

JUDICIAL COUNCIL OF CALIFORNIA

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www.courts.ca.gov/policyadmin-invitationstocomment.htm

INVITATION TO COMMENT SPR17-19

Title	Action Requested
Family Law: Revoke Summary Dissolution Form FL-820	Review and submit comments by April 28, 2017
Proposed Rules, Forms, Standards, or Statutes	Proposed Effective Date
Revoke form FL-820	January 1, 2018
Proposed by	Contact
Family and Juvenile Law Advisory Committee Hon. Jerilyn L. Borack, Cochair Hon. Mark A. Juhas, Cochair	Gabrielle D. Selden, 415-865-8085 gabrielle.selden@jud.ca.gov

Executive Summary and Origin

The Family and Juvenile Law Advisory Committee proposes revoking one summary dissolution form, which may no longer be required given the passage of time and the fact that the form was adopted specifically for joint petitions for summary dissolution filed before January 1, 2011.

The Proposal

The Judicial Council last revised the form, effective January 1, 2012, to conform to amendments made to Family Code section 2403 by Assembly Bill 939, which required that the court enter a judgment of dissolution six months after the petition for summary dissolution was filed (instead of requiring a party to request the judgment). Form FL-820 was revised to note that it should be used in cases filed before January 1, 2011, and a new form, *Judgment of Dissolution of Notice of Entry of Judgment* (form FL-825), would be used in cases filed after January 1, 2011.

The committee believes that the form is no longer needed. Because the form is required for cases filed before January 1, 2011, and more than six years have passed, presumably courts have either issued judgments on summary dissolution petitions filed before that date or dismissed the cases as required by statute.

Alternatives Considered

The committee considered not circulating form FL-820 for comment, but, instead, including it in a technical report to the Judicial Council with two other summary dissolution forms. *Joint*

The proposals have not been approved by the Judicial Council and are not intended to represent the views of the council, its Rules and Projects Committee, or its Policy Coordination and Liaison Committee. These proposals are circulated for comment purposes only.

Petition for Summary Dissolution (form FL-800) and *Summary Dissolution Information* (form FL-810) must be revised this year under Family Code section 2400(b) to reflect an increase in the cost of living based on changes to the California Consumer Price Index (CCPI). Specifically, the dollar limits on the parties' community property and separate property assets must increase from \$41,000 to \$43,000 on forms FL-800 and FL-810. The committee decided not to include form FL-820 in the technical report so that courts and family law professionals could provide input about whether the form is still being used in summary dissolution cases.

The committee also considered circulating all three forms for public comment without seeking specific comment about the adjustments made to forms FL-800 and FL-810. However, this approach would delay revising the dollar amounts on forms FL-800 and FL-810 until January 1, 2018, when in previous cycles the mandatory adjustments had taken effect six months earlier, on July 1 of the odd-numbered year.

Finally, the committee considered drafting two separate proposals (separating the two summary dissolution forms with dollar amounts from the form proposed to be revoked) and not requiring the former proposal for technical changes to circulate for comment. The committee decided to take this approach because it allows for public comment as to FL-820. It also allows forms FL-800 and FL-810 to be considered by the Judicial Council for an effective date of July 1, 2017, instead of delaying the changes to January 1, 2018.

Implementation Requirements, Costs, and Operational Impacts

Implementation may require courts to incur standard reproduction costs.

Attachments and Links

Form FL-820, at pages 3-4

Request for Specific Comments

The advisory committee seeks comments from *courts* on the following cost and implementation matters:

- Should form FL-820 be revoked, effective January 1, 2018?
- Would the proposal provide cost savings? If so, please quantify.
- What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?
- Would three months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?
- How well would this proposal work in courts of different sizes?
- What is the impact of this proposal on low- and moderate-income litigants?

PARTY WITHOUT ATTORNEY OR ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
MARRIAGE OF HUSBAND: WIFE:	
REQUEST FOR JUDGMENT, JUDGMENT OF DISSOLUTION OF MARRIAGE, AND NOTICE OF ENTRY OF JUDGMENT	CASE NUMBER:

1. The Joint Petition for Summary Dissolution (form FL-800) was filed on (date):
 (Use this form ONLY if the Joint Petition for Summary Dissolution (form FL-800) was filed before January 1, 2011. If it was filed after January 1, 2011, use Judgment of Dissolution and Notice of Entry of Judgment (form FL-825) instead.)
2. No notice of revocation has been filed, and the parties have not become reconciled.
3. I request that judgment of dissolution of marriage be
 - a. entered to be effective now.
 - b. entered to be effective (nunc pro tunc) as of (date): _____ for the following reason:

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 HUSBAND OR WIFE)

4. Husband Wife who did not request that his or her own former name be restored when he or she signed the joint petition, now requests that it be restored. The applicant's former name is:

Date: _____

 (TYPE OR PRINT NAME) (SIGNATURE OF PARTY WISHING TO HAVE HIS OR HER NAME RESTORED)

(For Court Use Only)
JUDGMENT OF DISSOLUTION

THE COURT ORDERS

5. A judgment of dissolution of marriage will be entered, and the parties are restored to the status of unmarried persons.
- a. The judgment of dissolution of marriage will be entered nunc pro tunc as of (date): _____
 - b. Wife's former name is restored (specify): _____
 - c. Husband's former name is restored (specify): _____

Husband and wife must comply with any agreement attached to the petition.
 Date: _____

 JUDICIAL OFFICER

HUSBAND: _____	CASE NUMBER: _____
WIFE: _____	

NOTICE: Dissolution may automatically cancel the rights of a spouse under the other spouse's will, trust, retirement benefit 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 instrument. It does not automatically cancel the rights of a spouse as beneficiary of the other spouse's life insurance policy. You should review these matters, as well as any credit cards, other credit accounts, insurance policies, retirement benefit plans, and credit reports, to determine whether they should be changed or whether you should take any other actions.

NOTICE OF ENTRY OF JUDGMENT

6. You are notified that a judgment of dissolution of marriage was entered on (date):

Date: _____ Clerk, by _____, Deputy

CLERK'S CERTIFICATE OF MAILING

I certify that I am not a party to this cause and that a true copy of the *Notice of Entry of Judgment* was mailed first class, postage fully prepaid, in a sealed envelope addressed as shown below, and that the notice was mailed

at (place): _____, California

on (date): _____

Date: _____ Clerk, by _____, Deputy

HUSBAND'S ADDRESS

WIFE'S ADDRESS

TO BE REVOKED