

**JUDICIAL COUNCIL OF CALIFORNIA
ADMINISTRATIVE OFFICE OF THE COURTS**

455 Golden Gate Avenue
San Francisco, California 94102-3688

Report

TO: Members of the Judicial Council

FROM: Family and Juvenile Law Advisory Committee
Hon. Jerilyn L. Borack and Hon. Susan D. Huguenor, Cochairs
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DATE: October 3, 2006

SUBJECT: Family Law: Revoke Privacy Notices Declared Unconstitutional
(revoke forms FL-316 and FL-317; revise forms FL-150, FL-160,
FL-180, FL-344, and FL-345) (Action Required)

Issue Statement

In response to urgency legislation enacting Family Code section 2024.6, the Judicial Council, effective January 1, 2005, approved numerous changes in its family law forms to alert litigants to the opportunity to seal documents containing information that identifies or locates their assets and debts. The council also approved a new optional form, *Ex Parte Application and Order to Seal Financial Forms (Family Law)* (form FL-316). It later approved Form FL-317, *Ex Parte Request to View or Obtain Copy of Sealed Family Law Documents* which went into effect on July 1, 2005. On May 17, 2006, the California Supreme Court denied review of a ruling by the Second Appellate District (*In re Marriage of Burkle*, 135 Cal. App. 4th 1045) that held section 2024.6 unconstitutional. Thus, the new forms that were based on that legislation should be revoked and existing forms should be revised to delete the paragraphs that refer to those statutory provisions.

Recommendation

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective immediately, revoke forms FL-316 and FL-317 and revise forms FL-150, FL-160, FL-180, FL-344, and FL-345.

The forms proposed for revocation are attached at pages 6–7. The forms proposed for revision are attached at pages 8–18.

Rationale for Recommendation

Assembly Bill 782 (Stats. 2004, ch. 45 [Kehoe]) was chaptered as urgency legislation on June 7, 2004. It added sections 2024.5 and 2024.6 to the Family Code. Section 2024.5 allowed the parties to redact their social security number from pleadings other than those designed to collect child or spousal support. New section 2024.6(b) provided that the Judicial Council form used to declare the assets and liabilities of the parties in a proceeding for dissolution of marriage, nullity of marriage, or legal separation must require the party filing the form to state whether the form contains information that identifies or locates the parties' assets and liabilities.

At its October 15, 2004, meeting, the Judicial Council approved revisions to the forms used for this purpose: *Property Declaration (Family Law)* (form FL-160), and *Income and Expense Declaration* (form FL-150). Revisions also were made to three other Judicial Council forms—*Judgment (Family Law)* (form FL-180), *Property Order Attachment to Findings and Order After Hearing (Family Law)* (form FL-344), and *Property Order Attachment to Judgment (Family Law)* (form FL-345) — that may be filled out with identifying information about the assets and debts of a party. A question was added to those forms asking the person completing the form whether it contains such information. The forms also contain a notice that if such information is listed, the document may be sealed in accordance with Family Code section 2024.6(a).

That new code section further provided that “[u]pon request by a party to a petition for dissolution of marriage, nullity of marriage, or legal separation, the court shall order a pleading that lists the parties’ financial assets and liabilities and provides the location or identifying information about those assets and liabilities sealed. The request may be made by ex parte application.” To assist parties in sealing the affected documents, the council approved the optional form *Ex Parte Application and Order to Seal Financial Forms (Family Law)* (form FL-316). That form was designed to state the basis for the application and list the specific forms to be sealed. It assisted court clerks in locating the forms and made it clear that only specific documents and not the entire file were to be sealed. It also helped to clarify that this procedure for sealing is one of the exceptions noted in rule 243.1(a)(2) of the California Rules of Court.

Forms FL-100, *Petition—Marriage (Family Law)*; FL-103, *Petition—Domestic Partnership (Family Law)*; FL-120, *Response—Marriage (Family Law)*; FL-123, *Response—Domestic Partnership (Family Law)* were revised to add a notice that the parties “may redact (black out) social security numbers from any written material filed with the court” in the case other than a form used to collect child or spousal support. FL-142, *Schedule of Assets and Debts (Family Law)*, which is designed as a discovery document and requests detailed identifying and locating information about the parties’ assets and debts, was modified to note that the form should not be filed with the court.

In April 2005, the Judicial Council also approved form FL-317, *Ex Parte Request to View or Obtain Copy of Sealed Family Law Documents (Family Law)*, effective July 1, 2005.

That form allows a party to view or obtain a copy of a document that has been sealed without unsealing the document.

On February 28, 2005, Judge Roy L. Paul of the Superior Court of Los Angeles County found that Family Code section 2024.6 is unconstitutional, as it violates the First Amendment. The case was appealed to the Court of Appeal, Second Appellate District, which found the section unconstitutional on its face. It held that the presumption of openness applicable to substantive courtroom proceedings in ordinary civil cases applies to court records in divorce proceedings. While the mandated sealing in section 2024.6 of location and identifying information about assets and liabilities is supported by constitutionally guaranteed privacy rights, it places a constitutionally impermissible burden on the First Amendment right of public access to court records because it is neither narrowly tailored to serve the privacy interest being protected, nor the least restrictive means of protecting those privacy interests. (*In re Marriage of Burkle*, 135 Cal.App.4th 1045; opinion of Boland, J.; concurring opinion of Cooper, P. J., and Rubin, J.) The Supreme Court denied review on May 17, 2006.

Thus, forms FL-316, *Ex Parte Application and Order to Seal Financial Forms (Family Law)* and FL-317, *Ex Parte Request to View or Obtain Copy of Sealed Family Law Documents (Family Law)*, both of which carry out the provisions of Family Code section 2024.6 should be revoked as soon as possible. The committee recommends that the forms be revoked as of October 20, 2006, the date that the Judicial Council is scheduled to review rules and forms.

The paragraphs in the *Income and Expense Declaration* (form FL-150), *Property Declaration (Family Law)* (form FL-160), *Judgment (Family Law)* (form FL-180), *Property Order Attachment to Findings and Order After Hearing (Family Law)* (form FL-344), and *Property Order Attachment to Judgment (Family Law)* (form FL-345) that refer to forms FL-316 and FL-317 should be revised. Given the difficulties for both practitioners and courts in responding to midyear changes in forms, the committee recommends that those forms be changed as of January 1, 2007.

Section 2024.5, which permits redacting of social security numbers from most family law pleadings, was not challenged, and it was mentioned favorably by the Second Appellate District in footnote 30, which provides: “The Legislature might choose, for example, to specify limited items of identifying information, such as account numbers, for ‘automatic’ or mandatory redaction that would survive constitutional scrutiny. (Section 2024.5, for example, which was enacted as a part of the legislation that includes section 2024.6, provides for the redaction of any social security number from any pleading, attachment, document, or other written material filed with the court pursuant to a dissolution petition.) This court, however, cannot deduce any such intention from the policy judgments articulated by the Legislature in the statute and its history.” (*Burkle* at 135 Cal.App.4th 1045.) Thus, there is no recommendation to amend the provisions on the forms relating to redacting of social security numbers.

Two additional technical changes are suggested for the *Income and Expense Declaration* (form FL-150). The first is to delete the reference that litigants should attach their pay stubs to the first page. Pay stubs are generally attached at the end of the form, and it could be difficult for clerks to file forms with large pay stubs attached to the front of the form. With the elimination of the word “here” parties will no longer be directed to attach pay stubs to the first page and instead will attach them as exhibits to the form or submit them separately. Many parties do this currently, despite the direction to attach them to the first page. The second change is to correct the current typographical error in which there are two questions numbered “5.” One is at the bottom of the first page, and the second is at the top of the second. It does not appear that numbering is needed for the first question, and thus it is proposed that the first “5” be removed.

Alternative Actions Considered

The committee considered not circulating the proposal for comment, as the changes appear to be clearly required by the Supreme Court’s decision and there no longer appears to be a legal basis for the forms at issue. However, given the importance of the privacy issue and continuing legislative attention in this area, it determined to obtain wide comment. This enabled the committee to seek critical input as well as to alert those reviewing the invitation to comment the change in the law.

Comments From Interested Parties

The invitation to comment was circulated from July 28 through August 23, 2006, to the standard mailing list for family and juvenile law proposals, as well as to the regular rules and forms mailing list. Included on the lists were judges, court administrators, attorneys, mediators, social workers, and other family professionals, such as family court services directors, managers, supervisors, and staff. The invitation to comment was also sent to legal services providers and family law facilitators.

The committee received a total of 20 comments. Of that number, 18 commentators agreed with the proposal, 1 agreed with the proposal if modified and suggested some changes and 1 disagreed with the proposal. Only 3 persons who agreed with the proposal also recommended changes.

The commentator who disagreed with the proposal provided no reasons for the disagreement and does not appear to be an attorney.

One commentator suggested that provision be made for litigants to identify how much they had spent in attorney fees for all their attorneys. Currently the form asks for the attorney to certify the arrangement for fees. The committee believes that adding lines for payments of other attorneys would be potentially confusing and that litigants requesting attorney fees for former attorneys could set out those costs in declaration format. One commentator suggested that the forms be adapted into the plain language format. This would be a major change and beyond the purview of this proposal. Another commentator

suggested that it would be useful to add a paragraph to the judgment form asking the parties to set out the names and birthdates of the children the committee recommends that such a change be made.

A chart summarizing the comments and responses is attached at pages 19–23.

Implementation Requirements and Costs

The costs associated with this proposal are the costs of printing new forms. There may be a significant savings to the court in not maintaining as many confidential family law files as at present.

Attachments

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY Draft 2 08/25/06 mc Not approved by Judicial Council Revoke October 20, 2006 CASE NUMBER: _____
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER: RESPONDENT:	
EX PARTE APPLICATION AND ORDER TO SEAL FINANCIAL FORMS	

1. I am the petitioner respondent other (specify): _____ in this case.
2. I request that the family law forms and other written documents listed below be sealed because they contain the location or identifying information about my assets or debts.
- | | |
|---|-------------------|
| <u>Name of form or written document</u> | <u>Date filed</u> |
| a. | |
| b. | |
| c. | |
| d. | |
| e. | |
- Continued on Attachment 2(f).
3. I have provided the other party in this case with copies of all these documents. A copy of each of these documents is attached. These documents have have not been filed previously.
4. I have given notice to the other party in this case. My proof of service of ex parte application is attached.
- I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

 (TYPE OR PRINT NAME) ▶ _____
 (SIGNATURE OF PARTY)

ORDER

Upon reviewing the listed documents, it appears that they contain the location of, or identifying information about, the parties' assets or debts. Therefore, following Family Code section 2024.6, the court orders that the documents listed on lines 2a 2b 2c 2d 2e and on attachment 2(f) (specify documents): _____ be sealed.

Date:

 JUDICIAL OFFICER

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name):	FOR COURT USE ONLY Draft 5 09/28/06 mc Not approved by Judicial Council
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT/CLAIMANT:	
INCOME AND EXPENSE DECLARATION	CASE NUMBER:

1. **Employment** (Give information on your current job or, if you're unemployed, your most recent job.)

Attach copies of your pay stubs for last two months (black out social security numbers).

- a. Employer:
- b. Employer's address:
- c. Employer's phone number:
- d. Occupation:
- e. Date job started:
- f. If unemployed, date job ended:
- g. I work about _____ hours per week.
- h. I get paid \$ _____ gross (before taxes) per month per week per hour.

(If you have more than one job, attach an 8½-by-11-inch sheet of paper and list the same information as above for your other jobs. Write "Question 1—Other Jobs" at the top.)

2. **Age and education**

- a. My age is (specify):
- b. I have completed high school or the equivalent: Yes No If no, highest grade completed (specify):
- c. Number of years of college completed (specify): Degree(s) obtained (specify):
- d. Number of years of graduate school completed (specify): Degree(s) obtained (specify):
- e. I have: professional/occupational license(s) (specify):
 vocational training (specify):

3. **Tax information**

- a. I last filed taxes for tax year (specify year):
- b. My tax filing status is single head of household married, filing separately
 married, filing jointly with (specify name):
- c. I file state tax returns in California other (specify state):
- d. I claim the following number of exemptions (including myself) on my taxes (specify):

4. **Other party's income.** I estimate the gross monthly income (before taxes) of the other party in this case at (specify): \$
This estimate is based on (explain):

(If you need more space to answer any questions on this form, attach an 8½-by-11-inch sheet of paper and write the question number before your answer.) Number of pages attached: _____

I declare under penalty of perjury under the laws of the State of California that the information contained on all pages of this form and any attachments is true and correct.

Date:

_____ (TYPE OR PRINT NAME) ▶ _____ (SIGNATURE OF DECLARANT)

PETITIONER/PLAINTIFF: _____ RESPONDENT/DEFENDANT: _____ OTHER PARENT/CLAIMANT: _____	CASE NUMBER: _____
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Attach copies of your pay stubs for the last two months and proof of any other income. Take a copy of your latest federal tax return to the court hearing. (Black out your social security number on the pay stub and tax return.)

5. **Income** (For average monthly, add up all the income you received in each category in the last 12 months and divide the total by 12.)

	Last month	Average monthly
a. Salary or wages (gross, before taxes)	\$ _____	_____
b. Overtime (gross, before taxes)	\$ _____	_____
c. Commissions or bonuses	\$ _____	_____
d. Public assistance (for example: TANF, SSI, GA/GR) <input type="checkbox"/> currently receiving	\$ _____	_____
e. Spousal support <input type="checkbox"/> from this marriage <input type="checkbox"/> from a different marriage	\$ _____	_____
f. Partner support <input type="checkbox"/> from this domestic partnership <input type="checkbox"/> from a different domestic partnership	\$ _____	_____
g. Pension/retirement fund payments	\$ _____	_____
h. Social security retirement (not SSI)	\$ _____	_____
i. Disability: <input type="checkbox"/> Social security (not SSI) <input type="checkbox"/> State disability (SDI) <input type="checkbox"/> Private insurance	\$ _____	_____
j. Unemployment compensation	\$ _____	_____
k. Workers' compensation	\$ _____	_____
l. Other (military BAQ, royalty payments, etc.) (specify):	\$ _____	_____

6. **Investment income** (Attach a schedule showing gross receipts less cash expenses for each piece of property.)

a. Dividends/interest	\$ _____	_____
b. Rental property income	\$ _____	_____
c. Trust income	\$ _____	_____
d. Other (specify):	\$ _____	_____

7. **Income from self-employment, after business expenses for all businesses** \$ _____

I am the owner/sole proprietor business partner other (specify): _____

Number of years in this business (specify): _____

Name of business (specify): _____

Type of business (specify): _____

Attach a profit and loss statement for the last two years or a Schedule C from your last federal tax return. Black out your social security number. If you have more than one business, provide the information above for each of your businesses.

8. **Additional income.** I received one-time money (lottery winnings, inheritance, etc.) in the last 12 months (specify source and amount): _____

9. **Change in income.** My financial situation has changed significantly over the last 12 months because (specify): _____

10. **Deductions** Last month

a. Required union dues	\$ _____	_____
b. Required retirement payments (not social security, FICA, 401(k), or IRA)	\$ _____	_____
c. Medical, hospital, dental, and other health insurance premiums (total monthly amount)	\$ _____	_____
d. Child support that I pay for children from other relationships	\$ _____	_____
e. Spousal support that I pay by court order from a different marriage	\$ _____	_____
f. Partner support that I pay by court order from a different domestic partnership	\$ _____	_____
g. Necessary job-related expenses not reimbursed by my employer (attach explanation labeled "Question 10g")	\$ _____	_____

11. **Assets** Total

a. Cash and checking accounts, savings, credit union, money market, and other deposit accounts	\$ _____	_____
b. Stocks, bonds, and other assets I could easily sell	\$ _____	_____
c. All other property, <input type="checkbox"/> real and <input type="checkbox"/> personal (estimate fair market value minus the debts you owe)	\$ _____	_____

PETITIONER/PLAINTIFF: _____ RESPONDENT/DEFENDANT: _____ OTHER PARENT/CLAIMANT: _____	CASE NUMBER: _____
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12. The following people live with me:

Name	Age	How the person is related to me? (ex: son)	That person's gross monthly income	Pays some of the household expenses?
a.				<input type="checkbox"/> Yes <input type="checkbox"/> No
b.				<input type="checkbox"/> Yes <input type="checkbox"/> No
c.				<input type="checkbox"/> Yes <input type="checkbox"/> No
d.				<input type="checkbox"/> Yes <input type="checkbox"/> No
e.				<input type="checkbox"/> Yes <input type="checkbox"/> No

13. Average monthly expenses Estimated expenses Actual expenses Proposed needs

- | | |
|---|---|
| <p>a. Home:</p> <p>(1) <input type="checkbox"/> Rent or <input type="checkbox"/> mortgage... \$ _____</p> <p style="padding-left: 20px;">If mortgage:</p> <p style="padding-left: 40px;">(a) average principal: \$ _____</p> <p style="padding-left: 40px;">(b) average interest: \$ _____</p> <p>(2) Real property taxes \$ _____</p> <p>(3) Homeowner's or renter's insurance (if not included above) \$ _____</p> <p>(4) Maintenance and repair \$ _____</p> <p>b. Health-care costs not paid by insurance. . . \$ _____</p> <p>c. Child care \$ _____</p> <p>d. Groceries and household supplies. \$ _____</p> <p>e. Eating out. \$ _____</p> <p>f. Utilities (gas, electric, water, trash) \$ _____</p> <p>g. Telephone, cell phone, and e-mail \$ _____</p> | <p>h. Laundry and cleaning \$ _____</p> <p>i. Clothes \$ _____</p> <p>j. Education \$ _____</p> <p>k. Entertainment, gifts, and vacation. \$ _____</p> <p>l. Auto expenses and transportation (insurance, gas, repairs, bus, etc.) \$ _____</p> <p>m. Insurance (life, accident, etc.; do not include auto, home, or health insurance). . . \$ _____</p> <p>n. Savings and investments. \$ _____</p> <p>o. Charitable contributions. \$ _____</p> <p>p. Monthly payments listed in item 14 (itemize below in 14 and insert total here) . . \$ _____</p> <p>q. Other (specify): \$ _____</p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p>r. TOTAL EXPENSES (a-q) (do not add in the amounts in a(1)(a) and (b)) \$ _____</p> </div> <p>s. Amount of expenses paid by others \$ _____</p> |
|---|---|

14. Installment payments and debts not listed above

Paid to	For	Amount	Balance	Date of last payment
		\$	\$	
		\$	\$	
		\$	\$	
		\$	\$	
		\$	\$	
		\$	\$	

15. Attorney fees (This is required if either party is requesting attorney fees.):

- a. To date, I have paid my attorney this amount for fees and costs (specify): \$ _____
- b. The source of this money was (specify): _____
- c. I still owe the following fees and costs to my attorney (specify total owed): \$ _____
- d. My attorney's hourly rate is (specify): \$ _____

I confirm this fee arrangement.

Date:

(TYPE OR PRINT NAME OF ATTORNEY)



(SIGNATURE OF ATTORNEY)

PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT/CLAIMANT:	CASE NUMBER:
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CHILD SUPPORT INFORMATION
(NOTE: Fill out this page only if your case involves child support.)

16. Number of children

- a. I have *(specify number)*: _____ children under the age of 18 with the other parent in this case.
- b. The children spend _____ percent of their time with me and _____ percent of their time with the other parent.
(If you're not sure about percentage or it has not been agreed on, please describe your parenting schedule here.)

17. Children's health-care expenses

- a. I do I do not have health insurance available to me for the children through my job.
- b. Name of insurance company: _____
- c. Address of insurance company: _____

- d. The monthly cost for the **children's** health insurance is or would be *(specify)*: \$ _____
(Do not include the amount your employer pays.)

18. Additional expenses for the children in this case

	Amount per month
a. Child care so I can work or get job training.	\$ _____
b. Children's health care not covered by insurance	\$ _____
c. Travel expenses for visitation	\$ _____
d. Children's educational or other special needs <i>(specify below)</i> :	\$ _____

19. Special hardships. I ask the court to consider the following special financial circumstances

	Amount per month	For how many months?
<i>(attach documentation of any item listed here, including court orders):</i>		
a. Extraordinary health expenses not included in 18b.	\$ _____	_____
b. Major losses not covered by insurance (examples: fire, theft, other insured loss)	\$ _____	_____
c. (1) Expenses for my minor children who are from other relationships and are living with me	\$ _____	_____
(2) Names and ages of those children <i>(specify)</i> :		

(3) Child support I receive for those children. \$ _____

The expenses listed in a, b, and c create an extreme financial hardship because *(explain)*:

20. Other information I want the court to know concerning support in my case *(specify)*:

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY Draft 3 09/28/06 mc Not approved by Judicial Council
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER: RESPONDENT:	
<input type="checkbox"/> PETITIONER'S <input type="checkbox"/> RESPONDENT'S <input type="checkbox"/> COMMUNITY AND QUASI-COMMUNITY PROPERTY DECLARATION <input type="checkbox"/> SEPARATE PROPERTY DECLARATION	CASE NUMBER:

INSTRUCTIONS

When this form is attached to the *Petition* or *Response*, values and your proposal regarding division need not be completed. Do not list community, including quasi-community, property with separate property on the same form. Quasi-community property must be so identified. For additional space, use *Continuation of Property Declaration* (form FL-161).

ITEM NO.	BRIEF DESCRIPTION	GROSS FAIR MARKET VALUE	AMOUNT OF DEBT	NET FAIR MARKET VALUE	PROPOSAL FOR DIVISION	
					Award to: PETITIONER	RESPONDENT
1.	REAL ESTATE	\$	\$	\$	\$	\$
2.	HOUSEHOLD FURNITURE, FURNISHINGS, APPLIANCES					
3.	JEWELRY, ANTIQUES, ART, COIN COLLECTIONS, etc.					
4.	VEHICLES, BOATS, TRAILERS					

ITEM NO.	BRIEF DESCRIPTION	GROSS FAIR MARKET VALUE	AMOUNT OF DEBT	NET FAIR MARKET VALUE	PROPOSAL FOR DIVISION	
					Award to: PETITIONER	RESPONDENT
5.	SAVINGS, CHECKING, CREDIT UNION, CASH	\$	\$	\$	\$	\$
6.	LIFE INSURANCE (CASH VALUE)					
7.	EQUIPMENT, MACHINERY, LIVESTOCK					
8.	STOCKS, BONDS, SECURED NOTES					
9.	RETIREMENT, PENSION, PROFIT-SHARING, ANNUITIES					
10.	ACCOUNTS RECEIVABLE, UNSECURED NOTES, TAX REFUNDS					
11.	PARTNERSHIPS, OTHER BUSINESS INTERESTS					
12.	OTHER ASSETS AND DEBTS					
13.	TOTAL FROM CONTINUATION SHEET					
14.	TOTALS					

15. A Continuation of Property Declaration (form FL-161) is attached and incorporated by reference.

I declare under penalty of perjury under the laws of the State of California that, to the best of my knowledge, the foregoing is a true and correct listing of assets and obligations and the amounts shown are correct.

Date:

_____ (TYPE OR PRINT NAME)



_____ (SIGNATURE)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address) : TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY Draft 3 09/28/06 mc Not approved by Judicial Council
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
MARRIAGE OF PETITIONER: RESPONDENT:	
<div style="text-align: center;">JUDGMENT</div> <input type="checkbox"/> DISSOLUTION <input type="checkbox"/> LEGAL SEPARATION <input type="checkbox"/> NULLITY <input type="checkbox"/> Status only <input type="checkbox"/> Reserving jurisdiction over termination of marital or domestic partnership status <input type="checkbox"/> Judgment on reserved issues Date marital or domestic partnership status ends:	CASE NUMBER:

1. This judgment contains personal conduct restraining orders modifies existing restraining orders.
 The restraining orders are contained on page(s) _____ of the attachment. They expire on (date): _____

2. This proceeding was heard as follows: Default or uncontested By declaration under Family Code section 2336
 Contested
 - a. Date: _____ Dept.: _____ Room: _____
 - b. Judicial officer (name): _____ Temporary judge
 - c. Petitioner present in court Attorney present in court (name): _____
 - d. Respondent present in court Attorney present in court (name): _____
 - e. Claimant present in court (name): _____ Attorney present in court (name): _____
 - f. Other (specify name): _____

3. The court acquired jurisdiction of the respondent on (date):
 - a. The respondent was served with process.
 - b. The respondent appeared.

THE COURT ORDERS, GOOD CAUSE APPEARING

4. a. Judgment of dissolution is entered. Marital or domestic partnership status is terminated and the parties are restored to the status of single persons
 - (1) on (specify date): _____
 - (2) on a date to be determined on noticed motion of either party or on stipulation.
- b. Judgment of legal separation is entered.
- c. Judgment of nullity is entered. The parties are declared to be single persons on the ground of (specify): _____

- d. This judgment will be entered nunc pro tunc as of (date): _____
- e. Judgment on reserved issues.
- f. The petitioner's respondent's former name is restored to (specify): _____
- g. Jurisdiction is reserved over all other issues, and all present orders remain in effect except as provided below.
- h. This judgment contains provisions for child support or family support. Each party must complete and file with the court a *Child Support Case Registry Form* (form FL-191) within 10 days of the date of this judgment. The parents must notify the court of any change in the information submitted within 10 days of the change, by filing an updated form. The *Notice of Rights and Responsibilities—Health Care Costs and Reimbursement Procedures and Information Sheet on Changing a Child Support Order* (form FL-192) is attached.

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

- i. A settlement agreement between the parties is attached.
- 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
------	-----------
 - (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)*:

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.
- 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 : RESPONDENT:	CASE NUMBER:
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**PROPERTY ORDER ATTACHMENT
TO FINDINGS AND ORDER AFTER HEARING**

THE COURT ORDERS

1. **Property restraining orders**
 - a. The petitioner respondent claimant is restrained from transferring, encumbering, hypothecating, concealing, or in any way disposing of any property, real or personal, whether community, quasi-community, or separate, except in the usual course of business or for the necessities of life.
 - b. The petitioner respondent must notify the other party of any proposed extraordinary expenses at least five business days before incurring such expenses, and make an accounting of such to the court.
 - c. The petitioner respondent is restrained from cashing, borrowing against, cancelling, transferring, disposing of, or changing the beneficiaries of any insurance or other coverage, including life, health, automobile, and disability, held for the benefit of the parties or their minor child or children.
 - d. The petitioner respondent must not incur any debts or liabilities for which the other may be held responsible, other than in the ordinary course of business or for the necessities of life.

2. **Possession of property.** The exclusive use, possession, and control of the following property that the parties own or are buying is given as specified:

<u>Property</u>	<u>Given to</u>
-----------------	-----------------

See Attachment 2.

3. **Payment of debts.** Payments on the following debts that come due while this order is in effect must be paid as follows:

Total debt	Amount of payments	Pay to	Paid by
\$	\$		
\$	\$		
\$	\$		
\$	\$		

See Attachment 3.

4. These are temporary orders only. The court will make final orders at the time of judgment.
5. Other (*specify*):

PETITIONER: RESPONDENT:	CASE NUMBER:
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PROPERTY ORDER ATTACHMENT TO JUDGMENT

1. Division of community property assets

- a. There are no community property assets.
- b. The court finds that the net value of the community estate is less than \$5,000 and that the petitioner respondent cannot be found. Under Family Code section 2604, the entire community estate is awarded to the petitioner respondent.
- c. The petitioner will receive the following assets: *(Attach additional page if necessary.)*

- d. The respondent will receive the following assets: *(Attach additional page if necessary.)*

- e. The petitioner respondent will be responsible for preparing and filing a *Qualified Domestic Relations Order (QDRO)* to divide the following plan or retirement account(s) *(specify)*:

 The fee for preparation of the QDRO shall be shared as follows *(specify)*:
- f. Other orders:

- g. Each spouse will receive the assets listed above as his or her sole and separate property. The parties must execute any and all documents required to carry out this division.
- h. The court reserves jurisdiction to divide any community assets not listed here and enforce the terms of this order.

2. Division of community property debts

- a. There are no community debts.
- b. All community debts have been paid by the petitioner respondent. The petitioner respondent must reimburse the other party: \$
 The payment plan is as follows:

- c. The petitioner will be responsible for the following debts: *(Attach additional page if necessary.)*

- d. The respondent will be responsible for the following debts: *(Attach additional page if necessary.)*

PETITIONER: RESPONDENT:	CASE NUMBER:
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e. Other orders:

f. Each party will be solely responsible for paying the debts assigned to him or her and will hold the other harmless from those debts. The parties understand that the creditors are not bound by this judgment. If a creditor seeks payment from the party who is not listed as responsible for the debt, that party can file a motion to seek reimbursement from the defaulting party.

9. The court reserves jurisdiction to divide any community debts not listed here.

3. **Equalization of division of property and debt orders.** To equalize the division of the community property assets and debts, the petitioner respondent must pay to the other the sum of: \$ _____, payable as follows (*specify*):

4. **Separate property**

a. The court confirms the following assets or debts as the sole separate property, or sole responsibility, of the petitioner:

b. The court confirms the following assets or debts as the sole separate property, or sole responsibility, of the respondent:

5. The settlement agreement between the parties dated (*date*): _____ is attached and made a part of this judgment.

6. **Sale of property.** The following property will be offered for sale and sold for the fair market value as soon as a willing buyer can be found, and the net proceeds from the sale will be divided equally other (*specify*):

7. Other orders (*specify*):

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**Family Law: Revoke Privacy Notices Declared Unconstitutional
(revoke forms FL-316 and FL-317; revise forms FL-150, FL-160, FL-180, FL-344, and FL-345)**

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
1.	Ms. Grace Andres Court Services Program Manager Superior Court of Solano County Fairfield	A	Y	It might be a good time to consider modification to a “plain language” format as long as modifications are being done to these forms. The I & E is especially difficult for SRLs to understand and complete.	This is an important project and will be considered by the Family and Juvenile Law Advisory Committee. It is beyond the scope of this proposal.
2.	Ms. Diane Bras Family Law Facilitator Superior Court of Placer County Auburn	A	N	All changes look appropriate. Good change on direction to attach paystubs.	No response required.
3.	Ms. Cheanna Sidhu Che Porterville	N	N		It does not appear that there is a legal basis to oppose the proposed changes to the forms.
4.	Ms. Krystina Cifuentez Deputy Court Administrator III Superior Court of Kings County Hanford	A	Y		No response required.
5.	Hon. Ellen Gay Conroy Commissioner Superior Court of Ventura County Ventura	A	N		No response required.
6.	Ms. Christine Copeland Staff Attorney Superior Court of Santa Clara County San Jose	A	N		No response required.
7.	Ms. Laura Gitlin-Petlak Certified Family Law Specialist Beverly Hills	A	N	Income and Expense Declaration – Additional proposals for change. 1) On page 3, under item 15, there is a dollar sign (\$) that is extraneous. 2) Also on the topic of attorneys’ fees: an	1) Agreed. Will remove the dollar sign (\$) next to “Attorney fees.” 2) While it is certainly true that a

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				attorney can only confirm arrangement s/he has with the client and the fees incurred with him/her; however, the client should be able to indicate the total fees incurred and total fees paid to previous attorney(s).	client can indicate the total fees incurred and paid to previous attorney(s), the committee is concerned that this could be very confusing on the form and might best be handled in a declaration if relevant to the proceedings.
8.	Mr. David Gutknecht Principal Management Analyst Superior Court of Riverside County Riverside	A	Y	In light of the appellate ruling that held Family Code section 2024.6 to be unconstitutional, Riverside County Superior Court agrees that forms FL-316 and FL-317 should be revoked, and forms FL-150, FL-160, FL-180, FL-344, and FL-345 should be revised to delete the paragraphs that refer to that statutory provision.	No response required.
9.	Ms. Frances Harrison Superior Court of San Diego County San Diego	A	N	I agree with the proposed revisions. I would also like to propose that we add a paragraph to the Judgment of Dissolution etc. form that says: The children of this marriage are: Name Birth date _____ _____ I have several times recently looked at Judgments to see which children were children of the marriage and not found names or birthdates at all. Often the only references to the children are as “the minor child(ren)”.	Agreed. Will add the suggested paragraph.
10.	Ms. JoAnn Johnson Family Court Facilitator Superior Court of Ventura County Ventura	A	Y		No response required.

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	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
11.	Hon. Irwin H. Joseph Commissioner Superior Court of Santa Cruz County Santa Cruz	A	N		No response required.
12.	Mr. Stephen Kolodny Beverly Hills	A	N	There is no valid basis for Family Law forms to be confidential except by focused court order based on a hearing and existing law. The forms should be changed to eliminate reference to the unconstitutional language on the form.	No response required.
13.	Ms. Janet Garcia, Court Manager Planning and Research Unit Superior Court of Los Angeles County Los Angeles	A	Y		No response required.
14.	Ms. Andrea Nelson Deputy Court Executive Officer Superior Court of Butte County Orville	A	N		No response required.
15.	Hon. Yolanda Neill Northridge Judge Superior Court of Alameda County Oakland	A	N		No response required.
16.	Ms. Pamela Peery Family Law Facilitators Superior Court of Riverside County Indio	A	N	No further comments after reading the ruling and proposed changes.	No response required.
17.	Ms. Cassie Pierson Staff Attorney Legal Services for Prisoners with Children San Francisco	A	Y		No response required.

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	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
18.	Mr. Michael M. Roddy Executive Officer Superior Court of San Diego County San Diego	A	Y		No response required.
19.	Ms. Elvira Rodriguez Consultant Morning Star Care Consulting Services Smith River	AM	N	<p>For the Matter of Collecting Child Support or Spousal Support</p> <p>Family Law 2024.5 (b) and Section 4014</p> <p>Agreed to proposed changes to include modification of FL-345 that is referred to FL-316 and FL-317 FL-345 2 (c) and 5 (a)</p> <p>The Court shall order a pleading that lists the parties declaration of property and Release of Transfer with proof of services of the assets and liability of Transfer and/or separation of assets and liabilities of the Settlement Agreement order in the Order and Finding (FL-344).</p> <p>Thereby the pleading shall exhibit a notice of property transfer, liability and assets of parties responsibility, identifying financial information and is subject of collection.</p> <p>Therefore subject to this section 2024.6 (c)</p> <p>FL-345 2 (c) and 5 (a)</p> <p>Release of liabilities to support reimbursement.</p>	Staff contacted the commentator to request clarification of this comment as both staff and the committee was unclear on its meaning. The commentator did not respond to the request for clarification and thus the committee cannot act on this comment.

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	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				In collection of Child Support and Spousal Support.	
20.	Mr. Benjamin D. Stough Court Executive Officer Superior Court of Mendocino County Ukiah	A	N		No response required.