

Request For Trial for Divorce when...

You and the Other Party Have Filed the *Petition and Response*

Read	<p>The court will not give you a trial date until both parties have <i>filed AND served</i> their mandatory financial disclosures (forms with detailed information about income and what you both own and owe).</p> <p>If you already completed the mandatory financial disclosures, but your spouse has not, please see Self-Help Center staff for your options before you file a Request for Trial form.</p> <p>If you have not already filled out and filed your mandatory financial disclosures you can get the forms and samples at the Self-Help Center or online at http://www.scscourt.org/self_help/self_help_packets.shtml.</p> <p>The Self-Help Center (SHC) can help you fill out the forms at a drop-in workshop at the Family Courthouse located at 201 N. First Street, San Jose, CA 95113. Visit www.scscourt.org, click on "Free & Low Cost Legal Help" then click "Self Help Workshops" for more information.</p>
Step 1	<p>Complete the following form in blue or black ink:</p> <p><input checked="" type="checkbox"/> FM-1012 Request for Trial (local form)</p>
Step 2	<p>Copy and serve:</p> <p><input type="checkbox"/> Make 1 copy of the original and serve this copy by mail on the other party.</p> <ul style="list-style-type: none"> ▪ "Service by mail" means: someone, NOT YOU, who is at least 18 years old must mail the unfiled copy to your spouse/partner. ▪ Whoever serves the form must fill out the <i>Proof of Service</i> on the back of the original Request for Trial and return the form to you.
Step 3	<p>Copy and file:</p> <p><input type="checkbox"/> Make 1 copy of the original (with the Proof of Service on back completed).</p> <p><input type="checkbox"/> File the original <i>and</i> copy in the Clerk's Office. The Clerk will keep the original and return the copy to you. The courthouse is located at:</p> <p style="text-align: center;">201 N. First Street, San Jose, CA 95113 Office Hours: Monday-Friday from 8:30am to 3:00pm</p>
This form is free to file.	
Step 4	<p>Wait:</p> <p>Both you and the other party will get a notice in the mail to appear in court for a hearing called a "Status Conference" to tell the Judge about the issues in your divorce case and whether you and the other party have any agreements or disagreements.</p>
Step 5	<p>Go to your court date:</p> <p>You and the other party must go to this hearing.</p>

Please turn over for important information



WHEN WOULD I NEED TO FILE A REQUEST FOR TRIAL?

If both a *Petition* and *Response* have been filed in your divorce case, the case isn't finished, and you and your spouse/partner don't agree or won't cooperate to finish the case.

WHAT IF MY SPOUSE/PARTNER WON'T FILL OUT THE FINANCIAL DISCLOSURES?

You will need to file a motion to ask the Court to allow you to move the case forward *without* them giving you that information. See the Self-Help Center (SHC) for more information.

WHAT HAPPENS IF WE AGREE?

If you and your spouse/partner agree and want to work together to finish your case, don't file a Request for Trial. Instead, sign up for case review at the Self-Help Center. Self-Help Center staff will contact you about how to finish your case by agreement.

WHAT HAPPENS IF WE DON'T AGREE?

If you don't agree about everything at the Status Conference, the Judge may schedule a Mandatory Settlement Conference and then a Trial date or you may be referred to other offices in the Court that can help you come to an agreement.

HOW LONG DOES IT TAKE TO FINISH THE DIVORCE?

The earliest you can be divorced is 6 months and a day from the date your spouse/partner was served with the *Petition* and *Summons* forms that started your divorce case, or 6 months from the date he/she filed a *Response*. **However, you will not automatically be divorced after 6 months.** Both parties must fill out and file the necessary forms to finish your case.

HOW CAN I GET THE FORMS?

There are a few ways that you can get the forms:

- hire an attorney (**Please note: we cannot help people who have attorneys**);
- go online to the state's website, (<http://courts.ca.gov/selfhelp>); or Santa Clara County Superior Court's website at www.scscourt.org
- use legal self-help websites and books
- visit the Self-Help Center/Family Law Facilitator's Office in person. Please go to www.scscourt.org (and click on the self-help section of the site) for details on our walk-in hours and how to sign up for help at our office.

Note: All dates and times are subject to change without notice.

Superior Court, County of Santa Clara
Self-Help Center/Family Law Facilitator's Office
 201 N. First Street, San Jose, CA 95113

VISIT US ONLINE:
www.scscourt.org
www.courts.ca.gov/selfhelp

EMAIL US:
www.scscourt.org
 click "Self-Help" then
 click "Contact the Self-Help Center"

CALL US:
 408-882-2926 (Self-Help)