

FAMILY LAW COURT INFORMATION

The Family Law Clerk's Office has two locations:

Hall of Justice
600 Union Avenue
Fairfield, Ca 94533
(707) 207-7430

Justice Building
321 Tuolumne Street
Vallejo, CA 94590
(707) 561-7840

Office Hours: Monday-Friday from 8:00 AM to 2:00 PM

Telephone Hours: Monday-Friday from 8:00 AM to Noon and 1:00 PM to 2:00 PM

Effective January 1, 2014, all Family Law matters filed in the Fairfield or Vallejo Court will be assigned as follows:

The Honorable Garry T. Ichikawa (Supervising Family Law Judge), Department 14 (Fairfield, Room 307)

The Honorable Cynda Unger, Department 5 (Fairfield, Room 301)

The Honorable Christine Carringer, Department 12 (Fairfield, Room 302)

The Honorable David L. Haet, Department 20 (Vallejo, Room 105)

The Solano Legal Access Center is located in the Hall of Justice at 600 Union Avenue, Fairfield, CA.

The Family Law Court has authority over the following types of cases:

Dissolution of Marriage, Domestic Partnership, Legal Separation, Nullity, Child Custody and Visitation, Domestic Violence, and Establishment of Paternity/Parental Relationship

Child support issues may be a part of dissolution or paternity under the authority of the Family Law Court. However, if the Department of Child Support Services is involved with the enforcement of child support, the issue is handled by the Department of Child Support Services (DCSS). Assistance is available for the completion of forms through the Solano Legal Access Center for parents who are self-represented in child support cases.

Dissolution of Marriage/Domestic Partnership/Legal Separation:

California law entitles you to a divorce (called a dissolution of marriage) based on Irreconcilable differences. Fault in causing the breakdown of the marriage is no longer relevant in California. Your spouse does not need to give you permission, or even agree with you, to obtain a dissolution of marriage.

To file for dissolution, you must have lived in the State of California for the past 6 months, and in the county where you file for the last 3 months. If you do not meet these residency requirements, you can still file for a legal separation.

Before you file for dissolution of marriage, understand that dissolution:

1. Will legally end your marriage forever
2. May divide your property and debts
3. Provide for child support and, if requested, spousal support
4. Determine who will care for your children and be entitled to make decisions on their behalf.

If you're not sure that you are ready for a dissolution, you may wish to seek personal or marriage counseling.

When is the legal process complete and the dissolution final?

The process of obtaining a divorce begins when you file the initial papers. Your dissolution is not complete until all disagreements are settled and **you have prepared and filed all the necessary paperwork with the court**, and you receive a **Notice of Entry of Judgment**.

**YOU ARE NOT DIVORCED UNTIL YOUR
JUDGMENT IS FILED
AND ENTERED BY THE COURT**

A person is able to remarry only after the judgment has been entered ending your marital status. The earliest date marital status can be ended is six months and one day after the Respondent was served with the Summons and Petition for Dissolution.

It is the responsibility of either or both parties to prepare and file all documents and bring your case to Judgment.

It is important that you seek legal advice if you have any questions.

There is a filing fee for all matters **except** Domestic Violence restraining orders and Department of Child Support cases. If you cannot afford to pay filing fees, you may request an Application for Waiver of Fees and Costs. Forms are available at both locations of the clerk's office or you can download the forms at the California Judicial Council's website: www.courtinfo.ca.gov/forms

Paternity:

Paternity is the legal determination of fatherhood. Establishing paternity is the legal process of determining the biological father of a child. When parents are married, in most cases, paternity is established without a legal action. If parents are unmarried, establishment of paternity requires a court order. This process should be started by both parents as soon as possible for the benefit of the child(ren).

Until paternity is established, the father does not have the legal rights or responsibilities of a parent. **Establishing paternity is necessary before custody; visitation and child support may be ordered by the court.**

A permanent child support order cannot be established for a child until; the alleged father admits paternity or it is proven that he is the father. If the man does not admit that he is the father or if the mother denies that he is the father, the Court may order the mother, child and alleged father to submit to blood testing for a final determination of paternity.

Domestic Violence:

Domestic violence happens in many forms between two people in an intimate relationship. **Physical** violence includes kicking, punching, shoving, slapping or striking in any way that hurts your body. **Sexual** violence includes unwelcome touching, fondling or forced intimacy. **Emotional** violence includes using coercion or threats and anger to create a controlling and fearful relationship.

There is no filing fee to obtain a domestic violence restraining order. You may pick up domestic violence restraining order forms from the clerk's office or from the Solano Legal Access Center/Family Law Facilitator. These form packets include detailed instructions on the preparation and filing of domestic violence restraining orders.

Go to the Domestic Violence Restraining Order page for more information about help that is available with filing-out the forms.

Child Custody and Visitation:

The Court will determine each parent's rights and obligations toward their children if the parties cannot agree on a custody, visitation and parenting arrangement. The Court may make decisions about your children if:

1. You are going through a dissolution of marriage and cannot agree on matters about your children.
2. You and the other parent were never married, but one parent has asked the Court for a legal order establishing the rights and obligations of each parent (a paternity action).

3. You are seeking a domestic violence restraining order and have children with the other person to be restrained.

Custody refers to the responsibility of caring for the children and planning for their future. If you have children with another person, the end of that relationship usually does not mean the end of your contact with that person. Together, you should try to agree on a plan that is best for your children. There are many different types of custody:

Joint Custody means that both parents share physical and legal custody.

Sole physical custody means that a child will live with and be under the supervision of one parent. In this type of arrangement, it is common for the other parent to have visitation rights.

Joint physical custody is defined as each parent having significant periods of physical custody with the children. The Court may designate one parent as the primary physical custodian.

Sole legal custody means that one parent shall have the sole right and responsibility to make the decisions relating to the health, education and welfare of a child. In **joint legal custody**, both parents share these rights and responsibilities.

If you and the other parent cannot agree on a plan, the Court will decide. The official legal standard is always the child's "best interest". The policy usually favored by the courts is that arrangement which allows for frequent and continuing contact with both parents. Before the Court makes these decisions, parents must go through a process with Family Court Services called Child Custody Recommending Counseling (CCRC).

Child Custody Recommending Counseling (CCRC):

Family Court Services is a part of the Court that provides Child Custody Recommending Counseling, and evaluation of families with custody and visitation disputes. Both parents may be ordered to CCRC when an action is started that involves custody or visitation. Go to the **Family Court Services** page for more information on the CCRC process.

Ex Parte Applications and Walk-in Signings:

Ex Parte applications are heard by **appointment only**. The fee for an Ex Parte application is \$60.00 plus the Court Reporter Fee of \$30. Please review Local Rule 5.4 for the Ex Parte Procedures and Local Form 5006.

Domestic Violence Restraining Orders and orders are reviewed and signed daily by the following Family Law Departments in:

Fairfield
Monday-Friday at 1:00 PM
Department 5
Department 12
Department 14

Vallejo
Monday-Friday at 1:00 PM
Department 20

All Domestic Violence applications must be completed and ready for submission by 12:00 Noon.

NOTICE: Except in unusual cases, a change of custody or residence exclusion will not be accepted on the “walk-in” calendar. Most requests for an immediate change of custody or residence exclusion should be made by ex parte application, **with notice to the other party**. Please review Local Rule 5.4 for Ex Parte Procedures.

Checklist for Proper Filing of Documents with the Family Law Clerk:

1. If you have an existing family law case, have your case number ready to give to the clerk. If you do not know your case number, a computer is available to assist you in obtaining your case number.
2. Except when confidential, the name, address and telephone number of the party submitting the documents for filing must appear on the top left of the first page of all documents to be filed.
3. All documents must be signed and dated prior to presenting them to the clerk.
4. Submit the original plus two (2) copies of each document for processing (if you want endorsed, filed copies returned to you).
5. Documents must be in proper order, each original with the copies behind the original. Original documents must be “two-hole” punched.
6. Forms should be typed. Exception: Domestic violence restraining order forms may be handwritten.
7. Two-sided documents must be prepared “head to toe”.
8. Multiple-page forms must be stapled into sets. Attachments must be stapled to their appropriate documents. (When requesting a modification of an existing court order, you must attach a copy of the existing order to your request for modification.)
9. When submitting Judgments, you must submit the original plus 4 copies, together with self-addressed, stamped envelopes for the each party.

10. If you request copies, you must supply the Clerk with a self-addressed, stamped envelope and ample postage to accommodate your copy request.

11. Filing fees may apply. See the Family Law Fee Schedule for details.

12. Fees can be paid by cash, check, money order, Visa, MasterCard, or Fee Waiver (upon proper application and if granted by the Court).

CALIFORNIA LAW PROHIBITS COURT CLERKS FROM GIVING LEGAL ADVICE. YOU SHOULD SEE AN ATTORNEY, VISIT THE LAW LIBRARY, OR SOLANO LEGAL ACCESS CENTER FOR SUCH ASSISTANCE.