period of time between the date the parties were married and the date the parties separated must be 5 years or less.
6. **There can be no Real Property Interests:** Neither party may have any ownership interests in any real property such as a home, apartment, condo, etc.
  - The only exception is a short term residence lease occupied by one of the parties as long as there is no option to buy the property subject to the lease and the lease terminates in less than 1 year from the date the petition for dissolution is filed.
7. **Marital Debts:** Any debts incurred by either or both parties during the marriage, excluding automobile purchases, cannot be in excess of \$6,000.