



# BUT WE HAVE AN AGREEMENT WHY IS MY DIVORCE TAKING SO LONG?

Written by **LANA M. SHEARER,**  
**ATTORNEY & MEDIATOR**

“Gee, that was easy; I can’t believe how quickly my divorce was finalized!” Said...*No One... Ever*, who has experienced a divorce in California. Not only does California Law require a mandatory 6-month waiting period between the filing of a Petition for Dissolution (Divorce) and obtaining a Final Judgment of Dissolution from the Court, additionally, there are many other obstacles along the way that can delay your divorce process. The mandatory waiting period in California was born from the public policy that marriage is sacred, and we must give the parties a sufficient cooling-off period to prevent rash decisions and allow the opportunity for reconciliation. During the 6-month period, there are numerous forms that must be completed and exchanged, and required forms to be filed—before the Court can legally grant you a divorce. Rarely, however, is the divorce process actually completed within that 6-month time frame. In fact, most divorces take a minimum of 18 months to complete, and, in many cases, they can take *much* longer. If the parties are unable to reach agreements and insist on going to court over every issue, a divorce may take several years to reach Final Judgment.



However, what if you and your spouse have reached complete agreement on all issues in your divorce- support, custody, and division of assets and debts- and are simply trying to have those agreements submitted to the Court and obtain your Judgment? Even with full agreements, the process of submitting a completed Judgment Package to the Court, in the proper format, with all of the required forms, can be very confusing and frustrating and often results in long delays.

The courts are over-worked and understaffed, and, as a result, are backlogged in reviewing Judgment Packages. It can take the Clerk of the Court up to two months to review your Judgment Package. I have clients who come to me after trying to complete the process on their own, but have had their Judgment Package rejected by the Court Clerk. They may have attempted to correct the error and re-submit the Package, only to have it *rejected again, an additional two months down the line*. This is not uncommon. Most people simply do not know how to correct the error, and perhaps give up and put it on the back burner for so long that the forms become outdated and they have to start the process over again. Some of the common reasons Judgments are rejected include, but are not limited to:

**a. The documents submitted are incomplete;**

**b. The wrong number of copies were submitted and/or original signatures missing;**

**c. The forms were outdated. Current Judicial Council and Local Forms can be obtained from the Court's website;**

**d. Incorrect dates on documents - does not match Court file;**

**e. Preliminary and Final Financial Disclosures have not been served.**

Sacramento County has recently implemented a procedure called "One Day Divorce" to assist self-represented parties, who do not have an attorney, to complete the necessary paperwork and finalize their divorce. The process is free to those who meet the income requirements and other criteria, and utilizes volunteer law students and local experienced attorneys to assist with the paperwork. You can learn more, and see if you qualify for this program, at: [www.saccourt.ca.gov/family/one-day-divorce](http://www.saccourt.ca.gov/family/one-day-divorce).

In an effort to serve those couples in our community that may not meet the income requirements and other criteria necessary to qualify for the Court's One Day Divorce process, our office is now offering a package similar to the "One Day Divorce" to motivated couples who have reached agreements on the issues in their divorce including; property division, support issues, and child custody issues. An initial consultation is necessary to determine if your case is right for this Divorce package. Please call our office at 916.226.1305 for more information, and to obtain a list of documents that you will need to gather and/or prepare to bring with you to your appointment.

## LAW AND MEDIATION SERVICES LANA M. SHEARER

FAMILY MATTERS

### Family Law - Attorney - Mediator

Navigating the Separation or Divorce process and dealing with Custody, Property Division and Support issues can be confusing and challenging. Ms. Shearer offers Mediation and Collaborative Practice services to work with both parties to reach agreements that are balanced and fair. Ms. Shearer will thoroughly explain all of the options available to you and provide skilled guidance and sensitivity to your personal and financial issues. For more information, please call to schedule a confidential consultation.



9401 East Stockton Boulevard, Suite #210  
Elk Grove, CA 95624  
916.226.1305

[www.shearerlawandmediation.com](http://www.shearerlawandmediation.com)



*Promoting Peaceful Resolution*