

Faq's and Resources

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Why you should be represented by a [Certified Family Law Specialist?](#)

To be eligible for certification in family law, an attorney must meet certain qualifications set forth by the [California Board of Legal Specialization](#), including (1) having been engaged in the practice of family law for a minimum of 25 percent of the time spent in occupational endeavors during the previous five years; (2) being an active member of the State Bar of California; (3) passing a written exam; (4) demonstrating a high level of experience in the field of family law by meeting specific task and experience requirements; (5) completing at least 45 hours of continuing education in family law; and (6) being favorably evaluated by other attorneys and judges familiar with the attorney's work.

Thus an attorney who has achieved certification as a specialist has demonstrated a commitment to the highest standards of legal competence.

Certified specialists must renew their standing every few years and keep their practice focused predominately in their particular field of expertise.

What is the difference between Divorce, Legal Separation & Annulment?

Divorce. A divorce (also called a "dissolution of marriage") ends your marriage. You can get a divorce if you say you have "irreconcilable differences" with your spouse. You don't have to give the court any other reason. It doesn't matter who is at fault.

If you get divorced, you can ask the judge for orders like child support, spousal support, partner support, custody and visitation, domestic violence restraining orders, division of property, and other orders.

To get a divorce in California, you or your spouse must have lived in California for the last 6 months AND for 3 months in the county where you're going to file for your divorce.

Please [click here](#) for more information on this topic.

Legal Separation. If you can't (or don't want to) get a divorce, you can ask the judge for a legal separation. A legal separation does not end a marriage or domestic partnership. (You can't get a divorce if you and your spouse have lived in California for less than 6 months or for less than 3 months in the county where you want to file).

If you get a legal separation, you can ask the judge for orders on things like child support and spousal support, custody and visitation, domestic violence restraining orders, or any other orders that you could get in a divorce.

To get a legal separation, you follow the same basic process used for a divorce. But legal separation is different because it doesn't end your marriage. You and your spouse may not remarry after getting a legal separation. If you ask for a legal separation, you may be able to change to a divorce case later if you meet certain requirements.

Please [click here](#) for more information on this topic.

Annulment. In an annulment (also called "nullity of marriage"), a judge can say that a marriage is not legally valid.

A marriage that is incestuous (between close blood relatives), or bigamous (where a spouse is already married to someone else) is never legally valid.

A judge can also say that a marriage is not valid for other reasons, like when a person is younger than 18 at the time of the marriage. There are several other reasons why a judge may say that a

To get an annulment, you must be able to prove to the judge that one of these reasons is true in your case. This makes an annulment case very different from a divorce or a legal separation.

Getting an annulment doesn't depend on how long you've been married. Even if you've been married only a very short time, you may not be able to prove to the judge that your case has one of the legal reasons that makes your marriage invalid.

When you ask the court for an annulment, you can also ask for orders on things like child custody and visitation, and child and spousal support.

Note: A nullity removes the presumption of parentage arising from a valid marriage. Therefore, you must also ask that the parentage be established for any children you have in common with the other party.

Please [click here](#) for more information on this topic.

What is Child Custody?

When you get a divorce, you can ask the judge to make orders about who your children will live with and how you and your spouse will share parenting responsibilities.

The two types are Legal custody, which means to who makes important decisions for your children (health care, education, and welfare), and

Physical custody, which means who your children live with.

For more information about custody, please click [here](#)

What is Child and Spousal Support?

[Child and spousal support](#). This means the amount of money that the judge orders one spouse to pay the other spouse.

Child support is the amount of money that the court orders one parent to pay the other parent every month for the support of the child(ren). California has a formula (called a "guideline") for figuring out how much child support should be paid in all cases.

For more information, please [click here](#).

Child support payments are usually made until children turn 18, or 19 if they are still in high school full time, living at home, and can't support themselves. Parents may agree to support a child longer. The court may also order that both parents continue to support a disabled adult child that is not self-supporting. [Click here](#) to learn more about when child support ends.

Source: The Judicial Council of California

What is Property Division?

California is a community property state. Except as otherwise provided by statute, all property, real or personal, wherever situated, acquired by a married person during the marriage while domiciled in this state is community property. Except upon the written agreement of the parties, or on oral stipulation of the parties in open court, or as otherwise provided in this division, in a proceeding for dissolution of marriage or for legal separation of the parties, the court shall divide the community estate of the parties equally. Separate property is not included in the division of the community estate.

Separate property of a married person includes all of the following: (1) All property owned by the person before marriage. (2) All property acquired by the person after marriage by gift, bequest, devise, or descent. (3) The rents, issues, and profits of the property described in this section. (b) A married person may, without the consent of the person's spouse, convey the person's separate property. After entry of a judgment of legal separation of the parties, the earnings or accumulations of each party are the separate property of the party acquiring the earnings or accumulations. [Based on California Family Code – Sections: 760, 770, 772, 2550]

What are Domestic Violence Restraining Orders?

The law defines domestic violence as certain kinds of abuse directed toward a spouse or former spouse, cohabitant or former

cohabitant, or a person with whom the abuser has had a "dating or engagement relationship," or with whom the abuser has had a child.

If you have children with an abusive person, you can ask the court for a [restraining order](#) to protect you and your children. You can ask for custody, visitation, and child support orders at the same time.

For more information on this topic, please [click here](#).

Source: The Judicial Council of California
