

## KRAMER & ZITSER LLP

### A Quick Guide to Divorce in California: Key Steps, Laws, and Financial Considerations

#### Introduction

At Kramer & Zitser LLP, we understand that divorce is one of the most significant legal and financial transitions you'll face. Whether navigating a high-asset divorce, a high-profile dissolution, or seeking an amicable resolution under California's new Joint Petition Divorce law (SB 1427, effective January 1, 2026), our team is here to provide strategic, discreet, and results-driven representation. This guide outlines the key legal steps, financial considerations, and best practices to protect your interests and secure your future.

#### Section 1: Understanding California Divorce Laws

**1.1 No-Fault Divorce in California.** California is a no-fault divorce state, meaning neither party needs to prove wrongdoing. The primary grounds for dissolution are irreconcilable differences.

**1.2 Divorce Filing Options.** There are three main ways to file for divorce in California:

- **Traditional Divorce:** One spouse files and serves the other, proceeding through litigation, negotiation, or mediation.
- **Mediation & Collaborative Divorce:** Both parties work with a mediator and/or lawyers to resolve disputes outside of court.
- **Joint Petition for Divorce (SB 1427 – Effective 1/1/2026):** Both parties agree to file together, eliminating formal service and reducing court involvement.

**1.3 Residency Requirements.** At least one spouse must have:

- Lived in California for 6 months before filing.
- Resided in the county of filing for at least 3 months.

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#### Section 2: California's New Joint Petition Divorce Law (SB 1427)

**2.1 What Is SB 1427?** Effective January 1, 2026, SB 1427 allows married couples to file a Joint Petition for Divorce or Legal Separation without the traditional adversarial process.

#### 2.2 Benefits of Filing a Joint Petition

- Eliminates the need for formal service of process
- Speeds up court procedures

- Encourages mediation & early settlement
- More cost-effective than traditional divorce litigation

## 2.3 Who Qualifies?

- Both spouses must agree to dissolve the marriage.
  - Full financial disclosures are required.
  - Major property, custody, or support disputes should be resolved before filing.
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## Section 3: Key Financial Considerations in Divorce

### 3.1 Asset & Property Division

California follows community property laws, meaning assets acquired during the marriage are generally divided 50/50 unless a prenuptial/postnuptial agreement states otherwise. However, there are many exceptions based on the case's specific facts.

For example, if separate property was used to acquire or improve a community asset, the contributing spouse may be entitled to reimbursement. Similarly, certain inheritances, gifts, or assets acquired before marriage may be classified as separate property even if used during the marriage. Determining asset division requires a thorough legal and financial analysis.

#### **Common High-Asset Considerations:**

- ✓ Business valuations & stock options
- ✓ Real estate holdings
- ✓ Retirement accounts & investments
- ✓ Offshore assets & trusts
- ✓ Separate property claims & reimbursement rights

### 3.2 Spousal & Child Support

✓ **Spousal Support:** The court evaluates multiple factors to determine spousal support, including the length of the marriage, the age and health of each party, the standard of living established during the marriage, each spouse's earning capacity, and any contributions made to the other spouse's career or education. Spousal support awards are highly fact-specific and can vary significantly depending on the unique circumstances of each case.

✓ **Child Support:** Child support is calculated based on parental income, custody arrangements, and California's statewide guidelines.

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## Section 4: The Divorce Process & Timeline

### 4.1 Steps in a California Divorce

- **File Petition for Divorce (or Joint Petition under SB 1427):** The process begins by filing a Petition for Dissolution of Marriage with the court. Under SB 1427 (effective January 1, 2026), couples can file a Joint Petition, eliminating the need for formal service.
- **Serve or Waive Service (if not filing jointly):** In traditional divorces, the filing spouse must formally serve the other spouse with divorce papers. If filing jointly, this step is waived.
- **Exchange Financial Disclosures:** To ensure transparency, both parties must provide full financial disclosures, including income, assets, debts, and expenses.
- **Negotiate or Mediate Property, Custody, & Support Terms:** Couples can reach agreements on property division, child custody, and support through negotiation or mediation.
- **If there is No Agreement, Seek Temporary Orders & Prepare for Trial.** If disputes arise, temporary orders may be issued for support, custody, or property use. Unresolved issues will proceed to trial.
- **File for Judgment & Wait 6 Months for Finalization:** Once terms are agreed upon or decided by the court, a Judgment of Dissolution is filed. California law requires a mandatory 6-month waiting period before the divorce is finalized.

### 4.2 How Long Does Divorce Take?

- **Minimum 6-month waiting period** required by California law.
- High-net-worth divorces may take **longer** due to complex asset division.

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## Section 5: Documents Needed to Prepare for Divorce

**5.1 Essential Documents for Divorce Preparation.** To ensure a smooth process, gather the following for both parties:

- **Personal Identification:** Driver's license, passport, Social Security card.
- **Marriage Certificate:** A copy of your marriage license or certificate.
- **Financial Documents:** Tax returns, pay stubs, bank statements, investment accounts, and retirement records.
- **Real Estate Documents:** Deeds, mortgage statements, property tax documents, and lease agreements.
- **Corporate Records**—Documents related to businesses, including articles of incorporation, operating agreements, and shareholder agreements.
- **Business & Asset Documentation:** This includes business ownership records, stock options, profit and loss statements, and trust documents.

- **Debt & Liability Records:** Credit card statements, loan agreements and outstanding debts.
- **Insurance Policies:** Life, health, home, and auto insurance.
- **Prenuptial or Postnuptial Agreements:** If applicable.
- **Custody & Child-Related Documents:** School records, medical records, and parenting schedules.

For a more detailed checklist, visit the Kramer & Zitser LLP website, which offers a comprehensive list of the documents needed for divorce preparation. Gathering these materials in advance can streamline negotiations and provide a clear financial overview, helping you approach the divorce process confidently and efficiently.

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## Section 6: Why Choose Kramer & Zitser LLP?

- Led by Certified Family Law Specialist Diana P. Zitser.
- Decades of experience in high-asset divorces & complex financial matters.
- Discreet, strategic, and client-focused representation.
- Recognized by Super Lawyers, AV Preeminent Rating, and more.

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## Need Legal Guidance? Contact Us Today

If you're considering divorce, legal separation, or mediation, our attorneys can help. Whether you're exploring the new SB 1427 Joint Petition Divorce process or need representation in a high-stakes case, we provide personalized and results-driven solutions.



**Call us at 310.948.6461**



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