



Divorce Digest

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Happy New Year! This month's newsletter includes articles written by attorneys James P. Reape, Kale K. Heiman, and Lovette T. Mioni regarding termination of duty to disclose material changes, our FREE interactive forum, and three ways to end a marriage. Mr. Reape's article discusses when your duty to disclose material changes relating to income and expenses ends. Ms. Heiman's article highlights our FREE interactive forum, where you can post questions and read what others have posted. Ms. Mioni's article examines the difference between divorce, annulment, and legal separation. We hope you find these articles informative and encourage you to visit our website www.divorcedigest.com to review other articles written by attorneys at The Reape - Rickett Law Firm. You can also find our articles in The Magazine of Santa Clarita.

Sincerely,
James Reape and David Rickett
The Reape-Rickett Law Firm

When Does the Duty to Disclose Material Changes in Income End?

Staff Spotlight



David E. Rickett, Esq.,
earned his Associate of Arts
degree in Math/Science from
College of the Canyons, his



By James P. Reape, Esq.

Parties to a dissolution of marriage are bound by law to disclose all material facts relating to income or expenses of a party from the date of separation until the date of a valid, enforceable and binding resolution of all issues relating to child or spousal support. Family Code, Section 2102 (c)

In a recent case, the California Court of Appeal for the Fourth District had to determine when that duty to disclose ended. Joseph and Maryanne Sorge married in 1983, separated in 2000 and entered into a marital settlement agreement (MSA) that was entered as a judgment of dissolution in 2003 in Wyoming. The judgment was registered in San Diego in 2005.

In 2007, Maryanne sought to modify custody and child support. In the time between the MSA and the filing of the request to modify, Joseph sold a business and netted about \$100 Million. During the modification proceedings, Maryanne requested sanctions against Joseph for breaches of fiduciary duties for failing to disclose changes in his income beginning in 2006, as well as failure to disclose material changes in his income from the date of her filing of the modification request in August 2007, until responses to formal discovery were received in March of 2008 as well as failure to provide documents concerning trusts, providing misleading financial and tax information and using a limited liability company to make his child support payments.

The trial court found that the duty set forth in Family Code, Section 2102, must be interpreted to apply until the court loses jurisdiction to make a child support order. Thus, even after the judgment, the duty to disclose continued to apply and, therefore, Joseph breached that duty. The court ordered Joseph to pay \$75,000 in sanctions.

The Court of Appeal reversed. In ascertaining the legislative intent behind the language of Family Code, Sections 2100, et seq. (the disclosure statutes), the Court noted that the phrase "valid, enforceable, and binding resolution of all issues relating to child support..." was not defined and, therefore, needed to look elsewhere as well as consider the impact of different interpretations as an indication of legislative intent.

In finding the date of the judgment to be the binding resolution, the Court noted the distinction between temporary orders and final orders (or judgments) in cases. The court noted the Supreme Court noting that in child custody cases judgments are final or "permanent" orders but remain subject to modification in the future. The court also noted that the Family Code provides for a simplified process to request updated financial information, not judgment by requesting an updated income and expense declaration every 12 months. Such provision would be rendered senseless if the duty to disclose continued to run during that time. Choosing to avoid an interpretation that did not consider the post judgment request for financial information, the court states the rule that the "valid, enforceable, and binding resolution of all issues relating to child...support" is the date of a final judicial support determination, whether obtained by agreement or after litigation.

The disclosure statutes are complicated and interpretation issues are still working their way through the courts. If you have to approach one of these issues, it is best you seek the assistance of an experienced family law practitioner so you do not unintentionally run afoul of the rules and find

of California, Los Angeles (UCLA), and his Bachelor of Science in Law and Juris Doctorate degrees from Glendale College of Law.

Mr. Rickett has practiced law since 1995. He was certified in misdemeanor jury trials and has volunteered and prosecuted cases for the Ventura County District Attorney's Office. He is a member of the Los Angeles County Bar Association, Santa Clarita Valley Bar Association, Consumer Attorneys Association of Los Angeles, and Santa Clarita Chamber of Commerce.

Mr. Rickett completed Pepperdine University School of Law's Straus Institute for Dispute Resolution program, is on the Los Angeles Superior Court panel for Alternate Dispute Resolution Mediators, and volunteers mediating family law matters for the Los Angeles Superior Courts.

Hot Topics on the Interactive Forum

View the hot topics, ask a question, or voice your opinion on The Reape-Rickett Law Firm's [Divorce Digest Interactive Forum](#).

Our FREE Interactive Forum! What is that?



By **Kale K. Heiman, Esq.**

It has recently come to my attention that most people reading this newsletter, visiting our website or otherwise utilizing or thinking about utilizing family legal services, are not aware we provide a free interactive forum via divorcedigest.com. Now you may ask ... what is a "free interactive forum?"

Well, here is your answer: The interactive forum is a service provided by the attorneys at The Reape-Rickett Law Firm where questions may be posted by YOU and answered by an experienced, family law attorney free of charge! Topics range from Divorce, Annulment, Custody, Visitation, Support, Paternity, Property, and lighter topics or topics of interest in the forum community. Furthermore, you are not only interacting with the attorneys, but with an entire community of individuals who share a common goal of learning more about these topics and who are oftentimes going through a similar struggle or tackling similar circumstances.

So, how do you log on? It's simple. Go to divorcedigest.com and click on the link at the bottom of the page titled "Interactive Forums". From there, the forums will open and there will be links which allow you to post questions as well as join in on "hot" topics which have previously been discussed by posters and attorneys at our firm. Further, you will notice there are different forums dedicated to different topics as previously mentioned in this article. However, before you start posting, you must create an account. To create an account, click "Create Account" in the top right-hand corner, complete the information and submit. Once it is submitted, it will get approved, and you will receive a confirmation email. And remember, all of this information is shared and questions answered for FREE! So, what are you waiting for? Log on to divorcedigest.com and start posting!

Quick Links

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***Testimonial of the Month Comment from a Current Client:**

"I have to give you [Kale] a huge THANK YOU!!- I know you're busy with other things, I truly appreciate the fact that you took the time to respond to my email this morning- this part of the process is stressful to me, I really have a good sense of support from you and it means a lot. I know I made the right choice in Reape & Rickett."

***This testimonial does not constitute a guarantee, warranty, or prediction regarding the outcome of your legal matter.**

Divorce, Annulment, or Legal Separation

Deciding Your Means to an End



By Lovette T. Mioni, Esq

There are a few ways to end your marriage, or the obligations of marriage. The first and most common is your standard divorce. The other alternatives include Annulment and Legal Separation. Most of us know the basics of what a divorce entails, it gets a little more confusing when people ask for an annulment or legal separation.

For one reason or another, a party will prefer to end their marriage by nullity proceedings. However, despite various celebrities' ability to be granted an annulment, it isn't something you can just ask for and receive. It can get a little tricky. There are certain grounds you have to prove in order for your marriage to be found null and void.

A petition for nullity of marriage should only be considered when the validity of the marriage is questionable. Nullity of marriage hinges on the premise that no valid marriage ever occurred. A marriage can be found void if proper procedure or law was not followed. For example, if there wasn't a proper license, solemnization, or authentication of the marriage. In other words, you can't go to Las Vegas and have just any Elvis marry you, he has to be a properly-licensed Elvis to make your marriage official and legal. Another way a marriage can be found void is if there are other legal impediments that would prevent a lawful marriage. Bigamy, fraud, force, one party being a minor, or unsound mind would be the most common. Usually, the celebrity marriages that end after only a few days or hours are able to annul their marriage because they claim they were of unsound mind (extremely drunk or on drugs) and were not capable of understanding the obligations assumed by marriage.

A legal separation is usually an avenue chosen by people who

reasons. Common filings for legal separation occur when people have certain religious beliefs or health insurance concerns.

Legal separation is similar to divorce in that it will divide your property, assets and debts. Often, there is even the same child custody and visitation issues as a divorce. The substantial difference is that technically the parties are still "married". The court is not asked to terminate the marital status.

Another large difference between legal separation and divorce is that you cannot remarry after legal separation. You would have to terminate the marriage status before you could remarry.

If you have any other concerns or questions on the differences between divorce, annulment or legal separation, feel free to post on our interactive forum and one of our attorneys will address them AT NO CHARGE.

The Reape-Rickett Law Firm

Our mission is to provide Family Law legal services that are second to none. We conduct ourselves in accordance with the highest ethical standards and are committed to providing quality services. Each firm member takes special care to understand the unique and individual concerns of our clients. Our team approach to each case ensures efficient and timely responses to simple or complex issues. We empower our clients with knowledge and information, enabling them to make reasoned and results-oriented decisions. The Reape-Rickett Law Firm is the firm of choice when results matter.

