

Title	Family Law: Spousal and Domestic Partner Support (revise forms FL-180 and FL-343)
Summary	The revised and new forms in this proposal would reflect current requirements of Family Code sections 4320 and 4330 regarding spousal or domestic partner judgments.
Source	Family and Juvenile Law Advisory Committee Hon. Jerilyn L. Borack and Hon. Susan D. Huguenor, Cochairs
Staff	Gabrielle D. Selden, 415-865-8085, gabrielle.selden@jud.ca.gov

The spousal or partner support provisions of *Judgment (Family Law)* (form FL-180) and *Spousal, Partner, or Family Support Order Attachment* (form FL-343) would be revised to reflect current requirements of Family Code section 4330.

To implement the mandate of Assembly Bill 391 (Stats. 1996, ch. 163), the Judicial Council revised form FL-180 to include the following admonition paraphrased from Family Code section 4330(b): “NOTICE: It is the goal of this state that each party will make reasonable good faith efforts to become self-supporting as provided for in Family Code section 4320. The failure to make reasonable good faith efforts may be one of the factors considered by the court as a basis for modifying or terminating spousal or partner support.”

The Legislature amended Family Code sections 4320 and 4330 (Assem. Bill 391; Stats. 1999, ch. 846), deleting the requirement that the court make the above admonition when making an order for spousal support. Instead, the statute authorized the court to advise the recipient of support that he or she should make reasonable efforts to help provide for his or her support needs, taking into account the particular circumstances considered by the court under section 4320, unless, in the case of a marriage of long duration, as provided in section 4336, the court decides that this warning is inadvisable.

Judgment (Family Law) (form FL-180) would be revised to delete the admonition which formerly appeared on the form under item 4.n. The proposed revisions to *Spousal, Partner, or Family Support Order Attachment* (form FL-343) would include deleting the above-mentioned admonition on the second page of the form and revising section 3c. under a new heading titled “Judgment for spousal or partner support.”

The proposed revised forms are attached at pages 2–5.

CASE NAME <i>(Last name, first name of each party):</i>	CASE NUMBER:
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4. *(Cont'd.)*

- j. A written stipulation for judgment between the parties is attached.
- k. The children of this marriage or domestic partnership:
 - (1) The children of this marriage or domestic partnership are:

Name	Birthdate
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 - (2) Parentage is established for children of this relationship born prior to the marriage or domestic partnership.
- l. Child custody and visitation are ordered as set forth in the attached
 - (1) settlement agreement, stipulation for judgment, or other written agreement.
 - (2) *Child Custody and Visitation Order Attachment* (form FL-341).
 - (3) *Stipulation and Order for Custody and/or Visitation of Children* (form FL-355).
 - (4) other *(specify):*
- m. Child support is ordered as set forth in the attached
 - (1) settlement agreement, stipulation for judgment, or other written agreement.
 - (2) *Child Support Information and Order Attachment* (form FL-342).
 - (3) *Stipulation to Establish or Modify Child Support and Order* (form FL-350).
 - (4) other *(specify):*
- n. Spousal or partner support is ordered as set forth in the attached:
 - (1) settlement agreement, stipulation for judgment, or other written agreement.
 - (2) *Spousal, Partner, or Family Support Order Attachment* (form FL-343).
 - (3) other *(specify):*
- o. Property division is ordered as set forth in the attached
 - (1) settlement agreement, stipulation for judgment, or other written agreement.
 - (2) *Property Order Attachment to Judgment* (form FL-345).
 - (3) other *(specify):*
- p. Other *(specify):*

Each attachment to this judgment is incorporated into this judgment, and the parties are ordered to comply with each attachment's provisions.

Jurisdiction is reserved to make other orders necessary to carry out this judgment.

Date:

JUDICIAL OFFICER

SIGNATURE FOLLOWS LAST ATTACHMENT

5. Number of pages attached: _____

NOTICE

Dissolution or legal separation may automatically cancel the rights of a spouse or domestic partner under the other spouse's or domestic partner's will, trust, retirement plan, power of attorney, pay-on-death bank account, transfer-on-death vehicle registration, survivorship rights to any property owned in joint tenancy, and any other similar thing. It does not automatically cancel the rights of a spouse or domestic partner as beneficiary of the other spouse's or domestic partner's life insurance policy. You should review these matters, as well as any credit cards, other credit accounts, insurance policies, retirement plans, and credit reports, to determine whether they should be changed or whether you should take any other actions.

A debt or obligation may be assigned to one party as part of the dissolution of property and debts, but if that party does not pay the debt or obligation, the creditor may be able to collect from the other party.

An earnings assignment may be issued without additional proof if child, family, partner, or spousal support is ordered.

Any party required to pay support must pay interest on overdue amounts at the "legal rate," which is currently 10 percent.

PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT:	CASE NUMBER:
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SPOUSAL, PARTNER, OR FAMILY SUPPORT ORDER ATTACHMENT

TO Findings and Order After Hearing (FL-340) Judgment (FL-180) Other (specify):

THE COURT FINDS

1. **Net income.** The parties' monthly income and deductions are as follows (complete a, b, or both):

		Total gross monthly income	Total monthly deductions	Total hardship deductions	Net monthly disposable income
a. Petitioner:	<input type="checkbox"/> receiving TANF/CaWORKS				
b. Respondent:	<input type="checkbox"/> receiving TANF/CaWORKS				

2. A printout of a computer calculation of the parties' financial circumstances is attached for all required items not filled out above (for temporary support only).

3. Judgment for spousal or partner support

- a. The parties were married for (specify numbers): _____ years | _____ months.
- b. The parties were registered as domestic partners or the equivalent on (date): _____
- c. The marital standard of living was: _____
 - (1) See Attachment 3c.
 - (2) Described as follows: _____

THE COURT ORDERS

4. a. The petitioner respondent must pay to the petitioner respondent as temporary spousal support family support partner support \$ _____ per month, beginning (date): _____, payable through (specify end date): _____

payable on the (specify): _____ day of each month.
 Other (specify): _____

- b. Support must be paid by check, money order, or cash. The support payor's obligation to pay support will terminate on the death, remarriage, or registration of a new domestic partnership of the support payee.
- c. An earnings assignment for the foregoing support will issue. (Note: The payor of spousal, family, or partner support is responsible for the payment of support directly to the recipient until support payments are deducted from the payor's earnings, and for any support not paid by the assignment.)
- d. Service of the earnings assignment is stayed provided the payor is not more than (specify number): _____ days late in the payment of spousal, family, or partner support.

PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT:	CASE NUMBER:
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- 5. The parties must promptly inform each other of any change of employment, including the employer's name, address, and telephone number.

- 6. This order is for family support. Both parties must complete and file with the court a *Child Support Case Registry Form* (form FL-191) within 10 days of the date of this order. The parents must notify the court of any change of information submitted within 10 days of the change by filing an updated form. Form FL-192, *Notice of Rights and Responsibilities and Information Sheet on Changing a Child Support Order*, is attached.

- 7. The court reserves jurisdiction over the issue of spousal or partner support for later determination.

- 8. The court terminates jurisdiction over the issue of spousal or partner support.

- 9. Other orders (*specify*):

NOTICE: Any party required to pay support must pay interest on overdue amounts at the "legal" rate, which is currently 10 percent.

THIS IS A COURT ORDER

Item SPR10-29 Response Form

Title: Family Law: Spousal and Domestic Partner Support (revise forms FL-180 and FL-343)

- Agree with proposed changes
- Agree with proposed changes **if modified**
- Do not agree** with proposed changes

Comments: _____

Name: _____ **Title:** _____

Organization: _____

- Commenting on behalf of an organization

Address: _____

City, State, Zip: _____

To Submit Comments

Comments may be submitted online, written on this form, or prepared in a letter format. If you are *not* commenting directly on this form, please include the information requested above and the proposal number for identification purposes. Please submit your comments online or email, mail, or fax comments. You are welcome to email your comments as an attachment.

Internet: <http://www.courtinfo.ca.gov/invitationstocomment/>

Email: invitations@jud.ca.gov

Mail: Ms. Camilla Kieliger
Judicial Council, 455 Golden Gate Avenue
San Francisco, CA 94102

Fax: (415) 865-7664, Attn: Camilla Kieliger

DEADLINE FOR COMMENT: 5:00 p.m., Friday, June 18, 2010

Circulation for comment does not imply endorsement by the Judicial Council or the Rules and Projects Committee. All comments will become part of the public record of the council's action.