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Families First

Understanding The Six Months Period For Finalizing A Divorce In California

Many couples misunderstand the “six months” waiting period for finalizing a divorce in California. Some believe they must finish their divorce in six months or the court will check-in with them at six months. Others believe that they cannot finish their divorce until six months have elapsed. While others believe that a legal separation is a shortcut method to getting a divorce. None of this is true.

THE “SIX MONTHS AND A DAY” PERIOD IS DEALS WITH marital status. It’s the soonest you can have your marital status terminated. In other words, be legally divorced. The six months starts on the day the Petition for Dissolution of Marriage is served on the other party. When six months and one day has passed, your marital status can be terminated. I’ll refer to this as the six months period, but it really is six months and one day from serving the petition on the other party.

However, when the six-month period has passed, it does not mean that your marital status will automatically terminate. It only means that you can request that the court terminate your marital status by that time, and the court would have the power to do so.

There are two ways you can request that your status terminate. One: You can file a final agreement, known as a

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Marital Settlement Agreement or Stipulated Judgment, with the court. Or two: if you do not have a final agreement yet and the six months has elapsed, you can request that the court terminate your status by filing a motion to bifurcate. If you finalize your agreement before the six-month period has elapsed, your agreements will be entered as a court order but your marital status will terminate once the six months has elapsed.

Let me use a specific example to help you. You are served with the Petition on March 1st. You and your spouse go to divorce mediation with Families First Mediation and reach a final agreement on April 30th. The Santa Clara Superior Court reviews the agreement and enters it as the final order on June 15th. Since you were able to complete the process in less than six months, the divorce agreements are entered on June 15th, but your status will terminate on September 2nd.

Assume, this time, you are served with the Petition on March 1st, but it takes until June 30th to reach a final agreement. The Court reviews the agreement and enters it as a final order on September 15th. Since this is after the six-month period, your divorce agreements will be entered on September 15th as will your marital status.

Terminating your marital status is important. Once it is terminated, you can remarry. It’s also an important date for health insurance providers. If you are covered as a dependent on your spouse’s health insurance plan, most, if not all, health care providers will stop coverage after this date. Check with your healthcare provider for your specific situation.

The “six months and a day” is only a time frame. More often than not, its chief importance is for persons wishing to remarry. For others, it has little to no impact on their case. You can finish your divorce before or after the six months period. □

Editor’s Note: *Dina Haddad, Esq., LL.M., is the founder of Families First Mediation, P.C., a family law mediation boutique, and provides family law mediation services in San Jose. She is a panel neutral for Agency for Dispute Resolution, headquartered in Beverly Hills, and sits as judge pro tempore for the Santa Clara County personal property arbitration program. You may reach Dina at 408.357.3486, dina@ffmediation.com, or at her website, www.ffmediation.com.*