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REPORT TO THE JUDICIAL COUNCIL

For business meeting on April 26, 2013

Title

Family Law: Disclosure of Assets and Debts

Agenda Item Type

Action Required

Rules, Forms, Standards, or Statutes Affected

Amend Cal. Rules of Court, rule 5.77; revise forms FL-140, FL-141, FL-107-INFO, FL-160, FL-161, FL-800, and FL-810

Effective Date

July 1, 2013

Date of Report

April 15, 2013

Recommended by

Family and Juvenile Law Advisory
Committee

Hon. Kimberly J. Nystrom-Geist, Cochair
Hon. Dean T. Stout, Cochair

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Elkins Family Law Implementation Task
Force

Hon. Laurie D. Zelon, Chair

Executive Summary

The Family and Juvenile Law Advisory Committee and the Elkins Family Law Implementation Task Force recommend amending rule 5.77 and revising forms FL-140, FL-141, FL-107-INFO, FL-800, and FL-810 to reflect amendments to Family Code section 2104 (Assem. Bill 1406; Stats. 2011, ch. 107) that took effect on January 1, 2013, relating to service of a preliminary declaration of disclosure. The committee and task force also recommend revising forms FL-160 and FL-161 for parties to use to comply with the requirements to disclose assets and debts and to request a default judgment in an action for dissolution, legal separation, or nullity. In addition to revising forms FL-800 and FL-810 to comply with the new disclosure requirements of Family Code section 2104, the committee and task force recommend revising them to reflect an increase

in the published limits for community and separate property assets based on a change in the California Consumer Price Index.

Recommendation

The Family and Juvenile Law Advisory Committee and the Elkins Family Law Implementation Task Force recommend:

1. Amending rule 5.77 (Summary dissolution) and revising forms FL-140, FL-141, FL-107-INFO, FL-800, and FL-810 to reflect the new time frame for service of, and the new requirement to serve tax returns with, a preliminary declaration of disclosure under Family Codes section 2104;
2. Amending rule 5.77 and revising forms FL-140, FL-141, FL-107-INFO, FL-160, FL-800, and FL-810 to reflect that a party may serve either a *Schedule of Assets and Debts* (form FL-142) or a *Property Declaration* (form FL-160) (and *Continuation of Property Declaration* (form FL-161)) as a means of disclosing each party's community and separate property assets and obligations;
3. Making additional changes to form FL-107-INFO to further help courts comply with rule 5.83, Family centered case resolution. Changes include expanding the form's content to provide information about legal separation cases and information pertinent to same-sex marriages and domestic partnerships and renaming the form "Legal Steps for a Divorce or Legal Separation."
4. Approving and adopting the calculations on page 15, which demonstrate the increase required to the maximum dollar amounts for community and separate property assets in summary dissolution forms FL-800 and FL-810;
5. Revising forms FL-800 and FL-810 to reflect an increase solely in the published limits for community and separate property assets under Family Code section 2400(a)(7) from \$38,000 to \$40,000;¹ and
6. Make formatting and technical changes to all forms necessary to effect the above revisions.

Previous Council Action

Effective January 1, 2013, the Judicial Council amended rule 5.77 (Summary dissolution) with the restructuring of all Title V rules. The rule number was changed from 5.130 to 5.77 and amended to provide that preliminary disclosure requirements may be completed by serving a *Declaration of Disclosure* (form FL-140) or by completing the worksheets in *Summary Dissolution Information* (form FL-810).

¹ The total fair market value of community property and separate property assets, excluding all encumbrances and automobiles, including any deferred compensation or retirement plan.

The Judicial Council revised forms FL-140 and FL-141 (formerly forms 1292 and 1292.05), effective January 1, 1994, as mandated by Family Code sections 2104, 2106, and 2112. Effective January 1, 1999, form 1292.05 was revised to include a provision about service of a preliminary declaration of disclosure under Family Code section 2104. Effective January 1, 2003, forms 1292 and 1292.05 were renumbered to FL-140 and FL-141, respectively. Effective July 1, 2011, form FL-141 was revised to reflect amendments to Family Code section 2107 enacted by Assembly Bill 459 (Stats. 2009, ch. 110). The amendments provided additional remedies to a party when the other party fails to comply with mandatory disclosure requirements in a dissolution action.

The Judicial Council approved form FL-107-INFO for optional use, effective July 1, 2012, to help courts comply with rule 5.83 (Family centered case resolution). The rule requires courts to provide written information to a party summarizing the process of a case through disposition upon the filing of first papers.

The Judicial Council last revised form FL-160, effective January 1, 2007, to delete provisions that were developed or revised to implement Family Code section 2024.6, which was subsequently found to be unconstitutional.

The Judicial Council adopted summary dissolution forms, effective January 1, 1979, as mandated by Assembly Bill 539 (Stats. 1978, ch 508). Since their adoption, the forms have been revised each odd-numbered year to reflect changes in the California Consumer Price Index (CCPI) as required by Family Code section 2400(b). The Judicial Council also revised forms FL-800 and FL-810, effective January 1, 2012, to reflect amendments to eligibility requirements and procedures under Family Code sections 2400 and 2403.

Rationale for Recommendation

Rule 5.77. Summary dissolution

This rule specifies how joint petitioners in summary dissolution actions must comply with preliminary disclosure requirements and clarifies that petitioners must pay one filing fee, unless both parties are eligible for a fee waiver order. The rule needs to be amended to include the requirement to exchange tax returns under Family Code section 2104.

Declaration of Disclosure (form FL-140)

This mandatory form serves as a cover sheet for a party to list all the documents being served that constitute a preliminary or final declaration of disclosure. The form also provides information about the types of family law proceedings that require service of disclosure documents. As the form states, it is not filed with the court. Instead, it is served on the other party along with the other forms, statements, and private financial documents that demonstrate the value of the assets or debt identified by the parties.

The form must be revised to include the new time frame for service of disclosure documents and the requirement to serve tax returns with the disclosures. In addition, the revisions include new

language permitting a party to serve either a *Schedule of Assets and Debts* (form FL-142) or a *Property Declaration* (FL-160) to comply with disclosure requirements. The revisions also include formatting and technical changes.

Declaration Regarding Service of Declaration of Disclosure and Income and Expense Declaration (form FL-141)

A party files this mandatory form to demonstrate to the court that he or she has complied with the statutory requirements to serve a preliminary and/or final declaration of disclosure. The revisions would allow a party to indicate to the court that service of the preliminary declaration of disclosure included serving tax returns as required by Family Code section 2104.

Other revisions to the form are recommended to more completely reflect additional disclosure requirements for preliminary and final declarations of disclosure. Under Section 2104, preliminary declarations of disclosures must include the identification of all assets, obligations, and income tax returns. Final disclosures, under section 2105, must include material facts or information about the amount, characterization, and valuation of assets and liabilities. To include these new requirements, items 2 and 3 on form FL-141 would be revised.

The committee and task force also recommend revising the form at item 4a in response to suggestions received from court clerks before the comment period about simplifying the filing process in cases in which a party is filing the form along with an agreement to waive final disclosures. Currently item 4a requires a party to first file the waiver agreement and then complete form FL-141 to insert the date that the agreement was filed. Because parties often file the waiver agreement concurrently with form FL-141, a new provision would provide for this option and help streamline the process of complying with disclosure requirements and with the process of filing these forms.

Legal Steps for a Divorce or Legal Separation (form FL-107-INFO)

Statutory changes to Family Code section 2104 require revising the information in Step 3 of form FL-107-INFO. The new time frame for service of a declaration of disclosure is added, along with the requirement of serving all tax returns filed by the party within the two-year period before serving the disclosure documents.

In addition, the committee and task force recommend expanding the content of the form to provide information about legal separation and cases involving same-sex marriages and registered domestic partners. This change will help local courts further comply with rule 5.83(g)(1)(A), Family centered case resolution. This rule requires courts to provide written information summarizing the process of the case through disposition upon the filing of first papers in a dissolution action. The new language will expand the use of one form to cover the obligation of the courts to provide information about dissolution cases as well as legal separation cases. To reflect the new content, the committee and task force recommend changing the form's title to *Legal Steps for a Divorce or Legal Separation* (form FL-107-INFO) and inserting hyperlinks to the new content on the California Courts website.

Property Declaration (form FL-160)

The committee and task force recommend revising form FL-160 to respond to the suggestion of courts concerned with simplifying disclosure forms and streamlining the process of requesting a default judgment.

Property Declaration (form FL-160) and *Schedule of Assets and Debts* (form FL-142) require parties to provide substantially the same information about assets and liabilities. However, they currently serve two different purposes: form FL-142 is included in a declaration of disclosure or as an attachment to *Form Interrogatories—Family Law* (FL-145), and form FL-160 is required to request entry of a default judgment in family law cases. Specific revisions to form FL-160 would allow it to be used for both purposes. The revisions include:

- Expanding the form to include the full asset categories found on form FL-142;
- Adding a new page 3 to include other categories of debt found on form FL-142, like student loans, support arrears, unsecured loans, credit cards, and other debts; and
- Adding a new page 4 to provide instructions and information about how the form is used in family law proceedings and how to complete the form when it serves as an attachment to a *Petition or Response*, a *Declaration of Disclosure*, a *Request to Enter Default*, or a *Judgment*.

The committee and task force will monitor the use of these forms to determine if, because of the changes to form FL-160, the *Schedule of Assets and Debts* (form FL-142) can be revoked in the future.

Continuation of Property Declaration (form FL-161)

Parties who require additional space to complete form FL-160 use form FL-161 to continue listing items of assets and debts. The committee and task force recommend revising form FL-161 so that it is consistent with the changes made to form FL-160 and can continue to serve as the required continuation of FL-160.

Joint Petition for Summary Dissolution (form FL-800) and Summary Dissolution Information (FL-810)

Statutory changes to Family Code section 2104 require revising item 12 on the *Joint Petition for Summary Dissolution* (form FL-800) and pages 4 and 16 of *Summary Dissolution Information* (form FL-810) to include that the parties must exchange tax returns to comply with preliminary disclosure requirements. In addition, Family Code section 2400(b) requires that the council revise FL-800 (items 9 and 10) and FL-810 (pages 3 and 5–9) to reflect an increase in the published limits for community and separate property assets under Family Code section 2400(a)(7) (from \$38,000 to \$40,000).

Family Code section 2400(b) requires that, on January 1 of each odd-numbered year, the dollar limitations on items indicated in Family Code section 2400(a)(6)–(7) be adjusted to reflect any

change in the value of the dollar. The statutory formula for determining these adjustments requires multiplying the base amount by the percentage change in the California Consumer Price Index. The results are then rounded to the nearest thousand dollars. The calculations are shown on page 15 of this report.

Based on the calculations using annual averages in the 2013 CCPI, the adjusted limit of the total fair market value of community and separate property assets has increased from \$38,000 to \$40,000. The calculation results in no change to the maximum amount for unpaid community obligations. Based on the calculations, this limit has remained at \$6,000.

To reflect the change to the total fair market value of community and separate property assets, the committee and task force recommend revising: (1) items 9 and 10 on the *Joint Petition for Summary Dissolution* (form FL-800); (2) the information on pages 3 and 5 through 9 in the instructional booklet, *Summary Dissolution Information* (form FL-810); and (3) the Spanish translation of the instructional booklet (form FL-810 S).

In addition to the above revisions, the committee recommends the following technical revisions to form FL-810:

- Reinserting page numbers on the 22-page form. The page numbers were inadvertently omitted when the form was posted to the California Courts website, effective January 1, 2012 (to avoid confusing the page numbers on the form with the pagination of this report, form FL-810 is labeled as Attachment A);
- On page 1 under “Special Warning,” updating the terminology in this section by deleting the reference to “alien” and replacing it with “undocumented person”; and
- Also on page 1, referencing the correct title of form FL-103, *Petition—Domestic Partnership/Marriage*.

Comments, Alternatives Considered, and Policy Implications

The invitation to comment was circulated from December 14, 2012, through January 25, 2013, to the standard mailing list for family and juvenile law proposals. Included on the lists were appellate presiding justices, appellate court administrators, trial court presiding judges, court executive officers, judges, court clerk/administrators, attorneys, social workers, probation officers, and other family law professionals, such as family law facilitators and family court services directors, managers, supervisors, and staff.

Of a total of twelve commentators, six agreed with the proposal as circulated and six commentators agreed if modifications were made. See Attachment B for a chart of the comments and the committee’s responses.

Form FL-140

Commentators suggested many substantive and formatting changes to the first section of this form. The first section begins with the notice “DO NOT FILE WITH THE COURT” and then provides information to parties about statutory disclosure requirements. A commentator suggested changing the notice to reflect that a party must not file with the court this form or any of the financial documents required to be attached to the form. Some commentators said that the first paragraph was confusing because it states that a preliminary and a final declaration of disclosure must be served with certain exceptions, but it does not clearly describe the exceptions. Some commentators suggested adding a statement that parties may not agree to waive the preliminary declaration. Another commentator suggested clarifying in this section that parties who waive their final declarations of disclosure must also file the waiver agreement with the court. Another commentator believed it important to redraft a certain provision in this section to better describe the type of default proceeding in which a party may waive the final declarations of disclosure.

To improve the information provided to parties on the form about service of disclosure documents in dissolution, legal separation, or nullity actions, the committee and task force recommend incorporating the suggestions submitted by commentators regarding the top part of form FL-140 so that the revised form reads as follows:

DO NOT FILE DECLARATIONS OF DISCLOSURE OR FINANCIAL ATTACHMENTS WITH THE COURT

In a dissolution, legal separation, or nullity action, both a preliminary and a final declaration of disclosure must be served on the other party with certain exceptions. Neither disclosure is filed with the court. Instead, a declaration stating that service of disclosure documents was completed or waived must be filed with the court (see form FL-141).

- *In summary dissolution cases, each spouse or domestic partner must exchange preliminary disclosures as described in Summary Dissolution Information (form FL-810). Final disclosures are not required (see Family Code section 2109).*
- *In a default judgment case that is not a stipulated judgment or a judgment based on a marital settlement agreement, only the petitioner is required to complete and serve a preliminary declaration of disclosure. A final disclosure is not required of either party (see Family Code section 2110).*
- *Service of the preliminary declarations of disclosure may not be waived by an agreement between the parties.*
- *Parties who agree to waive final declarations of disclosure must file their written agreement with the court (see form FL-144).*

The petitioner must serve a preliminary declaration of disclosure at the same time as the Petition or within 60 days of filing the Petition. The respondent must serve a preliminary declaration of disclosure at the same time as the Response or within 60 days of filing the Response. The time periods may be extended by written agreement of the parties or by court order (see Family Code section 2104(f)).

Additional comments received and incorporated include adding (1) “Other Party” to the caption, (2) a fillable space below item 3 so that parties can use the space to add information concerning the requirement to attach tax returns under Family Code section 2104(f), and (3) separate check

boxes in item 1 so that a party can identify whether he or she has attached a *Community and Quasi-Community Property Declaration*, a *Separate Property Declaration*, or both.

Another commentator suggested that form FL-140 is in conflict with Code of Civil Procedure section 583.210 because it directs the petitioner to file this form within 60 days of filing the petition when, under Code of Civil Procedure section 583.210, the petitioner has three years to serve the summons and complaint. The committee and task force, however, do not recommend changing the form. Form FL-140 does not direct the petitioner to file the form with the court. It specifically directs the petitioner to *serve* form FL-140 on the other party within the statutorily mandated time frame. The language in the form complies with Family Code section 2104(f), which became effective January 1, 2013, and which states:

The petitioner shall serve the other party with the preliminary declaration of disclosure either concurrently with the petition for dissolution, or within 60 days of filing the petition. The respondent shall serve the other party with the preliminary declaration of disclosure either concurrently with the response to the petition, or within 60 days of filing the response. The time periods specified in this subdivision may be extended by written agreement of the parties or by court order.

(Fam. Code, § 2104(f).)

Form FL-141

A commentator suggested that form FL-141 at items 2 and 3 be revised to be consistent with the list of required forms and information listed on form FL-140. The commentator stated that these items should specifically list *Schedule of Assets and Debts* (form FL-142) or *Property Declaration* (form FL-160). The commentator further suggested that form FL-160 be listed not only as “Property Declaration” but as “Community and Separate Property Declaration” because “[n]ot specifying both types of Property Declarations and referring to the form in the singular could be misleading, especially for self-represented litigants who might be confused about the need to submit two FL-160s if there is both community and separate property involved in the case.” The committee and task force agreed with the comment and incorporated the above changes with other revisions to form FL-141 recommended for adoption.

A commentator suggested that item 4a of this form should reference *Stipulation and Waiver of Final Declaration of Disclosure* (form FL-144). The committee and task force agree to reference form FL-144 at item 4a. Because form FL-144 is an optional form, the committee and task force recommend that item 4a indicate that form FL-144 may be used to record the parties’ written agreement to waive their final declarations of disclosure. This will permit parties or their attorneys to draft and file a separate pleading to cover the parties’ stipulation.

Another commentator stated that “this form should be eliminated and replaced by a ‘Proof of Service’ (POS) specific to the Declaration of Disclosure similar to the POS of Summons.” The committee and task force prefer not to revise the form as suggested. The Judicial Council adopted this form, effective January 1, 1994 to implement the mandate of Family Code section

2106. The Family and Juvenile Law Advisory Committee report stated that “(t)he declaration is not a proof of service because the statute requires a declaration by the party that service was made and does not require a proof of service. A party cannot execute a proof of service.”² Family Code section 2106 referred to in the 1993 report has not been changed and still requires a declaration by the party that service was made on the other party. Therefore, the committee and task force prefer to recommend maintaining the form as a declaration and not a proof of service.

Another commentator suggested that the aspect of the timing of a “current” Income and Expense Declaration could be included in the form. The commentator stated that the meaning of “current* Income and Expense Declaration” is unclear because it could mean, for example, “‘current’ at the time the preliminary disclosure was served or ‘current’ as of the date of signing the Declaration Regarding Service.” The committee and task force note that the definition on the form reflects rule 5.260, which establishes that a “current Income Expense Declaration” is one that “has been completed within the past three months providing no facts have changed,” and they do not recommend the suggested change to the form.

The same commentator suggested deleting item 4c from the form because the same information is covered in *Declaration for Default or Uncontested Dissolution or Legal Separation* (form FL-170). The committee and task force believe that preserving item 4c is important. Forms FL-141 and FL-170 serve two distinct purposes. Form FL-141 provides the mandatory notice to the court from the parties relating to compliance with disclosure statutes. In the case of 4c, a petitioner uses the form to notify the court that he or she did not serve a final declaration of disclosure and that service is not required under Family Code section 2110. The purpose of form FL-170 is to allow a party to demonstrate compliance with Family Code section 2336 and “prove up” a case in a default or uncontested proceeding instead of making a personal appearance at a hearing. Deleting item 4 from form FL-141 would not streamline the process of obtaining a judgment because a party may not fulfill disclosure requirements by completing form FL-170.

Form FL-107-INFO

A few commentators noted that form FL-107-INFO offers no information about the specific forms required to request entry of a respondent’s default or to obtain a judgment, and many requested that additional language be included to refer to specific documents or processes. This form is meant to provide basic information to parties who file their first papers about the process of a dissolution or legal separation case under rule 5.83. It is also meant to be kept short to provide the most relevant information to parties while keeping reproduction costs low to courts that are required to distribute the forms to petitioners. Given the limited space, the form cannot include specific information to cover all situations. For this reason, the form includes links to relevant pages on the California Courts website, and page 2 of the form refers the parties to resources that can assist them.

² Judicial Council of Cal., Family and Juvenile Law Advisory Com. Rep., *Family Law Rules and Forms* (November 17, 1993), pp. 3–4.

A commentator noted that the form should be revised to include the new title of form MC-040 (*Notice of Change of Address or Other Contact Information*), which was adopted by the Judicial Council, effective January 1, 2013. The committee and task force agreed to incorporate the new form title into the amendments recommended for adoption.

The same commentator suggested eliminating in Step 4 the requirement to file *Appearance, Stipulations, and Waivers* (form FL-130) to help streamline the process. The commentator questioned why a party has to file form FL-130 given that the parties will need to file *Declaration for Default or Uncontested Dissolution or Legal Separation* (form FL-170). The reason is that if the respondent has made an appearance, the court needs to know that he or she is consenting to the stipulated judgment. FL-130 is used to allow a respondent to make an appearance or to stipulate to various issues but does not necessarily mean that the case will be uncontested. FL-170 does not require both parties' signatures and is often used in cases where only one party is making an appearance. The two forms serve distinct purposes in family law proceedings.

Another commentator added that the second bullet point on page 2 under "Where can I get help?" "is misleading because (1) not all LRSs [lawyer referral services] are administered by local bar associations, (2) the State Bar does not refer to individual attorneys but to LRSs they certify, and (3) the State Bar does not administer its own LRS. The commentator suggested the following language, which the committee and task force included in the proposed revised form: " 'Find a lawyer through a certified lawyer referral service at the State Bar of California's website at www.calbar.ca.gov/LRS or by calling 866-442-2529 (toll-free).'"

Another commentator suggested changing the language in the box marked Step 3, regarding the requirement of a petitioner and a respondent to file form FL-141, because this language implies that a respondent will appear in the case. Form FL-107-INFO provides basic information and attempts to cover different scenarios related to the process of a dissolution or legal separation case. For instance, the language pointed out by the commentator does consider that a respondent will appear in the case. However, at step 4, the form provides information about how the petitioner can proceed if the respondent does not appear in the case. The committee and task force believe that this is a balanced approach and does not recommend changing the language highlighted by the commentator.

Other changes to the form based on the comments received include (1) revising Step 2 to clarify that a petitioner can proceed to Step 3 and disclose financial information, but that he or she must wait 30 days before proceeding to Step 4 to finish the case; and (2) making formatting and technical changes.

Form FL-160

Commentators generally agreed that the proposed changes to form FL-160 improve the form. However, a few commentators expressed specific concerns about the ability of this form to serve multiple purposes (as an attachment to a *Petition* or *Response*, an attachment to a *Request to*

Enter Default, a Judgment, and a substitute for a Schedule of Assets and Debts to comply with disclosure requirements).

One commentator stated that the differences between FL-160 and FL-142 are so slight they can be puzzling to self-represented litigants. This commentator suggested redrafting the instructions on the form in a manner that instructs the litigants to serve the other party with the form and the attached financial documents but not file the financial documents with the court. Two commentators suggested revising the chart so that the headings are more consistent with those on the *Schedule of Assets and Debts*. Others suggested adding to the form a new column titled “Date Acquired” so that the declaration can be used to help substantiate requests to confirm separate property to one party or the other. Other formatting suggestions included increasing the area on the first page of the form to make the instructions easier to read.

In response to the above comments, the committee and task force recommend redrafting the instructions and moving them to the final page of the form. This change increases the space available so that the instructions are easier to read and provides more space on the first page to complete the information in the chart. In addition, a notice in the instructions was added to state that private financial information must not be attached when the form is filed with the court. Further, a “Date Acquired” column was added to the chart and the description of the items in the chart was changed to reflect the items in form FL-142.

Two commentators were concerned that “when the FL-160 is used instead of form FL-142 for Declarations of Disclosure, litigants will fail to provide necessary information and attach appropriate supporting documentation because the required information is not as clearly indicated in the FL-160 as it is in the FL-142.” For example, item 1 on form FL-142 provides “1. REAL ESTATE (*Give street addresses and attach copies of deeds with legal descriptions and latest lender’s statement*)” whereas item 1 on form FL-160, the entry for real estate, has no special instructions. In response to this concern, the committee and task force recommend revising the instructions to provide a list of documents required to be attached to FL-160 when the form is used as an attachment to a preliminary or final declaration of disclosure.

Finally, a commentator expressed that she is “afraid that allowing the litigants to use one form to satisfy both obligations will result in more confusion, more blurring of the lines between the two functions, and at least one obligation not being completed properly. . . . For example, some litigants will complete the FL-160 by listing only the property/debt they want divided and omit all the other assets/liabilities that they have a duty to disclose, misguidedly thinking they have met their obligation. Other litigants will complete the FL-160 like the FL-142, listing ALL assets and liabilities, which then will necessitate that the final judgment (particularly in case of default) also list ALL of these assets/liabilities even though the parties really aren’t in need of orders pertaining to much of the property/debt listed. This will make preparation of judgments much more time intensive and will require additional time in court for those cases that are litigated to ensure that orders pertaining to all the listed property/debt are made.”

The committee and task force believe that the recommended changes to the form will address the commentator's concerns. However, the committee and task force recommend working with the Administrative Office of the Courts, Center for Families, Children & the Courts, to collect any feedback regarding difficulties implementing form FL-160 as a multipurpose form. Any such feedback will inform the committee and task force if additional revisions to the form should be proposed in a future cycle.

Other comments

A commentator who agreed with the proposal as circulated also suggested that eliminating the *Schedule of Assets and Debts* (form FL-142) would help litigants comply with the new rule regarding prompt service of the declaration of disclosure. The committee and task force do not recommend eliminating *Schedule of Assets and Debts* (form FL-142) at this time because it serves several functions. This form helps parties comply with disclosure requirements. It is also used to help parties and attorneys propound and respond to discovery requests in family law matters. Specifically, item 10 of *Form Interrogatories—Family Law* (form FL-145) requires that a *Schedule of Assets and Debts* be completed and served with the interrogatories. However, the committee and task force will monitor the use of these forms to determine if FL-142 can be eliminated in the future.

Other rules and forms

After the close of the comment period, the committee and task force recognized the need to change three forms. As described below, the committee and task force recommend that the Judicial Council revise forms FL-161, FL-800, and FL-810, effective July 1, 2013, under rule 10.22(d)(2) of the California Rules of Court: the recommended changes are required and unlikely to create controversy.³

Form FL-161. Continuation of Property Declaration (form FL-161) serves as the continuation page for the information a party provides using form FL-160. The committee and task force believe that the changes recommended to FL-161— to (1) add a new column for “Date Acquired” in the chart, and (2) change the headings on the last page to reflect the last page of *Schedule of Assets and Debts* (form FL-142) are unlikely to cause controversy because they accurately reflect the recommended changes incorporated into form FL-160 after comment.

Rule 5.77 and forms FL-800 and FL-810. A commentator brought to the attention of the committee and task force that the changes suggested to form FL-140 are inconsistent with rule 5.77 and the current summary dissolution forms *Joint Petition for Summary Dissolution* (form FL-800) and *Summary Dissolution Information* (form FL-810). For example, the rule provides that a party in a summary dissolution action may comply with preliminary disclosure requirements by exchanging the worksheets in form FL-810 or a preliminary declaration of

³ Under rule 10.22(d)(2), the Judicial Council may make technical revisions without circulating the form for comment if the proposal presents a nonsubstantive technical change or correction or a minor substantive change that is unlikely to create controversy.

disclosure described in Family Code section 2104 and *Declaration of Disclosure* (form FL-140). However, this alternative is not mentioned in forms FL-800 or FL-810. Further, the rule does not include the new requirement to serve tax returns.

The committee and task force agreed that the above changes to forms FL-800 and FL-810 are necessary. Because disclosure requirements under Family Code section 2104 also apply to summary dissolution proceedings,⁴ the statute requires changes to *Joint Petition for Summary Dissolution* (form FL-800) and *Summary Dissolution Information* (form FL-810) to reflect the need for parties to exchange tax returns before filing form FL-800. Further, forms FL-800 and FL-810 must be revised in 2013 to reflect changes in the CCPI as required by Family Code section 2400(b).

Based on the above information, the committee discussed two options for proceeding with the summary dissolution forms: (1) delaying the implementation of the changes to all forms required by Family Code section 2104 until January 1, 2014, so that public comment could be sought on the recommended changes to rule 5.77 and forms FL-800 and FL-810; or (2) moving forward the recommended changes of the committee and task force to the summary dissolution rule and forms without circulating them for public comment by including them with the other disclosure forms (which have been circulated for comment) recommended for revision effective July 1, 2013.

After discussion, the committee determined that the recommended changes to rule 5.77 and forms FL-800 and FL-810 are so specific to a statutory amendment and affect relatively few items in the forms that the changes are technical in nature. Public comment on the increase to the published dollar limit in summary dissolution actions is unnecessary because making such a change is the Judicial Council's statutory duty. Further, adding the requirement to exchange all tax returns before filing a joint petition is unlikely to cause controversy. Finally, the committee and task force thought it was important to make all required changes to the summary dissolution forms at one time instead of, for example, increasing the published limits effective July 1, 2013, and then revising all disclosure forms again, effective January 1, 2014.

Given the need to incorporate the summary dissolution forms with other forms being revised to reflect new preliminary disclosure requirements and changes in the CCPI, effective July 1, 2013, the committee decided to combine into one report the recommendations to revise (1) the published limits in the summary dissolution forms as required by Family Code section 2400, (2) the summary dissolution forms to comply with new disclosure requirements under Family Code section 2104, and (3) forms FL-140, FL-141, FL-107-INFO, FL-160, and FL-161 to comply with the new disclosure requirements under Family Code section 2104.

⁴ Family Code section 2109 specifies that a preliminary declaration of disclosure is required in summary dissolution proceedings, although a final declaration of disclosure is not required.

Alternatives considered

Regarding the forms circulated for comment, the committee and task force discussed taking no action; however, this option was not viable. Assembly Bill 1406 required changing the forms to include Family Code section 2104 amendments that became effective on January 1, 2013. The committee and task force reviewed all forms affected by the legislation and considered various alternatives to implement the changes in a legally accurate and efficient manner.

Implementation Requirements, Costs, and Operational Impacts

The implementation requirements, costs, and operational impacts should be minimal. For example, court clerks may have to receive some training relating to the revised forms and the expanded use of form FL-160. Courts will incur reproduction costs to distribute the revised forms only if the courts provide those forms. Litigants and counsel may also obtain the forms on the California Courts website and from public law libraries, thus reducing the need for courts to maintain a large number of copies on site.

Relevant Strategic Plan Goals and Operational Plan Objectives

Rule 5.77 and forms FL-140, FL-141, FL-107-INFO, FL-160, FL-161, FL-800, and FL-810 support the policies underlying Goal I, Access, Fairness, and Diversity, because they help court users understand the law concerning the mandatory disclosure process. In addition, forms FL-107-INFO and FL-810, respectively, explain the dissolution and summary dissolution process for all parties, including self-represented litigants.

The rule and forms also address Goal III, Modernization of Management and Administration, by implementing effective practices to foster the fair, timely, and efficient processing and resolution of all cases.

Finally, the rule and forms serve Goal IV, Quality of Justice and Service to the Public, by implementing effective practices in high-volume courts such as family law to enhance procedural fairness and reduce the time and expense of court proceedings.

Attachments

1. Rule 5.77, at pages 16
2. Forms FL-140, FL-141, FL-107-INFO, FL-160, and FL-161, and FL-800, at pages 17–28
3. Attachment A: Form FL-810
4. Attachment B: Chart of comments

**Asset and Debt Limits in Summary Dissolution Proceedings
(Fam. Code, § 2400)**

Formula

Under Family Code section 2400(b), the dollar limits for community property debts and community and separate property assets in actions for summary dissolution shall be adjusted by multiplying the base amount by the percentage change in the California Consumer Price Index as compiled by the Department of Industrial Relations, with the result rounded to the nearest thousand dollars.

$$\text{Adjusted Limit} = \left[\frac{\text{CCPI(AA) 2012} - \text{CCPI(AA) 2010}}{\text{CCPI(AA) 2010}} + 1 \right] \times \text{Published Limit}$$

Definition

“CCPI(AA)” means the California Consumer Price Index, Annual Average, as established by the California Department of Industrial Relations.

January 1, 2013, Calculation and Adjustment for Community and Separate Property Debts

Using annual averages from 2010 to 2012 under Family Code section 2400(a)(6), effective July 1, 2013, the total unpaid obligations incurred by either or both of the parties after their date of marriage, excluding the amount of any unpaid obligation with respect to an automobile, shall not exceed **\$6,000**. The calculation is as follows:

$$\$6,297.09 = \left[\frac{238.155 - 226.919}{226.919} + 1 \right] \times \$6,000.00$$

(Under Family Code section 2400(b), the adjusted limit is rounded to the nearest thousand dollars, or **\$6,000**.)

January 1, 2013, Calculation and Adjustment for Community and Separate Property Assets

Using annual averages from 2010 to 2012 under Family Code section 2400(a)(7), effective July 1, 2013, the total fair market value of community and separate property assets, excluding all encumbrances and automobiles, including any deferred compensation or retirement plan, shall not exceed **\$40,000**. The calculation is as follows:

$$\$39,881.59 = \left[\frac{238.155 - 226.919}{226.919} + 1 \right] \times \$38,000.00$$

(Under Family Code section 2400(b), the adjusted limit is rounded to the nearest thousand dollars, or **\$40,000**.)

Rule 5.77 of the California Rules of Court is amended, effective July 1, 2013, to read:

1 **Rule 5.77. Summary dissolution**

2 **(a) Declaration of disclosure**

3
4 To comply with the preliminary disclosure requirements of chapter 9 (beginning
5 with section 2100) of part 1 of division 6 of the Family Code in proceedings for
6 summary dissolution, each joint petitioner must complete and give each other
7 copies of the following documents before signing a property settlement agreement
8 or completing a divorce:
9

10 ~~(1) A preliminary declaration of disclosure as described in Family Code section~~
11 ~~2104 and *Declaration of Disclosure* (form FL-140); or~~
12

13 ~~(2) The completed worksheet pages indicated in *Summary Dissolution*~~
14 ~~*Information* (form FL-810) listing separate and community property and~~
15 ~~obligations as well as a completed *Income and Expense Declaration* (form~~
16 ~~FL-150).~~
17

18 (1) An *Income and Expense Declaration* (form FL-150).

19
20 (2) Either of the following documents listing separate and community property
21 assets and obligations:
22

23 (A) *Declaration of Disclosure* (form FL-140) and either a *Schedule of Assets*
24 *and Debts* or a *Property Declaration* (form FL-160) with all
25 attachments; or
26

27 (B) The completed worksheet pages indicated in *Summary Dissolution*
28 *Information* (form FL-810).
29

30 (3) A written statement of all investment, business or other income-producing
31 opportunities that came up after the date of separation based on investments
32 made or work done during the marriage or domestic partnership and before the
33 date of separation.
34

35 (4) All tax returns filed by the spouse or domestic partner in the two year period
36 before exchanging the worksheets or forms described in (2).
37

38 **(b) *****

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO. : _____ E-MAIL ADDRESS: _____ ATTORNEY FOR (Name): _____	DRAFT - NOT APPROVED BY THE JUDICIAL COUNCIL
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	
<p style="text-align: center;">DECLARATION OF DISCLOSURE</p> <input type="checkbox"/> Petitioner's <input type="checkbox"/> Preliminary <input type="checkbox"/> Respondent's <input type="checkbox"/> Final	CASE NUMBER:

DO NOT FILE DECLARATIONS OF DISCLOSURE OR FINANCIAL ATTACHMENTS WITH THE COURT

In a dissolution, legal separation, or nullity action, both a preliminary and a final declaration of disclosure must be served on the other party with certain exceptions. Neither disclosure is filed with the court. Instead, a declaration stating that service of disclosure documents was completed or waived must be filed with the court (see form FL-141).

- In summary dissolution cases, each spouse or domestic partner must exchange preliminary disclosures as described in Summary Dissolution Information (form FL-810). Final disclosures are not required (see Family Code section 2109).*
- In a default judgment case that is not a stipulated judgment or a judgment based on a marital settlement agreement, only the petitioner is required to complete and serve a preliminary declaration of disclosure. A final disclosure is not required of either party (see Family Code section 2110).*
- Service of preliminary declarations of disclosure may not be waived by an agreement between the parties.*
- Parties who agree to waive final declarations of disclosure must file their written agreement with the court (see form FL-144).*

The petitioner must serve a preliminary declaration of disclosure at the same time as the Petition or within 60 days of filing the Petition. The respondent must serve a preliminary declaration of disclosure at the same time as the Response or within 60 days of filing the Response. The time periods may be extended by written agreement of the parties or by court order (see Family Code section 2104(f)).

Attached are the following:

- A completed *Schedule of Assets and Debts* (form FL-142) or A *Property Declaration* (form FL-160) for (specify):
 Community and Quasi-Community Property Separate Property.
- A completed *Income and Expense Declaration* (form FL-150).
- All tax returns filed by the party in the two years before the date that the party served the disclosure documents.
- A statement of all material facts and information regarding valuation of all assets that are community property or in which the community has an interest (*not a form*).
- A statement of all material facts and information regarding obligations for which the community is liable (*not a form*).
- An accurate and complete written disclosure of any investment opportunity, business opportunity, or other income-producing opportunity presented since the date of separation that results from any investment, significant business, or other income-producing opportunity from the date of marriage to the date of separation (*not a form*).

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

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO. : _____ E-MAIL ADDRESS: _____ ATTORNEY FOR (Name): _____	DRAFT - NOT APPROVED BY THE JUDICIAL COUNCIL
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	
DECLARATION REGARDING SERVICE OF DECLARATION OF DISCLOSURE AND INCOME AND EXPENSE DECLARATION <input type="checkbox"/> Petitioner's <input type="checkbox"/> Preliminary <input type="checkbox"/> Respondent's <input type="checkbox"/> Final	CASE NUMBER:

1. I am the attorney for petitioner respondent in this matter.
2. Petitioner's Respondent's Preliminary Declaration of Disclosure (form FL-140), current* Income and Expense Declaration (form FL-150), completed Schedule of Assets and Debts (form FL-142) or Community and Separate Property Declarations (form FL-160) with appropriate attachments, all tax returns filed by the party in the two years before service of the preliminary disclosures, and all other required information under Family Code section 2104 were served on:
 the other party the other party's attorney by personal service mail
 Other (specify): _____
 on (date): _____
3. Petitioner's Respondent's Final Declaration of Disclosure (form FL-140), current* Income and Expense Declaration (form FL-150), completed Schedule of Assets and Debts (form FL-142) or Community or Separate Property Declarations (form FL-160) with attachments, and the material facts and information required by Family Code section 2105 were served on:
 the other party other party's attorney by personal service mail
 Other (specify): _____
 on (date): _____
4. Service of Petitioner's Respondent's preliminary final declaration of disclosure current income and expense declaration has been waived as follows:
 - a. The parties agreed to waive final declaration of disclosure requirements under Family Code section 2105(d.) (Form FL-144 may be used for this purpose.) The waiver was filed on (date): _____
 is being filed at the same time as this form.
 - b. The party has failed to comply with disclosure requirements, and the court has granted the request for voluntary waiver of receipt under Family Code section 2107 on (date): _____
 - c. This is a default proceeding that does not include a stipulated judgment or settlement agreement. Petitioner waives final disclosure requirements under Family Code section 2110.

*Current is defined as completed within the past three months providing no facts have changed. (Cal. Rules of Court, rule 5.260.)

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

NOTE: File this document with the court.
 Do not file a copy of the Preliminary or Final Declaration of Disclosure or any attachments to either declaration of disclosure with this document.

FL-107-INFO Legal Steps for a Divorce or Legal Separation

STEP 1. File Forms

- The **petitioner** (the person who files the first divorce or legal separation forms with the court) fills out and files with the court clerk at least a *Petition–Marriage* (form FL-100) and a *Summons* (form FL-110) and, if there are children of the marriage, form FL-105. **If you are in a same sex marriage or are registered domestic partners, read the top of page 2.**
- The forms needed to start your case and information about filing fees and fee waivers are available at “Filing Your Case,” at <http://courts.ca.gov/1229.htm> (click on Step 2).
- The court clerk will stamp and return copies of the filed forms to the petitioner.



STEP 2. Serve the Forms

- **Someone 18 or older**—not the petitioner—serves the spouse (called *the respondent*) with all the forms from Step 1 plus a blank *Response–Marriage* (form FL-120) and files with the court a proof-of-service form, such as *Proof of Service of Summons* (form FL-115), telling when and how the respondent was served. (To *serve* means “to give in the proper legal way.”) For more information, see “Serving Your First Set of Court Forms” at <http://courts.ca.gov/1229.htm> (click on Step 3).
- The **respondent** has 30 days to file and serve a *Response*. **Therefore, petitioner must wait 30 days before starting Step 4.**



STEP 3. Disclose Financial Information

- At the same time as Step 1 or within 60 days of filing the *Petition*, **petitioner** must fill out and have these documents served on the **respondent**: *Declaration of Disclosure* (form FL-140), *Income and Expense Declaration* (form FL-150), *Schedule of Assets and Debts* (form FL-142), or *Property Declaration* (form FL-160), and all tax returns filed by the party in the two years before serving the disclosure documents. These disclosure documents must not be filed with the court.
- If **respondent** files a *Response*, he or she must also complete and serve the same disclosure documents **on the petitioner within 60 days of filing the Response.**
- The 60-day time frame for serving the disclosures may be changed by written agreement between the parties or by court order.
- The **petitioner** and **respondent** each file a *Declaration Regarding Service* (form FL-141) with the court saying disclosures were served. If respondent does not serve disclosures, petitioner can still finish the case without them. For more information, see “Fill Out Your Financial Declaration of Disclosure Forms” at <http://courts.ca.gov/1229.htm> (click on Step 4).



STEP 4. Finish the Divorce or Legal Separation Case in One of Four Ways

Respondent does not file a *Response* (called “default”)

No Response and NO written agreement:
Petitioner waits 30 days after Step 2 is complete and prepares a proposed *Judgment* (form FL-180), together with all other needed forms. See “True Default Case” at <http://courts.ca.gov/8409.htm>.

No Response BUT written agreement: Petitioner attaches the signed and notarized agreement to the proposed *Judgment* (form FL-180), together with all other needed forms. See “Default Case with Written Agreement” at <http://courts.ca.gov/8410.htm>.

Respondent files a *Response*

Response AND written agreement: Either party files *Appearance, Stipulations, and Waivers* (FL-130) and the proposed *Judgment* with written agreement attached and other needed forms. See “Uncontested Case” at <http://courts.ca.gov/8411.htm>.

Response and NO agreement: For divorces, parties must go to trial to have a judge resolve the issues. See “Contested Case” at <http://courts.ca.gov/1238.htm>. For legal separations, see page 2 of this form.

IMPORTANT NOTICES

- The earliest you can be divorced is six months and one day from the date the respondent (1) was served with the summons and petition, (2) filed a *Response*, or (3) filed an *Appearance, Stipulations, and Waivers*. Legal separation has no waiting period. **You MUST complete Step 4 for both types of cases.** You are NOT divorced or legally separated until the court enters a *Judgment* in your case.
- If you need court orders for child support, custody, parenting time (visitation), spousal or partner support, restraining orders, or other issues before the case is final, you can file a *Request for Order* (form FL-300) asking for temporary orders. See “Request for Order Information” at <http://courts.ca.gov/selfhelp-divorcerequests.htm> for more information.
- **After you file your first paper with the court, you must keep the court and the other party informed of any change in your mailing address or other contact information.** To comply, you may file and have a *Notice of Change of Address or Other Contact Information* (form MC-040) served on the other party or his or her attorney.



Do you have a same-sex marriage or a registered domestic partnership? The process for a divorce or legal separation of a same-sex marriage, domestic partnership, or both is the same as on page 1, except **petitioner** files form FL-103 to start the case, instead of FL-100. **Petitioner** must also serve **respondent** with a blank form FL-123, instead of a blank FL-120. (Note: a **petitioner** seeking a divorce or legal separation of only a same-sex marriage may file FL-100 to start the case, if he or she meets the residency requirements listed on that form). There may also be differences in taxes and other issues for same-sex marriages or domestic partnerships. For more information, see <http://courts.ca.gov/1229.htm> (click on the topic that describes your situation).

What if you want a legal separation? The process on page 1 is the same, except you will **NOT** get a *Judgment* for legal separation unless both parties agree to a legal separation OR if **respondent** has not filed a *Response*. If both parties agree to be legally separated but do not agree on other issues, the parties must go to trial to have a judge resolve those issues. You are **NOT** legally separated until you receive a *Judgment* signed by the court. For more information, see “Legal Separation” at <http://courts.ca.gov/1224.htm>. AFTER the court enters a judgment for legal separation, if you decide you want a divorce, you must start a new case to request a divorce and pay another filing fee.

Ways to resolve divorce or legal separation cases out of court

You may prefer to resolve some or all of the issues in your divorce or legal separation case without having the court decide for you. You and your spouse or domestic partner can put your agreement in writing and file it in your case. But your agreement must follow all legal requirements. There are several ways you can get help.

Court Services (free):

- **Family Court Services.** Provide mandatory mediation or child custody recommending counseling to parents who are unable to agree on child custody and parenting issues. They cannot help with financial issues.
- **Family Law Facilitators and Self-Help Centers.** Can provide samples of agreements and other information and, in some cases, help with mediation.
- **Settlement Conferences.** An informal process in which a judge or an experienced lawyer meets with the parties and their lawyers to discuss the case and their positions and suggests a resolution. The parties can either agree to the suggestions or use the suggestions to help in further settlement discussions.

Private services (which you can hire to help you resolve your case):

- **Lawyers.** A professional who can help work out agreements between the parties and represent you at court hearings and trials.
- **Collaborative Lawyers.** Lawyers who represent each party but do not go to court. They try to reach an agreement. If court is necessary, the parties must hire new lawyers.
- **Mediators.** A lawyer or counselor who helps the parties communicate to explore options and reach a mutually acceptable resolution.

For more information about court and private services, see www.courts.ca.gov/selfhelp-adr.htm.

Where can I get help?

This information sheet gives you only basic information on the divorce or legal separation and is not legal advice. If you want legal advice, ask a lawyer for help. You may also:

- Contact the family law facilitator or self-help center in your court for information, court forms, and referrals to local legal resources.
- Find a lawyer through a certified lawyer referral service on the State Bar of California's website: <http://calbar.ca.gov/LRS> or by calling 866-442-2529 (toll-free).
- Hire a private mediator. Contact your local bar association or court Alternative Dispute Resolution (ADR) program for more information.
- Find information on the California Courts Online Self-Help Center website: www.courts.ca.gov/selfhelp.
- Find free and low-cost legal help (if you qualify) at www.lawhelpcalifornia.org.
- Find information at your local law library or public library.

What if there is domestic violence restraining order?

If there is domestic violence or a protective or restraining order, talk to a lawyer, counselor, or mediator before making agreements.

For domestic violence help, call the National Domestic Violence Hotline: 800-799-7233; TDD: 800-787-3224; or 211 (if available in your area).

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO. : _____ E-MAIL ADDRESS: _____ ATTORNEY FOR (Name): _____	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	
<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:

See *Instructions* on page 4 for information about completing this form. For additional space, use *Continuation of Property Declaration* (form FL-161).

A	B	C	-	D	=	E	F	
ITEM NO.	DATE ACQUIRED	GROSS FAIR MARKET VALUE		AMOUNT OF DEBT		NET FAIR MARKET VALUE	PROPOSAL FOR DIVISION Award or Confirm to:	
		\$		\$		\$	PETITIONER	RESPONDENT
1. REAL ESTATE		\$		\$		\$	\$	\$
2. HOUSEHOLD FURNITURE, FURNISHINGS, APPLIANCES								
3. JEWELRY, ANTIQUES, ART, COIN COLLECTIONS, etc.								
4. VEHICLES, BOATS, TRAILERS								
5. SAVINGS ACCOUNTS								
6. CHECKING ACCOUNTS								

A		B	C	-	D	=	E	F	
ITEM NO.	BRIEF DESCRIPTION	DATE ACQUIRED	GROSS FAIR MARKET VALUE		AMOUNT OF DEBT		NET FAIR MARKET VALUE	PROPOSAL FOR DIVISION	Award or Confirm to:
								PETITIONER	RESPONDENT
7.	CREDIT UNION, OTHER DEPOSITORY ACCOUNTS		\$		\$		\$	\$	\$
8.	CASH								
9.	TAX REFUND								
10.	LIFE INSURANCE WITH CASH SURRENDER OR LOAN VALUE								
11.	STOCKS, BONDS, SECURED NOTES, MUTUAL FUNDS								
12.	RETIREMENT AND PENSIONS								
13.	PROFIT-SHARING, IRAS, DEFERRED COMPENSATION, ANNUITIES								
14.	ACCOUNTS RECEIVABLE, UNSECURED NOTES								
15.	PARTNERSHIP, OTHER BUSINESS INTERESTS								
16.	OTHER ASSETS								
17.	ASSETS FROM CONTINUATION SHEET								
18.	TOTAL ASSETS								

A	B	C	D	
ITEM NO. DEBTS— SHOW TO WHOM OWED	DATE INCURRED	TOTAL OWING	PROPOSAL FOR DIVISION Award or Confirm to: PETITIONER RESPONDENT	
19. STUDENT LOANS		\$	\$	\$
20. TAXES				
21. SUPPORT ARREARAGES				
22. LOANS—UNSECURED				
23. CREDIT CARDS				
24. OTHER DEBTS				
25. OTHER DEBTS FROM CONTINUATION SHEET				
26. TOTAL DEBTS				

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

INFORMATION AND INSTRUCTIONS FOR COMPLETING FORM FL-160

Property Declaration (form FL-160) is a multipurpose form, which may be filed with the court as an attachment to a *Petition* or *Response* or served on the other party to comply with disclosure requirements in place of a *Schedule of Assets and Debts* (form FL-142). Courts may also require a party to file a *Property Declaration* as an attachment to a *Request to Enter Default* (form FL-165) or *Judgment* (form FL-180).

When filing a *Property Declaration* with the court, do not include private financial documents listed below.

Identify the type of declaration completed

1. Check "Community and Quasi-Community Property Declaration" on page 1 to use *Property Declaration* (form FL-160) to provide a combined list of community and quasi-community property assets and debts. Quasi-community property is property you own outside of California that would be community property if it were located in California.
2. Do not combine a separate property declaration with a community and quasi-community property declaration. Check "Separate Property Declaration" on page 1 when using *Property Declaration* to provide a list of separate property assets and debts.

Description of the Property Declaration chart

Pages 1 and 2

1. Column A is used to provide a brief description of each item of separate or community or quasi-community property.
2. Column B is used to list the date the item was acquired.
3. Column C is used to list the item's gross fair market value (an estimate of the amount of money you could get if you sold the item to another person through an advertisement).
4. Column D is used to list the amount owed on the item.
5. Column E is used to indicate the net fair market value of each item. The net fair market value is calculated by subtracting the dollar amount in column D from the amount in column C ("C minus D").
6. Column F is used to show a proposal on how to divide (or confirm) the item described in column A.

Page 3

1. Column A is used to provide a brief description of each separate or community or quasi-community property debt.
2. Column B is used to list the date the debt was acquired.
3. Column C is used to list the total amount of money owed on the debt.
4. Column D is used to show a proposal on how to divide (or confirm) the item of debt described in column A.

When using this form only as an attachment to a *Petition* or *Response*

1. Attach a *Separate Property Declaration* to respond to item 4. Only columns A and F on pages 1 and 2, and columns A and D on page 3 are required.
2. Attach a *Community or Quasi-Community Declaration* to respond to item 5, and complete column A on all pages.

When serving this form on the other party as an attachment to *Declaration of Disclosure* (form FL-140)

1. Complete columns A through E on pages 1 and 2, and columns A through C on page 3.
2. Copies of the following documents must be attached and served on the other party:
 - (a) *For real estate* (item 1): deeds with legal descriptions and the latest lender's statement.
 - (b) *For vehicles, boats, trailers* (item 4): the title documents.
 - (c) *For all bank accounts* (item 5, 6, 7): the latest statement.
 - (d) *For life insurance policies with cash surrender or loan value* (item 10): the latest declaration page.
 - (e) *For stocks, bonds, secured notes, mutual funds* (item 11): the certificate or latest statement.
 - (f) *For retirement and pensions* (item 12): the latest summary plan document and latest benefit statement.
 - (g) *For profit-sharing, IRAs, deferred compensation, and annuities* (item 13): the latest statement.
 - (h) *For each account receivable and unsecured note* (item 14): documentation of the account receivable or note.
 - (i) *For partnerships and other business interests* (item 15): the most current K-1 and Schedule C.
 - (j) *For other assets* (item 16): the most current statement, title document, or declaration.
 - (k) *For support arrearages* (item 21): orders and statements.
 - (l) *For credit cards and other debts* (items 23 and 24): the latest statement.
3. Do not file copies of the above private financial documents with the court.

When filing this form with the court as an attachment to *Request to Enter Default* (FL-165) or *Judgment* (FL-180)

Complete all columns on the form.

For more information about forms required to process and obtain a judgment in dissolution, legal separation, and nullity cases, see <http://www.courts.ca.gov/selfhelp-divorcesteps.htm>.

PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	CASE NUMBER:
--	--------------

- PETITIONER'S RESPONDENT'S
 COMMUNITY AND QUASI-COMMUNITY PROPERTY DECLARATION
 SEPARATE PROPERTY DECLARATION

	A	B	C	-	D	=	E	F	
ITEM NO.	BRIEF DESCRIPTION	DATE ACQUIRED (mm/dd/yyyy)	GROSS FAIR MARKET VALUE		AMOUNT OF DEBT		NET FAIR MARKET VALUE	PROPOSAL FOR DIVISION Award or Confirm to:	
			\$		\$		\$	\$	\$

A		B	C	D	
ITEM NO.	DEBTS-- SHOW TO WHOM OWED	DATE INCURRED	AMOUNT OF DEBT	PROPOSAL FOR DIVISION Award or Confirm to:	
			\$	PETITIONER	RESPONDENT

ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>Name, State Bar number, and address</i>): TELEPHONE NO.: _____ FAX NO. : _____ E-MAIL ADDRESS: _____ ATTORNEY FOR (<i>Name</i>): _____	DRAFT - NOT APPROVED BY THE JUDICIAL COUNCIL
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
MARRIAGE OR PARTNERSHIP OF PETITIONER 1: PETITIONER 2:	
JOINT PETITION FOR SUMMARY DISSOLUTION <input type="checkbox"/> MARRIAGE <input type="checkbox"/> DOMESTIC PARTNERSHIP	CASE NUMBER:

We petition for a summary dissolution of marriage, registered domestic partnership, or both and declare that all the following conditions exist on the date this petition is filed with the court:

1. We have read and understand the *Summary Dissolution Information* booklet (form FL-810).
2. a. We were married on (*date*):
 b. We registered as domestic partners on (*date*):
3. We separated on (*date*):
4. Less than five years have passed between the date of our marriage and/or registration of our domestic partnership and the date of our separation.
5. a. One of us has lived in California for at least six months and in the county of filing for at least the three months preceding the date of filing. Or we are only asking to end a domestic partnership registered in California.
 b. We are the same sex and were married in California but are not residents of California. Neither of us lives in a place that will allow us to divorce. We are filing this case in the county in which we married.
6. There are no minor children who were born of our relationship before or during our marriage or domestic partnership or adopted by us during our marriage or domestic partnership. Neither one of us, to our knowledge, is pregnant.
7. Neither of us has an interest in any real property anywhere. **(You may have a lease for a residence in which one of you lives. It must terminate within a year from the date of filing this petition. The lease must not include an option to purchase.)**
8. Except for obligations with respect to cars, on obligations incurred by either or both of us during our marriage or domestic partnership, we owe no more than \$6,000.
9. The total fair market value of community property assets, not including what we owe on those assets and not including cars, is less than **\$40,000.**
10. Neither of us has separate property assets, not including what we owe on those assets and not including cars, in excess of **\$40,000.**
11. We each have filled out and given the other an *Income and Expense Declaration* (form FL-150).
12. We have complied with the preliminary disclosure requirements as follows:
 - a. We each have disclosed information about the value and division of our property by filling out and giving each other copies of the documents listed in 1 or 2 below (specify):
 - (1) The worksheets on pages 7, 9, and 11 of the *Summary Dissolution Information* booklet (form FL-810).
 - (2) A *Declaration of Disclosure* (form FL-140), a *Schedule of Assets and Debts* (form FL-142), or *Property Declaration* (form FL-160), and all attachments to these forms.
 - b. We have told each other in writing about any investment, business, or other income-producing opportunities that came up after we were separated based on investments made or work done during the marriage or domestic partnership and before our separation.
 - c. We have exchanged all tax returns each of us has filed within the two years before disclosing the information described in 12a.

PETITIONER 1: PETITIONER 2:	CASE NUMBER:
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13. (Check whichever statement is true.)

- a. We have no community assets or liabilities.
- b. We have signed an agreement listing and dividing all our community assets and liabilities and have signed all the papers necessary to carry out our agreement. A copy of our agreement is attached to the *Judgment of Dissolution and Notice of Entry of Judgment* (form FL-825).

14. Irreconcilable differences have caused the irremediable breakdown of our marriage and/or domestic partnership, and each of us wishes to have the court dissolve our marriage and/or domestic partnership without our appearing before a judge.

- 15. a. Petitioner 1 desires to have his or her former name restored. That name is (specify):
- b. Petitioner 2 desires to have his or her former name restored. That name is (specify):

16. We each give up our rights to appeal and to move for a new trial after the effective date of our *Judgment of Dissolution*.

17. **Each of us forever gives up any right to spousal or partner support from the other.**

18. We each agree to keep the court and each other informed of any change of mailing address or phone number occurring within six months from the filing of this joint petition using the *Notice of Change of Address or Other Contact Information* (form MC-040).

19. We are submitting the original and three copies of the proposed *Judgment of Dissolution and Notice of Entry of Judgment* (form FL-825) and two stamped envelopes together with this petition. One envelope is addressed to Petitioner 1 and the other to Petitioner 2.

20. We agree that this matter may be determined by a commissioner sitting as a temporary judge.

21. Mailing address of Petitioner 1

22. Mailing address of Petitioner 2

Name:
 Address:

 City:
 State:
 Zip Code:

Name:
 Address:

 City:
 State:
 Zip Code:

23. Number of pages attached: _____

I declare under penalty of perjury under the laws of the State of California that the foregoing and all attached documents are true and correct.

I declare under penalty of perjury under the laws of the State of California that the foregoing and all attached documents are true and correct.

Date:

Date:

▶ _____

▶ _____

(SIGNATURE OF PETITIONER 1)

(SIGNATURE OF PETITIONER 2)

NOTICES

Your marriage and/or domestic partnership will end six months from the date of filing this joint petition. Both petitioners will receive a stamped copy from the court of the *Judgment of Dissolution and Notice of Entry of Judgment* (from FL-825) stating the effective date of your dissolution. Until the effective date specified on form FL-825 for the dissolution of your marriage and/or domestic partnership, either one of you can stop this joint petition by filing a *Notice of Revocation of Petition for Summary Dissolution* (form FL-830). If you stop this joint petition, you will STILL be married or in a domestic partnership.

Dissolution 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 instrument. 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 card accounts, other credit accounts, insurance policies, and credit reports to determine whether they should be changed or whether you should take any other actions. However, some changes may require the agreement of your spouse or domestic partner or a court order. (See Fam. Code, §§ 231–235.)

ATTACHMENT A

SUMMARY DISSOLUTION INFORMATION

This booklet is available in English and Spanish from the office of the court clerk in the superior court of each county in California, or at www.courts.ca.gov/selfhelp.htm.

Este folleto puede obtenerse en inglés y en español en la Dirección de Registro Público del Condado (Office of the Court Clerk) o en la Corte Superior (Superior Court) de cada condado en el estado de California **o en el sitio** www.sucorte.ca.gov.

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I. WHAT IS THIS BOOKLET ABOUT?

This booklet describes a way to end a marriage, a domestic partnership, or both through a kind of divorce called **summary dissolution**.

The official word for **divorce** in California is **dissolution**. There are two ways of getting a divorce, or dissolution, in California. The usual way is called a **regular dissolution**.

Summary dissolution is a shorter and easier way. But not everybody can use it. Briefly, a summary dissolution is possible for couples who

1. have no children together;
2. have been married and/or in a domestic partnership five years or less (this means that the time between the date you married or registered your domestic partnership and the date you separated from your spouse or partner is five years or less);
3. do not own very much;
4. do not owe very much;
5. do not want spousal or partner support from each other; and
6. have no disagreements about how their belongings and their debts are going to be divided up once they are no longer married to or in a domestic partnership with each other.

With this procedure, you will not have to appear in court. You may not need a lawyer, but it is in your best interest to see a lawyer about the ending of your marriage or domestic partnership. See page 19 for more details about how a lawyer can help you.

For a summary dissolution, you prepare and file a *Joint Petition for Summary Dissolution* (form FL-800), together with a property settlement agreement,* with the superior court clerk in your county. You will also prepare and turn in a *Judgment of Dissolution and Notice of Entry of Judgment* (form FL-825). Your divorce, ending your marriage and/or your domestic partnership, will be final six months after you file your *Joint Petition for Summary Dissolution*. During the six months while you wait for your divorce to become final, either of you can stop the process of summary dissolution if you change your mind. One of you can file a *Notice of Revocation of Petition for Summary Dissolution* (form FL-830), and that will stop the divorce. If either one of you still wants to get divorced, then that person will have to file for a regular dissolution with a *Petition—Marriage* (form FL-100) or *Petition—Domestic Partnership/Marriage* (form FL-103) unless you both agree to start a new summary dissolution process.

IMPORTANT! Domestic partners who qualify for a summary dissolution can choose to use the process described in this booklet OR a special summary dissolution for domestic partners through the California Secretary of State. You can find the California Secretary of State forms at www.sos.ca.gov. **There is no filing fee for this process.** If you choose to file to terminate your domestic partnership through the Secretary of State, do not use this guide.

This booklet will tell you

1. who can use the summary dissolution procedure;
2. what steps you must take to get a summary dissolution;
3. when it would help to see a lawyer; and
4. what risks you take when you use this procedure rather than the regular dissolution procedure.

If you wish to use the summary dissolution procedure, you must, at the time you file the joint petition, sign a statement that says you have read and understood this booklet. It is important for you to read the whole booklet very carefully.

Save this booklet for at least six months if you decide to start a summary dissolution. If you decide you want to stop the summary dissolution process and revoke your petition, it will tell you how to do that.

SPECIAL WARNING

If you are an **undocumented person** who became a lawful permanent resident on the basis of your marriage to a U.S. citizen or to a lawful permanent resident, obtaining a dissolution within two years of your marriage may lead to your deportation. You should consult a lawyer before obtaining a divorce.

* A property settlement agreement is an agreement that the two of you write or have someone write for you after you fill out the worksheets in this booklet. The agreement spells out how you will divide what you own and what you owe.

II. SOME TERMS YOU NEED TO KNOW

In the following pages, you will often see the terms *community property*, *separate property*, and *community obligations*. Those terms are explained in this section.

As a married couple or domestic partners, the two of you are, in the eyes of the law, a single unit. There are certain things that you **own together** rather than separately. And there may be certain debts that you **owe together**. If one of you borrows money or buys something on credit, the other one can be made to pay.

If your marriage or domestic partnership breaks up, you become two separate individuals again. Before that can happen, you have to decide what to do with the things you *own* as a couple and the money you *owe* as a couple.

The laws that cover these questions contain the terms *community property*, *separate property*, and *community obligations*. To understand what these terms mean, you should have a clear idea of the **length of time you lived together as spouses or domestic partners**. This is the period between the day you married or registered your domestic partnership and the day you separated.

It may not be easy to decide exactly when you separated. In most cases, the day of the separation is the day the couple stopped living together. However, you may want to choose the day when you definitely decided to get a divorce and took some action to show this (like telling your spouse or partner that you wanted a divorce).

Community Property

Community property is everything spouses or registered domestic partners **own together**.

In most cases that includes

1. money you now have that either of you earned during the time you were living together as spouses or partners; and
2. anything either of you bought with money earned during that period. It does not matter if only one of you earned or spent the money.

Separate Property

Separate property is everything spouses or registered domestic partners **own separately from each other**.

In most cases that includes

1. anything either of you owned before you got married or registered your domestic partnership;
2. anything either of you earned or received after your separation; and
3. anything either of you received, as a gift or by inheritance, at any time.

Community Obligations

Community obligations are the debts spouses or registered domestic partners **owe together**.

In most cases that includes anything you still owe on any debts either of you acquired during the time you were living together as spouses or registered domestic partners. (For instance, if you bought furniture on credit while you were married or domestic partners and living together, the unpaid balance is a part of your community obligations.) It usually does not matter if the debt was in the name of one spouse or domestic partner only, like on a credit card.

NOTE: If you have any questions about your separation date or about your property, it would be good to see a lawyer as these issues can be complicated. Also, if you lived together before your marriage or domestic partnership, you may wish to see a lawyer about possible additional rights either of you may have.

III. WHO CAN USE THE SUMMARY DISSOLUTION PROCEDURE?

You can use the summary dissolution procedure only if **all** of the following statements are true about you at the time you file the *Joint Petition for Summary Dissolution* (form FL-800). Check this list very carefully. If even *one* of these statements is not true for you, you cannot get a divorce in this way.

- 1. We have both read this booklet, and we both understand it.
- 2. We have been married or registered as domestic partners five years or less between the date that we got married and/or registered our domestic partnership and the date we separated. (*Note that if you are trying to end both a marriage AND a domestic partnership at the same time through a summary dissolution, both your marriage and domestic partnership must have lasted five years or less.*)
- 3. No children were born to the two of us together before or during our marriage and/or domestic partnership.
- 4. We have no adopted children under 18 years of age.
- 5. Neither one of us is pregnant.
- 6. Neither of us owns any part of any land or buildings.
- 7. Our community property is not worth more than \$40,000. (Do not count cars in this total.)
- 8. Neither of us has separate property worth more than \$40,000. (Do not count cars in this total.)
- 9. The total of our community obligations (other than cars) is \$6,000 or less.**

For deciding on statements 7, 8, and 9, use the guide on pages 5–11.

- 10. a. At least one of us has lived in California for the past six months or longer *and* has lived in the county where we are filing for dissolution for the past three months or longer; or
 - b. We are only asking to end a domestic partnership registered in California; or
 - c. We are the same sex and were married in California but are not residents of California. Neither of us lives in a place that will allow us to divorce. We are filing this case in the county in which we married.
- 11. We have prepared and signed an agreement that states how we want our possessions and debts to be divided between us (or states that we have no community property or community obligations).
- 12. We have both signed the joint petition and all other papers needed to carry out this agreement.
- 13. Together with the joint petition, we will turn in the judgment of dissolution forms and two self-addressed stamped envelopes to the superior court.
- 14. We both want to end the marriage and/or domestic partnership because of serious, permanent differences.
- 15. We have both agreed to use the summary dissolution procedure rather than the regular dissolution procedure.
- 16. We are both aware of the following facts:
 - a. There is a six-month waiting period, and either of us can stop the divorce at any time during this period.
 - b. The date that appears on the *Judgment of Dissolution of Marriage and Notice of Entry of Judgment* (form FL-825) we receive from the court as the "effective date" of the dissolution is the date our divorce will be final, unless one of us has asked to stop the divorce prior to that effective date.
 - c. After the dissolution becomes final, neither of us has any right to expect money or support from the other except that which is included in the property settlement agreement.
 - d. By choosing the summary dissolution procedure, we give up certain legal rights that we would have if we had used the regular dissolution procedure. These rights are explained on page 4.

IV. AN IMPORTANT DIFFERENCE BETWEEN SUMMARY DISSOLUTION AND REGULAR DISSOLUTION

With a regular dissolution, either spouse or partner can ask for a court hearing or trial. And with a regular dissolution, if either spouse or partner is unhappy with the judge's final decision, it is possible to challenge that decision. This can be done, for example, by asking for a new trial. It is also possible to **appeal** the decision by taking the case to a higher court.

With a summary dissolution, there is no trial or hearing. Couples who choose this method of getting a divorce do not have the right to ask for a new trial (since there is no trial) or the right to appeal the case to a higher court.

There are, however, some cases in which a divorce agreement under a summary dissolution can be challenged. You will have to see a lawyer about this. The court *may* have the power to set aside the divorce if you can show that one of the following things happened:

1. You were treated unfairly in the property settlement agreement.

This is possible if you find out that the things you agreed to give your spouse or partner were much more valuable than you thought at the time of the dissolution.

2. You went through the dissolution procedure against your will.

This is possible if you can show that your spouse or partner used threats or other kinds of unfair pressure to get you to go along with the divorce.

3. There are serious mistakes in the original agreement.

Some kinds of mistakes can make the dissolution invalid, but you will have to go to court to prove the mistakes. It may be that one or both of you had a lot of property that you had forgotten about when you drew up the property settlement agreement. Or maybe a bank account mentioned in the agreement had much more money or much less money in it than your agreement states.

4. Neither of you complied with preliminary disclosure requirements.

California law requires that you fully share all information about your property and debts as well as your income. You have to share this information before you sign your property settlement agreement.

In summary dissolution cases, this means that you and your spouse or domestic partner must each complete and exchange: (1) an *Income and Expense Declaration* (form FL-150), (2) all tax returns you filed in the last two years, and (3) the property worksheets on pages 7, 9, and 11 (or a *Declaration of Disclosure* (form FL-140 and either a *Schedule of Assets and Debts* (form FL-142) or a *Property Declaration* (form FL-160)).

In addition, each spouse or domestic partner must complete and give to the other spouse or partner a written statement about any investment opportunity, business opportunity, or other income-producing opportunity that developed since the date you separated which was based on any investment made, significant business done, or other income-producing opportunity that was presented to you between the date you married or became domestic partners and the date you separated.

Correcting mistakes and unfairness in a summary dissolution proceeding can be expensive, time-consuming, and difficult. It is very important for both of you to be honest, cooperative, and careful when you or your lawyers do the paperwork for the dissolution.

V. HOW DO YOU FIGURE OUT THE VALUE OF YOUR PROPERTY AND THE AMOUNT OF YOUR DEBTS?

Section III, page 3, lists statements that must be true if you want to use the summary dissolution procedure.

Statement 7 reads: “Our community property is not worth more than \$40,000.”

Your community property is the money and things you own jointly as spouses or domestic partners. This was explained on page 2. The value of your community property is determined by adding together (1) the amount of **money** you have as community property and (2) the “fair market value” of the **possessions** you have as community property.

The **fair market value** is an estimate of the amount of money you could get if you sold these items to a stranger—for example, through a classified ad in the newspaper. It does **not** mean what you paid for it originally, and it does **not** mean how much it would cost you to replace it if you lost it.

One way of estimating the fair market value of your goods is to use prices for equivalent items in other people's classified ads for secondhand goods.

Three kinds of items go into figuring out your community property:

1. Money (as in bank accounts and credit union accounts);
2. Things you own outright (furniture that is already paid for, for example); and
3. Things you are buying on credit.

When you include things you still owe money on, subtract the amount of money you still owe on them from the fair market value.

You should not include the value of a car in this list.

Statement 8 reads: “Neither of us has separate property worth more than \$40,000.”

Separate property is property that each spouse or partner owns separately. The term is explained on page 2. Separate property includes the same kinds of things used in determining community property. And again, you should not include cars in this list.

Statement 9 reads: “The total of our community obligations (other than cars) is \$6,000 or less.”

Your community obligations are the debts that you and your spouse or partner owe jointly. The term is explained on page 2. List all the debts you have that you took on while you were living together as spouses or domestic partners. If you borrowed money before you got married or registered your domestic partnership, you do **not** have to include that in your community obligations. If you bought furniture on credit after you got married or registered your domestic partnership but before you separated, you **have to** include the amount of money you still owe on the furniture. If you bought a stereo after you separated, you do **not** have to include that.

Do not include car loans in this list.

NOTICE: The law for summary dissolution allows you to leave out cars when you figure out whether you are **eligible** for this kind of divorce. But if you do have cars as part of your community property, you still have to decide who is going to own them (and who is going to pay for them) after your divorce. You must include them in your property settlement agreement.

Worksheets to help you figure out these amounts are found on pages 6–11. You may use the following forms in this booklet to figure out the total of your community and separate property assets and obligations: (1) the worksheet on pages 7 (Value of Separate Property), (2) the worksheet on page 9 (Value and Division of Community Property), and (3) the worksheet on page 11 (Community Obligations and Their Division). Sample forms showing how to fill out those worksheets are on pages 6, 8, and 10.

PETITIONER 1: Pat	CASE NUMBER:
PETITIONER 2: Chris	

VI. SAMPLE WORKSHEET FOR DETERMINING VALUE OF SEPARATE PROPERTY

This worksheet will help you determine whether you are eligible to use the summary dissolution procedure. The total fair market value of the **separate property of one spouse/partner** cannot be more than \$40,000. The total fair market value of the **separate property of the other spouse/partner** cannot be more than \$40,000. Separate property is anything that either of you owned or earned before you got married or registered your domestic partnership, anything you earned or bought after your separation, and anything that was given to just one of you as a gift during your marriage or domestic partnership. Do not include cars.

Note: The information on this form is for an imaginary couple, Pat and Chris, who are married. (When you fill out your worksheet, use your information.)

A. Bank accounts, credit union accounts, retirement funds, cash value of insurance policies, etc.			Pat's Property— Fair Market Value	Chris's Property— Fair Market Value
Item				
Credit union savings—Pat (before marriage)			420	
Savings bonds—Chris (bought before marriage)				250
Pension plan benefits—Pat (before marriage and after separation)			1500	
Pension plan benefits—Chris (before marriage and after separation)				1300
B. Items owned outright			Pat's Property— Fair Market Value	Chris's Property— Fair Market Value
Item				
Clothes—Pat (bought before marriage)			350	
Stocks—Pat (birthday present from father)			375	
Furniture—Pat (owned before marriage)			460	
Camera—Chris (owned before marriage)				229
Wristwatch—Chris (bought after separation)				142
Clothes—Chris (bought after separation)				250
C. Items being bought on credit			Pat's Property— Fair Market Value	Chris's Property— Fair Market Value
Item	Fair Market Value	Minus What's Owed =		
TV set—Pat (after separation)	400	350	50	
Clothes—Pat (after separation)	220	170	50	
GRAND TOTALS: Pat and Chris SEPARATE PROPERTY			3205	2171

PETITIONER 1: Pat	CASE NUMBER:
PETITIONER 2: Chris	

VI. SAMPLE WORKSHEET FOR DETERMINING VALUE AND DIVISION OF COMMUNITY PROPERTY

Note: The information on this form is for an imaginary couple, Pat and Chris, who are married. (When you fill out your worksheet, use your information.)

This side of the sheet will help you determine whether you are **eligible** to use the summary dissolution procedure. The grand total value of your community property cannot be more than **\$40,000.**

This side of the sheet will help you decide on a fair division of your property. It will help you prepare your property settlement agreement.

A. Bank accounts, credit union accounts, retirement funds, cash value of insurance policies, etc.				Pat Receives	Chris Receives	
Item	Amount					
Savings account	150			150		
Life insurance (cash value)	250			250		
Pension plan—Pat	600			600		
Pension plan—Chris	500				500	
Checking account	180				180	
Subtotal A				1000	680	
B. Items you own outright (for example, stocks and bonds, sports gear, furniture, household items, tools, interests in businesses, jewelry; do not include cars)						
Item	Fair Market Value			Pat Receives	Chris Receives	
Furniture & furnishings— Pat's apartment	775			775		
Furniture & furnishings—Chris's apartment	300				300	
Terriers season tickets	285				285	
Savings bonds	200			200		
Jewelry—Pat	200			200		
Pet parrot and cage	40				40	
Subtotal B				1175	625	
C. Items you are buying on credit (for example, stereo equipment, appliances, furniture, tools; do not include cars)						
Item	Fair Market Value	Minus Amount Owed	=	Net Fair Market Value	Pat Receives	Chris Receives
Stereo set	305	150		155		155
Color television	400	100		300		300
Golf clubs	350	50		300		300
Subtotal C				755		755
Grand total value of community property = A + B + C				4235	2175	2060

PETITIONER 1:	CASE NUMBER:
PETITIONER 2:	

**VI. WORKSHEET FOR DETERMINING VALUE AND
DIVISION OF COMMUNITY PROPERTY**

This side of the sheet will help you determine whether you are **eligible** to use the summary dissolution procedure. The grand total value of your community property cannot be more than **\$40,000**.

This side of the sheet will help you decide on a fair division of your property. It will help you prepare your property settlement agreement.

A. Bank accounts, credit union accounts, retirement funds, cash value of insurance policies, etc.		PETITIONER 1 Receives	PETITIONER 2 Receives
Item	Amount		
Subtotal A			
B. Items you own outright (for example, stocks and bonds, sports gear, furniture, household items, tools, interests in businesses, jewelry; do not include cars)		PETITIONER 1 Receives	PETITIONER 2 Receives
Item	Fair Market Value		
Subtotal B			
C. Items you are buying on credit (for example, stereo equipment, appliances, furniture, tools; do not include cars)		PETITIONER 1 Receives	PETITIONER 2 Receives
Item	Fair Market Value	Minus Amount Owed	= Net Fair Market Value
Subtotal C			
Grand total value of community property = A + B + C			

PETITIONER 1: Pat PETITIONER 2: Chris	CASE NUMBER:
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VI. SAMPLE WORKSHEET FOR DETERMINING COMMUNITY OBLIGATIONS AND THEIR DIVISION

Note: The information on this form is for an imaginary couple, Pat and Chris, who are married. (When you fill out your worksheet, use your information and make sure you indicate if you are married, in a domestic partnership, or both.)

This side of the worksheet will help you determine whether you are **eligible** to use the summary dissolution procedure. The total amount of your community obligations (debts) cannot be more than \$6,000. Do not include car loans. Be sure you include any other debts you took on while you were living together as spouses or domestic partners. List the amount you owe on the items from your **Worksheet for Determining Value and Division of Community Property**. Then add all other debts and bills, including loans, charge accounts, medical bills, and taxes you owe.

This side of the worksheet will help you decide on a fair way to divide up your community obligations. You will use this information in preparing a **property settlement agreement**.

	Amount Owed	Pat Will Pay	Chris Will Pay
Stereo set	150		150
Color TV	100		100
Golf clubs	50		50
Dr. R.C. Himple	74		74
Sam's Drugs	32		32
College loan	500		500
Cogwell's charge account	275	275	
Mister Charge account	68		68
Green's Furniture	123	123	
Dr. Irving Roberts	37	37	
Pat's parents	150	150	
TOTAL	1559	585	974

**Pat's Share
of Community
Obligations**

**Chris's Share
of Community
Obligations**

PETITIONER 1: PETITIONER 2:	CASE NUMBER:
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VI. WORKSHEET FOR DETERMINING COMMUNITY OBLIGATIONS AND THEIR DIVISION

This side of the worksheet will help you determine whether you are **eligible** to use the summary dissolution procedure. The total amount of your community obligations (debts) cannot be more than \$6,000. Do not include car loans. Be sure you include any other debts you took on while you were living together as spouses or domestic partners. List the amount you owe on the items from your **Worksheet for Determining Value and Division of Community Property**. Then add all other debts and bills, including loans, charge accounts, medical bills, and taxes you owe.

This side of the worksheet will help you decide on a fair way to divide up your community obligations. You will use this information in preparing a **property settlement agreement**.

Item	Amount Owed	Petitioner 1 Will Pay	Petitioner 2 Will Pay
TOTAL			

Petitioner 1
Share of Community
Obligations

Petitioner 2
Share of Community
Obligations

VII. WHAT SHOULD BE INCLUDED IN THE PROPERTY SETTLEMENT AGREEMENT?

A property settlement agreement should contain at least five parts:

I. **Preliminary Statement**

This part identifies the spouses or domestic partners, states that the marriage and/or domestic partnership is being ended, and states that both spouses or partners agree on the details of the agreement.

II. **Division of Community Property**

This part has two sections:

1. What the one spouse or partner receives; and
2. What the other spouse or partner receives.

III. **Division of Community Obligations**

This part has two sections:

1. The amount one spouse or partner must pay and whom he or she must pay it to.
2. The amount the other spouse or partner must pay and whom he or she must pay it to.

IV. **Waiver of Spousal Support**

This part states that each spouse or partner gives up all rights of financial support from the other.

V. **Date and Signature**

Both spouses or partners must write the date and sign the agreement.

An example of a property settlement agreement is found on pages 13–15.

VIII. SAMPLE PROPERTY SETTLEMENT AGREEMENT

Below is a sample of an acceptable **property settlement agreement**. You may use it as a model for your own agreement if you wish. You can find a fill-in-the-blanks version of this agreement at www.courts.ca.gov/selfhelp in the section on summary dissolution.

- The parts that are underlined will fit most cases. You can copy these parts for your own agreement. Since many of the words have special meanings in the law, you may wish to talk to a lawyer if you want to change the words.
- The parts printed in regular type (not underlined) are based on an imaginary couple. You will need to replace these parts with items that apply to your situation.
- The numbered notes in *italics* in the right-hand column are **not** part of the agreement. They are there to help you understand it. (You will not need the small ¹ and ² in the sample for your agreement.)
- The sample below is for a married couple, so it refers to marriage. If you are ending a domestic partnership, you should say that in your agreement. If you are ending both a marriage and a domestic partnership with the same person, say both and write in the dates of both your marriage and the registration of your domestic partnership.

Remember, you can divide the items any way you want. As long as you both agree, the court will accept it. If you cannot agree about the division of your property and debts, you should file a regular dissolution.*

PROPERTY SETTLEMENT AGREEMENT

1. We are Chris P. Smedlap, hereafter called Chris,¹ and Pat T. Smedlap, hereafter called Pat.¹ We were married on October 7, 2009, and separated on December 5, 2010. Because irreconcilable differences² have caused the permanent breakdown of our marriage, we have made this agreement together to settle once and for all what we owe to each other and what we can expect from each other. Each of us states here that nothing has been held back and that we have honestly included everything we could think of in listing the money and goods that we own; and each of us states here that we believe the other has been open and honest in writing this agreement. Each of us agrees to sign and exchange any papers that might be needed to complete this agreement.

¹ *If you prefer, you can also write "hereafter called "Wife" or "Husband" or "Partner A" or "Partner B" whichever applies. Just make sure it is clear to whom you are referring.*

² *This means there are problems in your marriage or domestic partnership that you think can never be solved. **Irreconcilable differences** is the only legal grounds for getting a **summary dissolution**.*

* At the trial in a regular dissolution, a judge would set a value on and divide community property and debts into two approximately equal parts as provided by California law.

Each of us also understands that even after a *Joint Petition for Summary Dissolution* is filed, this entire agreement will be canceled if either of us revokes the dissolution proceeding.³

³ *This means that the property agreement is a part of the dissolution proceeding. If either of you decides to stop the dissolution proceeding by turning in a Notice of Revocation of Petition for Summary Dissolution (form FL-830) (see page 18), this entire agreement will be canceled.*

II. Division of Community Property⁴

We divide our community property as follows:

⁴ *Community property is property that you own as a couple (see page 2).*

1. Chris transfers to Pat as Pat's sole and separate property:

*If you have no community property, replace Part II with the simple statement "**We have no community property.**"*

- A. All household furniture and furnishings located at the apartment at 180 Needlepoint Way, San Francisco.⁵
- B. All rights to cash in savings account at Home Savings.
- C. All cash value in life insurance policy insuring life of Pat through Sun Valley Life Insurance.
- D. All retirement and pension plan benefits earned by Pat during marriage.
- E. Two U.S. Savings Bonds, Series E.
- F. Pat's jewelry.
- G. 2003 Chevrolet 4-door sedan.

⁵ *If the furniture and household goods in one apartment are to be divided, they may have to be listed item by item.*

2. Pat transfers to Chris as Chris's sole and separate property:

- A. All household furniture and furnishings located at the apartment on 222 Bond Street, San Francisco.
- B. All retirement and pension plan benefits earned by Chris during marriage.
- C. Season tickets to Golden State Terriers basketball games.
- D. One stereo set.
- E. One set of Jock Nicklaus golf clubs.
- F. One RAC color television.
- G. 2003 Ford station wagon.
- H. One pet parrot named Arthur, plus cage and parrot food.
- I. All rights to cash in checking account in Bank of America.

III. Division of Community Property (Debts)⁶

1. Chris will pay the following debts and will not at any time hold Pat responsible for them:

- A. Mister Charge account.
- B. Debt to Dr. R.C. Himple.
- C. Debt to Sam's Drugs.
- D. Debt to UC Berkeley for college education loan to Chris.⁷
- E. Debt to Golf Store for golf clubs.
- F. Debt to Everything Electronics for color TV and stereo set.
- G. Debt to Used Ford Store for 2003 Ford.

2. Pat will pay the following debts and will not at any time hold Chris responsible for them:

- A. Cogwell's charge account.
- B. Debt to Pat's parents, Mr. and Mrs. Joseph Smith.
- C. Debt to Green's Furniture.
- D. Debt to Dr. Irving Roberts.
- E. Debt to Friendly Finance Company for 2003 Chevrolet 4-door Sedan.

IV. Waiver of Spousal/Partner Support⁸

Each of us waives any claim for spousal/partner support now and for all time.

V. Dated: _____ Dated: _____

Chris P. Smedlap

Pat T. Smedlap

⁶ If you have no unpaid debts, replace Part III with the simple statement "**We have no unpaid community obligations.**"

⁷ A general rule for dividing debts is to give the debt over to the person who benefited more from the item. In the sample agreement, because Chris received the education, Chris should pay off the loan.

⁸ You each give up the right to have your spouse or partner support you.

IX. WHAT STEPS DO YOU HAVE TO TAKE TO GET A SUMMARY DISSOLUTION?

If after reviewing the information in this booklet, you feel your marriage or your domestic partnership will qualify for a summary dissolution, you should carefully go through the following 15 steps. You can fill out the forms, worksheets, and agreements in the summary dissolution section

- online, for free, at www.courts.ca.gov/selfhelp;
- with a typewriter; or
- with neat printing.

1. _____ Complete and give your spouse or domestic partner a list of community and separate property assets and obligations. This information is needed to comply with the requirement to exchange a preliminary declaration of disclosure in summary dissolution cases. Use the forms listed below in 1a or 1b for this purpose.
 - a. _____ A *Declaration of Disclosure* (form FL-140) and a *Schedule of Assets and Debts* (form FL-142) (or a *Property Declaration* (form FL-160)). These forms are not included in this booklet. You may find them online at www.courts.ca.gov/forms.htm. Give one copy to your spouse or domestic partner and keep one for your records; or
 - b. _____ The worksheets in this booklet on pages 7, 9, and 11.
 - (1) _____ Turn to page 7 and complete the Worksheet for Determining Value of Separate Property. See page 6 for an example. Make one extra copy of your worksheet after it has been completed. Give one copy to your spouse or partner and keep one for your records.
 - (2) _____ Turn to page 9 and complete the Worksheet for Determining Value and Division of Community Property. See page 8 for an example. Make one extra copy of your worksheet after it has been completed. Give one copy to your spouse or partner and keep one for your records.
 - (3) _____ Turn to page 11 and complete the Worksheet for Determining Community Obligations and Their Division. See page 10 for an example. Make one extra copy of your worksheet after it has been completed. Give one copy to your spouse or partner and keep one for your records.
2. _____ Along with the documents listed in 1, give your spouse or domestic partner all tax returns you filed in the last two years. Give one copy to your spouse or domestic partner and keep one copy for your records.
3. _____ Fill out an *Income and Expense Declaration* (form FL-150). You each need to fill out this form and give it to your spouse or partner before you sign your property settlement agreement or complete your divorce. Make one extra copy of your form after it has been completed. Give one copy to your spouse or partner and keep one for your records.
4. _____ Complete a written statement about business and investments opportunities and give it to your spouse or partner before you sign a property settlement agreement or complete your divorce. Keep a copy for your records.

Note: The written statement must describe any investment opportunity, business opportunity, or other income-producing opportunity that developed since the date you separated which was based on any investment made, significant business done, or other income-producing opportunity that was presented to you between the date you married or became domestic partners and the date you separated (there is no specific form for this purpose).
5. _____ Type or print your property settlement agreement if you have any property or debts to divide. Both of you must date and sign it. Make two extra copies. See pages 12–15 for an example and instructions. You can also find a version that you can fill in online at www.courts.ca.gov/selfhelp in the information on summary dissolution at <http://courts.ca.gov/1241.htm>.
6. _____ Fill out a *Joint Petition for Summary Dissolution* (form FL-800). Both of you must sign and date this petition. Make two extra copies of this form. (This is the form you need to **START** the process.)

Note: When signing your joint petition and your property settlement agreement, you are signing these documents under penalty of perjury under the laws of the State of California, which is the same as being sworn to testify in court.

You may not sign each other's name.

7. ____ Make three sets of forms that include copies of your property settlement agreement and a copy of your *Joint Petition for Summary Dissolution* (form FL-800). Staple each set together.
8. ____ Fill out the top portion of the *Judgment of Dissolution and Notice of Entry of Judgment* (form FL-825) and make three copies of it.
9. ____ Make one extra copy of a blank *Notice of Revocation of Petition for Summary Dissolution* (form FL-830) so each of you has one, and hold on to it. This is the form you would need to **STOP** the process. You may wish to use it during the waiting period if you change your mind and want to stop the process. You should keep one copy. See page 18 for more information.
- 10 ____ Take your *Joint Petition for Summary Dissolution* (form FL-800), *Judgment of Dissolution and Notice of Entry of Judgment* (form FL-825), and all of your copies to the superior court clerk's office together with two self-addressed, stamped envelopes (one addressed to each spouse or partner). The location of your superior court clerk's office can be found in the phone book or online at www.courts.ca.gov/find-my-court.htm. The clerk will stamp the date on all copies, will keep one copy of each document, and will return the other two to you. One copy is for each spouse or partner.
11. ____ Pay the superior court clerk's filing fee. If you cannot afford to pay the filing fee, you may qualify for a fee waiver based on your income. If one of you qualifies for a fee waiver but the other one does not, the one who does not qualify will have to pay the filing fee. To request a fee waiver, see *Information Sheet on Waiver of Court Fees and Costs* (form FW-001-INFO). You will need to prepare a *Request to Waive Court Fees* (form FW-001) and an *Order on Court Fee Waiver* (form FW-003).
12. ____ The clerk will file your joint petition and return the copies to you and your spouse or partner. The court may also process the *Judgment of Dissolution* at that time, in the next few weeks, or after the six-month waiting period has expired and give or mail it to you and your spouse or partner. The *Judgment of Dissolution and Notice of Entry of Judgment* (form FL-825) will have a date on which the dissolution ending your marriage, domestic partnership, or both will be final. That is the effective date of your dissolution and it will be six months from the date you file your joint petition. The six-month waiting period is mandated by law.
13. ____ Put your copies of all documents in a safe place.
14. ____ Wait for six months. If either one of you wants to stop the summary dissolution case, fill out and file a *Notice of Revocation of Petition for Summary Dissolution* (form FL-830) before the six months run out.
15. ____ On the day that appears on your *Judgment of Dissolution and Notice of Entry of Judgment* (form FL-825) as the effective date of your dissolution:
 - a. Your marriage or domestic partnership (or both) is ended;
 - b. The agreements you made in your property settlement agreement are binding—you will then own the property assigned to you, and you will have to pay the bills assigned to you;
 - c. Except for those agreements, you and your spouse or partner have no further obligations to each other; and
 - d. You are legally free to remarry or register a new domestic partnership.

REMEMBER: Either of you can stop the process by filling out a *Notice of Revocation of Petition for Summary Dissolution* (form FL-830) and bringing it to the superior court clerk during the six-month waiting period before the date your dissolution is effective according to the *Judgment of Dissolution and Notice of Entry of Judgment* (form FL-825) that you received from the court.

X. WHAT YOU SHOULD KNOW ABOUT REVOCATION

It is important to realize that the *Notice of Revocation of Petition for Summary Dissolution* (form FL-830) is not just another form you are supposed to fill out and turn in.

Do not fill it out and do not bring it to the superior court clerk unless you want to stop the divorce!

What is the notice of revocation for?

This is the form you need if you want to stop the divorce. **Revoking** the agreement is canceling or stopping it.

What reasons are there for revoking?

There are three reasons you might have for wanting to stop the summary dissolution:

1. You have decided to return to your spouse or partner and continue the marriage or domestic partnership;
2. You want to change over to the regular dissolution as a better way of getting your divorce; or
3. You learn that one of you is pregnant.

Why might you want to change over to the regular dissolution?

You may come to believe that you will get a better settlement if you go to court than with the agreement you originally made with your spouse or partner. (Maybe, after thinking it over, you feel you are not receiving a fair share of the community property.)

How do you do it?

At the time you picked up the joint petition forms, you and your spouse or partner also received a blank *Notice of Revocation of Petition for Summary Dissolution* (form FL-830). Fill out the form, sign it, make two copies, and bring them to the superior court clerk's office. You must also send a copy of form FL-830 to your spouse or domestic partner by first-class mail, postage prepaid, to his or her last known address. You can do this alone. This form does not need your spouse's or partner's signature.

If you do this at any time during the six-month waiting period, before the effective date of your dissolution, you will stop this divorce proceeding.

Can the dissolution be stopped once the waiting period is over?

NO. After the date the court wrote on your *Judgment of Dissolution and Notice of Entry of Judgment* (form FL-825) as the date your marriage or domestic partnership is ended (the date the divorce is effective), you can no longer revoke the dissolution by filing the revocation form. You may have other legal options, but you will need to talk to a lawyer about them.

If you change over to a regular dissolution, what happens to the part of the waiting period that has passed? You can apply the amount of time you waited on the summary dissolution to your regular dissolution. For example, if four months went by before you decided to revoke the summary dissolution, the waiting period for the regular dissolution will be shortened by four months.

However, you can save this time **only** if you file for a regular dissolution within 90 days of revoking the summary dissolution.

XI. SHOULD YOU SEE A LAWYER?

Must you have a lawyer to use the summary dissolution procedure?

No. You can do the whole thing by yourselves. But it would be wise to see a lawyer before you decide to do it yourselves. You should not rely on this booklet only. It is not intended to take the place of a lawyer.

If you want legal advice, does that mean you have to hire a lawyer?

No. You may hire a lawyer, of course, but you can also just visit a lawyer once or twice for advice on how to carry out the dissolution proceeding. Do not be afraid to ask the lawyer in advance what fee will be charged. It may be surprisingly inexpensive to have a lawyer handle your divorce.

Do you have to accept your lawyer's advice?

No, you do not. And if you are not pleased with what one lawyer advises, you can feel free to go to another one.

How can a lawyer help you with the summary dissolution procedure?

First, a lawyer can advise you, on the basis of your personal situation, whether you ought to use the regular dissolution procedure rather than the summary dissolution procedure.

Second, a lawyer can read your property settlement agreement to help you figure out if you have thought of everything you should have. (It is easy to forget things you do not see very often, such as savings bonds and safe deposit boxes.)

Third, in many situations it is not easy to figure out what should count as community property and what should count as separate property. Suppose one of you had money before the marriage and put it into a bank account in both of your names and then both of you used money from that account. It may not be easy to decide how the money remaining in that account should be divided. A lawyer can advise you on how to make these decisions.

Fourth, there may be special situations in which your property settlement is not covered by the sample agreement on pages 13–15.

A lawyer can help you put the agreement in words that are legally precise and cannot be challenged or misinterpreted later.

Where can you find a lawyer?

You can locate organizations that can help you find a lawyer in the yellow pages of your telephone directory under "Attorneys," "Attorney Referral Service," or "Lawyer Referral Service." In many cases you will be able to find an attorney who will charge only a small fee for your first visit. You can get information about free or low-cost legal services through the county bar association in your county. You can find information about certified lawyer referral services at www.courts.ca.gov/selfhelp or on the State Bar website at www.calbar.ca.gov.

XII. SOME GENERAL INFORMATION

What about income taxes?

If you have filed a joint tax return, both of you will still be responsible for paying any unpaid taxes even after your divorce.

If you are receiving a tax refund, you should agree in the property settlement agreement on how it should be divided.

The amount of money that you will owe, or that will be taken out of your paycheck, for income taxes may be greater after you are single again. If that is the case, you should prepare yourself for a bigger tax obligation.

It would be a good idea to consult the Internal Revenue Service or a tax expert on how the divorce is going to affect your taxes. You should probably do this before you make your property settlement agreement.

What about bank accounts and credit cards?

If you have a joint bank account, it may be a good idea to close it when you separate and get two individual bank accounts. That way it will be easier to keep your money separate.

If you have credit card accounts that you both have been using, you should destroy the cards and take out separate accounts.

What about cars?

If both of your names are on a title to a car and you agree that one of you is going to own the car, you need to take action to change the ownership. You should call or visit the Department of Motor Vehicles to find out how to do that. You should also talk to the lender to get the debt into one person's name and change the insurance coverage after both the title and debt are transferred.

What if your spouse or domestic partner does not pay his or her debts?

If your spouse or domestic partner does not pay a debt that is his or her responsibility, the person who loaned the money may be able to collect it from you. But then a court may order your spouse or partner to reimburse you. If you have any reason to worry about this, a lawyer can explain your rights to you.

Can you take back your former name?

If you changed your name when you were married or registered your domestic partnership, you have the right to give up that name and get your former name back. You can do this by requesting it in the joint petition. If you do not request this in the joint petition, you can file a form called *Ex Parte Application for Restoration of Former Name After Entry of Judgment and Order* (form FL-395). Your spouse or partner cannot make you change your name.

What if I am not happy with my final judgment?

When your divorce is final, all your rights and duties connected with your marriage or domestic partnership have ended and you cannot appeal. But if you decide later that you were cheated or pressured by your spouse or partner, or if you believe that a mistake was made in the paperwork connected with the divorce, the court may be able to set aside the divorce. A lawyer can explain your rights.

W13-09

Family Law: Revision to Declaration of Disclosure Forms (Amend rule 5.77 and revise forms FL-140, FL-141, FL-107-INFO, FL-160, FL-161, FL-800 and FL-810))

All comments are verbatim unless indicated by an asterisk (*).

	Commentator	Position	Comment	Committee Response
1.	Linda Daeley, Family Law Manager Superior Court of Orange County	AM	<p><u>FL-140, Declaration of Disclosure</u> Paragraph 1 could be confusing to the parties; it states in the 1st sentence that a preliminary and final disclosure MUST be served with certain exceptions (exceptions not described); in the last sentence it mentions that a declaration may state that the disclosure has been waived, however gives no information regarding an appropriate waiver. Suggested wording to simplify: The preliminary declaration of disclosure must be served on the other party with certain exceptions. The final declaration of disclosure must be either served or waived by both parties. The waiver must be in writing and filed with the court.Suggest paragraph 3 be simplified for greater understanding to read: A final declaration of disclosure is NOT required in the case of a summary dissolution (see Family Code section 2109) or in a default judgment (see Family Code section 2110) that is not a stipulated judgment or a judgment based upon a marriage settlement agreement.</p>	<p>Considering all the suggestions made by commentators regarding the introductory language in this form, the committee and task force recommend the following substantive and formatting revisions to form FL-140:</p> <p>DO NOT FILE DECLARATIONS OF DISCLOSURE OR FINANCIAL ATTACHMENTS WITH THE COURT.</p> <p><i>In a dissolution, legal separation, or nullity action, both a preliminary and a final declaration of disclosure must be served on the other party with certain exceptions. Neither disclosure is filed with the court. Instead, a declaration stating that service of disclosure documents was completed or waived must be filed with the court (see form FL-141).</i></p> <ul style="list-style-type: none"> • <i>In summary dissolution cases, each spouse or domestic partner must exchange preliminary disclosures as described in Summary Dissolution Information (form FL-810). Final disclosures are not required (see Family Code section 2109).</i> • <i>In a default judgment case that is not a stipulated judgment or a judgment based on a marital settlement agreement, only the petitioner is required to complete and serve a preliminary declaration of disclosure. A final disclosure is not required of either party (see Family Code section 2110).</i> • <i>Service of the preliminary declarations of disclosure may not be waived by an agreement between the parties.</i> • <i>Parties who agree to waive final declarations of disclosure must file their written agreement with the court (see form FL-144).</i> <p><i>The petitioner must serve a preliminary declaration of</i></p>

1 Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated.

W13-09

Family Law: Revision to Declaration of Disclosure Forms (*Amend rule 5.77 and revise forms FL-140, FL-141, FL-107-INFO, FL-160, FL-161, FL-800 and FL-810*)

All comments are verbatim unless indicated by an asterisk (*).

	Commentator	Position	Comment	Committee Response
			<p>FL-141, Declaration Regarding Service of a Declaration of Disclosure and Income and Expense Declaration Item 4(c): Suggest modified wording: This is a default proceeding that does not include a stipulated judgment or marriage settlement agreement. Family Code section 2110 authorizes petitioner's waiver "in the case of a default judgment", however Family Code section 2101(b) states " ' Default judgment' does not include a stipulated judgment or any judgment pursuant to a marital settlement agreement. The wording, as is, implies that petitioner may waive disclosure requirements in all default proceedings and is misleading.</p> <p>FL-107 INFO Step 2, 2nd bullet: The proposed wording implies that the petitioner has to wait 30 days before serving the disclosure; this is not correct it can be served with the petition or anytime within 60 days of case initiation. Suggested wording: The petitioner must wait 30 days after the date the respondent is served to proceed to Step 4. Step 3 may be completed immediately.</p> <p>Step 4, No response boxes: tells parties to prepare a judgment and does not mention the need to enter default on the respondent; this</p>	<p><i>disclosure at the same time as the Petition or within 60 days of filing the Petition. The respondent must serve a preliminary declaration of disclosure at the same time as the Response or within 60 days of filing the Response. The time periods are extended by written agreement of the parties or by court order (see Family Code section 2104(f)).</i></p> <p>The committee and task force agree to incorporate some of the suggested changes into the revisions recommended for adoption. Specifically, they recommend revising item 4c. to state: "This is a default proceeding that does not include a stipulated judgment or settlement agreement. Petitioner waives final disclosure requirements under Family Code section 2110."</p> <p>The committee and task force agree to revise the form to state that "The respondent has 30 days to file and serve a Response. So, petitioner must wait 30 days before starting step 4."</p> <p>Due to space constraints on the form, the parties are referred to a specific page on the California Courts web site for a list of all forms needed to</p>

W13-09

Family Law: Revision to Declaration of Disclosure Forms (*Amend rule 5.77 and revise forms FL-140, FL-141, FL-107-INFO, FL-160, FL-161, FL-800 and FL-810*)

All comments are verbatim unless indicated by an asterisk (*).

	Commentator	Position	Comment	Committee Response
			<p>should be included.</p> <p>Step 4, Response and NO agreement box: the same process applies to legal separation cases however the wording refers only to divorce; "For divorce cases" should be removed.</p>	<p>ultimately obtain a judgment.</p> <p>The committee and task force prefer to use the proposed language to refer parties in legal separation cases to information on page 2, which points out differences in the process.</p>
2.	<p>Harriet Buhai Center for Family Law By: Meredith Alexander Los Angeles</p>	AM	<p>Item FL-140 Response Form Declaration of Disclosure - Agree with proposed changes if modified.</p> <p>FL-140 : Item 2 should indicate that Community and Separate Property Declarations are attached. Not specifying both types of Property Declarations and referring to the form in the singular could be misleading, especially for self-represented litigants who might be confused about the need to submit two FL-160s if there is both community and separate property involved in the case. Therefore, Item 2 should read "A completed Schedule of Assets and Debts (form FL-142) or Community and Separate Property Declarations (form FL-160)."</p> <p>Item FL-141 Response Form Declaration Regarding Service of Declaration of Disclosure and Income and Expense Declaration- Agree with proposed changes if modified.</p> <p>FL-141: In general, we do believe the form addresses</p>	<p>No response required.</p> <p>The committee and task force agree with the suggestion and have incorporated it, with minor alterations, into the revisions recommended for adoption.</p> <p>No response required.</p> <p>No response required.</p>

W13-09

Family Law: Revision to Declaration of Disclosure Forms (*Amend rule 5.77 and revise forms FL-140, FL-141, FL-107-INFO, FL-160, FL-161, FL-800 and FL-810*)

All comments are verbatim unless indicated by an asterisk (*).

	Commentator	Position	Comment	Committee Response
			<p>the stated purpose of revision if modified.</p> <p>Item 2: The statement about identification of all assets and liabilities could be confusing for self-represented litigants. The requirement to attach this information is part of the proper completion of FL-142 or FL-160; however, the statement could lead a self-represented litigant to believe there is something else that they must do. Therefore, we propose the following statement:</p> <p>“Preliminary Declaration of Disclosure (form FL-140), current* Income and Expense Declaration (form FL-150), completed Schedule of Assets and Debts (form FL-142) or Community and Separate Property Declarations (form FL-160) with appropriate attachments, and income tax returns filed by the party within the two years prior, were served on.”</p> <p>Item 3: For the same reasons noted under Item 2, Item 3 should state:</p> <p>“Final Declaration of Disclosure (form FL-140), current* Income and Expense Declaration (form FL-150), completed Schedule of Assets and Debts (form FL-142) or Community and Separate Property Declarations (form FL-160) with appropriate attachments, income tax returns filed by the party within the two years prior, and all</p>	<p>The committee and task force agree with the suggestions and have incorporated them, with some changes, into the revisions recommended for adoption.</p> <p>Same response as above.</p> <p>The committee and task force agree to include some of the suggestions with the revisions recommended for adoption. They note that unlike Family Code section 2104, Family Code section 2105 does not require the service of tax returns as part of disclosure requirements.</p>

W13-09

Family Law: Revision to Declaration of Disclosure Forms (*Amend rule 5.77 and revise forms FL-140, FL-141, FL-107-INFO, FL-160, FL-161, FL-800 and FL-810*)

All comments are verbatim unless indicated by an asterisk (*).

	Commentator	Position	Comment	Committee Response
			<p>material facts and information required by Family Code section 2105 were served on.”</p> <p>Item FL-107-INFO Response Form Legal Steps for a Divorce or Legal Separation -Agree with proposed changes if modified.</p> <p>In general, we do believe the form addresses the stated purpose of revision if modified.</p> <p>Step 2: The phrase “proceeding to next step” should be removed and replaced with the phrase “submitting a request to enter default (form FL-165) and proposed Judgment (form FL-180) in Step 4.”</p> <p>The next is Step 3, Disclose Financial Information. This Step can be done simultaneously with Step 1, and at any point within the 60 day outer limit. There is no need to wait 30 days to complete it. Informing Petitioners that they must wait 30 days after Step 2 before proceeding to the next step could result in self-represented litigants mistakenly waiting 30 days to complete their Preliminary Declaration of Disclosure which could potentially fall outside of the 60 day time period.</p> <p>Step 3: Litigants should be informed of the option to use a Financial Statement (Simplified) (form FL-155) when they qualify</p>	<p>No response required.</p> <p>No response required.</p> <p>Due to space constraints, the committee and task force have recommended changing the phrase to “before proceeding to step 4.”</p> <p>The committee and task force have incorporated this suggestion, with changes, into the revisions recommended for adoption so that the first sentence in Step 3 provides: “At the same time as Step 1 or within 60 days of filing the <i>Petition</i>, petitioner must fill out and have”</p> <p>The committee and task force do not agree to include on the form that a party may file a <i>Financial Statement (Simplified)</i> (form FL-155)</p>

W13-09

Family Law: Revision to Declaration of Disclosure Forms (*Amend rule 5.77 and revise forms FL-140, FL-141, FL-107-INFO, FL-160, FL-161, FL-800 and FL-810*)

All comments are verbatim unless indicated by an asterisk (*).

Commentator	Position	Comment	Committee Response
		<p>to do so. The phrase “or Financial Statement (Simplified) (form FL-155)” should be added after “Income and Expense Declaration (form FL-150).”</p> <p>Step 4 Response and NO agreement: The new phrase “parties must to go (sic) trial to have the judge resolve issues” should be removed in favor of the original wording so that it reads: “For divorce cases, the court may try to help the parties reach an agreement. Otherwise the parties must go to trial.” This is more consistent with the flow of a contested case.</p> <p>Important Notices First Bullet: The word “with” should be placed between “served” and “the” so that item (1) reads: “was served with the summons and petition.”</p> <p>Item FL-160 Response Form Property Declaration-Agree with proposed changes if modified.</p> <p>In general, we do believe the form addresses the stated purpose of revision if modified. We think it is very helpful and more efficient for litigants in default cases to not have the burden of filling Community and/or Separate Property Declarations (FL-160) and a Schedule of Assets and Debts (FL-142) which is redundant.</p>	<p>instead of an <i>Income and Expense Declaration</i> (form FL-150). Form FL-155 is not appropriate for use in proceedings to determine or modify spousal or domestic partner support, to determine or modify family support, or to determine attorney’s fees and costs, nor does it provide the information needed to provide a full disclosure of assets and liabilities under family law statutes.</p> <p>The language removed no longer applies because the committee and task force changed the language to include information relating to legal separation cases.</p> <p>The committee and task force incorporated this change with the revisions recommended for adoption.</p> <p>No response required.</p> <p>No response required.</p>

W13-09

Family Law: Revision to Declaration of Disclosure Forms (*Amend rule 5.77 and revise forms FL-140, FL-141, FL-107-INFO, FL-160, FL-161, FL-800 and FL-810*)

All comments are verbatim unless indicated by an asterisk (*).

	Commentator	Position	Comment	Committee Response
			<p>However, we are concerned that when the FL-160 is used in lieu of the FL-142 for Declarations of Disclosure, litigants will fail to provide necessary information and attach appropriate supporting documentation because the required information is not as clearly indicated in the FL-160 as it is in the FL-142. In the FL-142, each type of property is followed by a description of what the litigant needs to write and/or attach. We recommend incorporating a similar approach for all items of property and debts in column A on the FL-160, as demonstrated for items 1 and 2 below. The third instruction bullet will remind litigants not to file these documents with the court (see below).</p> <p style="text-align: center;">1. REAL ESTATE (Give street address and attach copies of deeds with legal descriptions and the latest lender’s statement).</p> <p style="text-align: center;">2. HOUSEHOLD FURNITURE, FURNISHINGS, APPLIANCES (Identify).</p> <p>INSTRUCTIONS Bullet 1: The instructions are very helpful, but give too much information in a small amount of space. Although we understand the desire to save space so the forms are not too long, we are concerned that self-represented litigants will miss important instructions and will make</p>	<p>The committee and task force recommend substantial revisions to the instructions on form FL-160. The revisions include a new page dedicated to providing information and instructions for completing the form.</p> <p>Because the attachments are only needed when form FL-160 served on the other party to comply with disclosure requirements, the committee and task force recommend revising the instructions to include a list of documents required to be attached when using the form to comply with disclosure requirements.</p> <p>The committee and task force agree to include the suggested revision, with minor changes, with the recommendations made to the Judicial Council.</p>

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	Commentator	Position	Comment	Committee Response
			<p>mistakes in completing the form. Therefore, we propose that each item listed under bullet 1 begin on its own line as shown below. Additionally, we propose a slight rewording of instruction (2) as follows:</p> <ul style="list-style-type: none"> •To complete this form: <ul style="list-style-type: none"> (1) List each item in column A. In column B... (2) Do not list community and separate property together on the same form. Complete one form for separate property and another form for community property, including any quasi-community property. (3) You must identify quasi-ommunity property... <p>INSTRUCTIONS Bullet 3: The reference to other information required by the Schedule of Assets and Debts (form FL-142) is not likely something that self-represented litigants can navigate on their own. This could result in litigants not properly attaching the required supporting documentation needed for Declarations of Disclosure. Instead, this instruction bullet should be re-written as follows:</p> <p>“When this form is attached to a Preliminary or Final Declaration of Disclosure (form FL-140), copies of deeds, orders, statements, and other information indicated below must be attached and served on the other party, but not filed with the court.”</p>	<p>Same response as above.</p> <p>The committee and task force agree with the suggestion and have included it, with minor changes, into the revisions recommended for adoption.</p> <p>Same response as above.</p>

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	Commentator	Position	Comment	Committee Response
			Columns: We recommend adding a small “Date Acquired” column either as part of column A or as column B, which would shift the letter of columns B through E down one each. This is information that the litigant should provide in an FL-142 and is very helpful information that can support the claim for the characterization of the property and additionally to aid in discovery.	The committee and task force agree to recommend adding a new column to the form titled “Date Acquired.”
3.	Janice Munoz Redondo Beach	A	Establishing a timeline in which to serve the Preliminary Declaration of Disclosure will help cases proceed more smoothly, and will help speed the judgment processing time. This is a long over due change that will assist both attorneys and self represented individuals.	No response required.
4.	Orange County Bar Association By: Wayne R. Gross, President Newport Beach	A	Agree with proposed changes as to FL-140, FL-107-INFO, and FL-160.	No response required.
5.	Karen J. Segel, ESQ. Beverly Hill	A	Excellent revision.	No response required.
6.	State Bar of California Office of Legal Services Standing Committee on the Delivery of Legal Services Los Angeles	AM	<p>Re FL-140 (<i>Declaration of Disclosure</i>)</p> <ul style="list-style-type: none"> • Self Represented Litigants (SRLs) would benefit if the statement “DO NOT FILE WITH THE COURT” found under the caption is revised to state “DO NOT FILE THIS DOCUMENT OR ANY OF THE ATTACHMENTS WITH THE COURT.”; • The statutory time for service of FL-140 set forth in Family Code § 2104(f) should be added to the form in bold; 	<p>The committee and task force agree with this suggestion and have incorporated it, with additional changes, into the amendments recommended for adoption.</p> <p>The statutory time frame for service of a declaration of disclosure was included in the version circulated for comment. The committee and task force agree that the form should</p>

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	Commentator	Position	Comment	Committee Response
			<ul style="list-style-type: none"> • The following proposed language should also be added: “The preliminary declaration of disclosure may not be waived by agreement of the parties and is required for both parties for dissolution of marriage or legal separation and includes those cases when judgment is based on a default with a written agreement.”; • Regarding check box 3, add an option so that parties who do not have tax returns to attach for any reason (e.g., did not file because no reportable income) can provide an explanation. <p>Re FL-141 (<i>Declaration Regarding Service of a Declaration of Disclosure and Income and Expense Declaration</i>) To simplify and make the forms related to disclosure of assets and obligations more easily understood particularly by SRLs, this form should be eliminated and replaced by a “Proof of Service” (POS) specific to the Declaration of Disclosure similar to the POS of Summons . Even the title of FL-141 “Declaration Regarding Service Of A Declaration Of Disclosure And Income And Expense Declaration” is confusing and is misleading as to whose signature is</p>	<p>emphasize the statutory time for service of the declaration of disclosure. However, since bold type is used sparingly as a policy on Judicial Council forms, the committee and task force prefer that the information remain italicized.</p> <p>The committee and task force agree to include that the parties may not agree to waive service of preliminary declarations of disclosure. The other suggested change is covered on the form.</p> <p>The committee and task force agree to include a fillable field below item 3 to be consistent with the subsequent items on the form.</p> <p>When the Judicial Council adopted form FL-141 (numbered then as 1292.05), effective January 1, 1994, the Family and Juvenile Law Advisory Committee report clearly provided that “(t)he declaration is not a proof of service because the statute requires a declaration by the party that service was made and does not require a proof of service. A party cannot execute a proof of service.” Therefore, the committee and task force prefer to maintain the form as a declaration and not as a proof of service.</p>

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			<p>required. Since the form indicates it is a proof of service, a party should not sign it. However, in the manner that it is worded on # 1 stating “I am.... “and then at the signature space where it says “I declare...” it assumes that either the party or attorney is the one that is making the declaration. This runs counter to what SRLs are instructed concerning the legal requirement that someone else other than a party to the action serve the documents and sign the POS.</p> <p>Re: FL-160 (<i>Property Declaration</i>) The differences between FL-160 and FL-142 are so slight they can be puzzling to SRLs. The forms could be combined in a manner which instructs the litigants to serve the other party but not to file any financial documents which are attached.</p> <p>FL-107-INFO (<i>Legal Steps for Divorce or Legal Separation</i>) FL-107 INFO form page 2: under “Where can I get help?”, 2nd bullet point, the information is misleading because 1) not all LRS are administered by local bar associations, 2) the State Bar does not refer to individual attorneys but to LRSs they certify, and 3) the State Bar does not administer its own LRS. The proposed replacement language for the 2nd bullet is: “Find a lawyer through a certified lawyer referral service at the State Bar of California’s website at www.calbar.ca.gov/LRS or by calling 866-442-2529 (toll-free).”</p>	<p>The task force and committee agree to recommend revising the form to more clearly instruct parties not to file any private financial documents with the court along with this form.</p> <p>The committee and task force agree to include the suggested new language with other revisions amendments recommended for adoption.</p>

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	Commentator	Position	Comment	Committee Response
7.	Superior Court of Humboldt County By Thomas Thiesen	A	<p>It would be greatly beneficial if the Schedule of Assets and Debts and the Property Declaration were merged into one document. It would save a tremendous amount of time and paperwork if the Shedule of Assets and Debts form was eliminated. These two forms serve basically the same function and it is confusing and frustrating to litigants to be required to fill out both forms. Our court requires a property declaration in order to get a judgment, not a Schedule of Assets and Debts; accordingly, the effort put into the Schedule of Assets and Debts is wasted. I strongly recommend that the change be made.</p> <p>Also, eliminating the Shedule of Assets and Debts would help litigants comply with the new rule regarding prompt service of the Declaration of Disclosure.</p>	<p>No response required.</p> <p>The committee and task force do not recommend eliminating <i>Schedule of Assets and Debts</i> (form FL-142) at this time as it serves several functions. This form helps parties comply with disclosure requirements. It is also used to assist parties and attorneys propound and respond to discovery requests in family law matters. Specifically, item 10 of <i>Form Interrogatories–Family Law</i> (form FL-145) requires that a <i>Schedule of Assets and Debts</i> be completed and served with the interrogatories. However, the committee and task force will monitor the use of these forms to determine if FL-142 can be eliminated in the future.</p>
8.	Superior Court of Los Angeles County	AM	<p>FL-140 Declaration of Disclosure: The form directs the Petitioner to file this form within 60 days of filing the Petition. Given that the Petitioner has 3 years to serve the summons and complaint per CCP 583.210 this form is in</p>	<p>Form FL-140 is not filed with the court. The notice under the caption specifically states “Do Not File With the Court.” The form complies with the new requirement under Family Code section 2104(f) became effective January 1, 2013, which</p>

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			<p>conflict with existing statute.</p> <p>Alternatively, Petitioners could be required to file the FL-140 with the Petition. This requirement would have several advantages: 1. The Petitioner would probably fill out the Petition more accurately, decreasing the likelihood of needing to file an amended Petition.</p> <p>2. Parties would have one less document to serve and the court one less POS to process. Item #3. The following option should be added, so parties could check this box in lieu of #3: We filed joint tax returns for the two years prior to the date the disclosure documents were served.</p> <p>FL-160 Property Declaration: It is recommended that a column be added to this form labeled “date acquired.” This form would then contain the essential information contained</p>	<p>provides:</p> <p>The petitioner shall serve the other party with the preliminary declaration of disclosure either concurrently with the petition for dissolution, or within 60 days of filing the petition. The respondent shall serve the other party with the preliminary declaration of disclosure either concurrently with the response to the petition, or within 60 days of filing the response. The time periods specified in this subdivision may be extended by written agreement of the parties or by court order.</p> <p>Requiring petitioner to file form FL-140 with the Petition would require an amendment to Family Code section 2104.</p> <p>The committee and task force agree to include a fillable field below item 3 to allow parties to write information that applies to their case regarding tax returns.</p> <p>The committee and task force have included this suggestion with the revisions recommended for adoption. The committee and task force will</p>

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			<p>in the FL-142 and the FL-142 could be eliminated. The FL-160 and FL-142 are largely redundant and the existence of the two forms is confusing.</p> <p>Impact: The delay in adopting new forms is at best cumbersome. LASC will consider adopting temporary forms, likely very similar to the drafts circulated, to use in the interim. No cost savings would be realized based on the current drafts. However, if Petitioners were required (as suggested) to file the FL-140 with the Petition, some savings could be realized. The court would have fewer amended Petitions and POS's to handle. Additionally, it would enhance the court's ability to meet case management goals for finalizing cases. In fact, the 60 day requirement for filing the Declaration of Disclosure adds an additional deadline for the court to track. It is not clear what action the court must take if the Disclosures are filed more than 60 days after filing of the Petition, but any action required would be an added burden on the court, as well.</p>	<p>monitor the use of these forms to determine if FL-142 can be eliminated in the future.</p> <p>The committee and task force will work with the Center for Families, Children & the Courts to provide technical assistance to courts that choose to draft interim forms until the adoption of the revised forms in this report.</p>
9.	Superior Court of Riverside County	AM	<p>1) On the FL-140, we would recommend that the verbiage:</p> <p>Both the preliminary and final declaration of disclosure must be served on the other party with certain exceptions. Neither disclosure is filed with the court. Instead, a declaration</p>	No response required.

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			<p>stating that service of disclosure documents was completed or waived must be filed with the court.</p> <p>Be changed to:</p> <p>Both the preliminary and the final declaration of disclosure must be served on the other party (unless waived).</p> <p>Neither disclosure is filed with the court. Instead, a ‘Declaration Regarding Service of the Declaration of Disclosure and Income and Expense Declaration’ (form FL-141), which indicates service or a waiver, must be filed with court.</p> <p>2) On the FL141 under 4a, it is recommended that the FL-144 form - Stipulation and Waiver of Final Declaration of Disclosure – be referenced.</p> <p>The parties agreed to waive final declaration of disclosure requirements under Family Code section 2105(d). (See form FL-144).</p>	<p>See above response to comment in item 1.</p> <p>Same response as above</p> <p>The committee and task force agree to reference optional FL-144 on the form.</p>
10.	Superior Court of San Bernardino County By Monica Mitchell	AM	<p>Because of the new legal requirements relating to financial disclosures in family law cases, the changes to the forms to highlight these new requirements will be very helpful to litigants.</p> <p>Some practical suggestions are offered:</p> <p><u>FL-140 Declaration of Disclosure</u> Third paragraph of introductory instructions:</p>	<p>No response required.</p> <p>The committee and task force have agreed to</p>

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			<p>the wording is confusing – “A preliminary but not final ... is required ... in a default judgment . . . provided the judgment is not a stipulated judgment or a judgment based upon a marriage settlement agreement”. It sounds like a preliminary declaration of disclosure is not required in a true default situation, but see Family Code Section 2110.</p> <p><u>FL-141 Declaration Regarding Service</u> The new wording at #2 referencing “current* Income and Expense Declaration” is not clear. Does it mean “current” at the time the preliminary disclosure was served or “current” as of the date of signing the Declaration Regarding Service? One would expect that it means current at time of actual service, but someone might be confused and think that a new Income & Expense form is required. Perhaps this aspect of the timing can be included in the asterisk reference to “current”.</p> <p>At #4c, is there a reason why this section is on the form? If it is a default judgment, the FL-170 (Declaration for Default or Uncontested Judgment) #5b covers this same statement. The confusion lies in whether someone who marks FL-170 #5b also needs to mark the FL-141 #4c. In the interests of streamlining the process,</p>	<p>redraft the language in the form. See above response to the comment in item 1 for the recommended revised language.</p> <p>Family Code section 2104(e) provides that (a)long with the preliminary declaration of disclosure, each party shall provide the other party with a completed income and expense declaration unless an income and expense declaration has already been provided and is current and valid.</p> <p>The term “current” and its definition included below item 4 on form FL-141 were adopted by the Judicial Council as part of rule 5.260. As shown on the form, a “current” Income and Expense Declaration is one that has been completed within the past three months providing no facts have changed. (Cal.Rules of Court, rule 5.260). The committee and task force believe that the language in the Code and rule is sufficient to address the issue raised in the comment.</p> <p>The committee and task force believe that it is important to preserve item 4c. Forms FL-141 and FL-170 serve two distinct purposes. Form FL-141 provides the mandatory notice to the court from the parties relating to compliance with disclosure statutes. In the case of 4c, a petitioner is advising the court that he or she did not serve a final</p>

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			<p>perhaps #4c can be deleted.</p> <p><u>FL-160 Property Declaration</u> First paragraph of the introductory instructions, point (2) is confusing. Maybe something like: “You cannot combine both community/quasi-community property and separate property on the same form.”</p> <p>At point (3), the closing parenthesis at the end of the phrase is missing.</p> <p><u>FL-107-INFO (Legal Steps)</u> January 2013 – revised CRC 2.200 now requires that a litigant/attorney keep the court and other parties informed of more than a mailing address change, but also other contact information. You may wish to incorporate this change where a reference to the old MC-040 appears at the bottom of Page 1.</p> <p>Page 1, Step 4 ... Respondent files a Response</p>	<p>declaration of disclosure and that service is not required under Family Code section 2110. The purpose of form FL-170 is to allow a party to demonstrate compliance with Family Code section 2336 and “prove up” a case in a default or uncontested proceeding instead of making a personal appearance at a hearing.</p> <p>Deleting item 4 from form FL-141 would not streamline the process of obtaining a judgment because a party may not fulfill disclosure requirements by completing Form FL-170.</p> <p>The committee and task force agree with the suggestion and have incorporated it, with some changes, into the revisions that they are recommending for adoption.</p> <p>The committee and task force agree with the suggestion and have incorporated it into the revisions recommended for adoption.</p> <p>The committee and task force agree with the suggestion and have incorporated it into the revisions recommended for adoption.</p> <p>Forms FL-130 and FL-170 serve distinct purposes</p>

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			<p>and there is an agreement – why is the FL-130 Appearance, Stipulation and Waiver form needed since the parties will need to file the FL-170 Declaration for Default or Uncontested Judgment, where the same fact is covered regarding both parties appearing in case and have an agreement at FL-170 #4c(1), (2)? Eliminating the reference to the FL-130 may help streamline the process.</p>	<p>in family law proceedings and neither form contains exactly the same information as the other. Eliminating the reference to form FL-130 in form FL-107-INFO (or eliminating the use of form FL-130 entirely in uncontested matters) will not help streamline the process of obtaining entry of a family law judgment.</p> <p>Form FL-170 allows a party to provide information to the court in place of testimony at a hearing to prove up the case and obtain a judgment in a default or uncontested case under Family Code section 2336. It only requires the signature of one party. The judge is unlikely to want to rely on the representations of one party that all matters in contested case have been resolved.</p>
11.	Superior Court of San Diego County By: Michael Roddy, Court Executive Office	A	No additional comments.	No response required.
12.	Superior Court of Shasta County By: Stacy Larson, Family Law Facilitator	A	<p>FL-140, Caption: Previous versions of this form did not allow us to check the box for “Preliminary” and “Final” in the caption when filling in the forms online. There are circumstances when parties may concurrently comply with their preliminary and final disclosures all at once, such as when the petitioner files the initial papers along with the respondent’s Appearance, Stipulation, and Waiver, and a stipulated judgment. It would be helpful if we had the option of checking both the “Preliminary” and “Final” checkbox in the caption.</p>	The recommended technical change will be made to the form.

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		<p>FL-140, first paragraph, first line: The wording “with certain exceptions” raises the immediate question of what the exceptions are. The exceptions, for the most part, are detailed in paragraph three. I suggest revising the first sentence to read, “must be served on the other party with certain exceptions detailed below. Neither disclosure is filed with the court . . .”</p> <p>FL-140, first paragraph, last line: I suggest that the period before the parenthetical be removed so that the sentence reads, “. . . be filed with the court (see form FL-141).”</p>	<p>Considering all the suggestions made by commentators regarding the introductory language in this form, the committee and task force recommend the following substantive and formatting revisions to form FL-140:</p> <p>DO NOT FILE DECLARATIONS OF DISCLOSURE OR FINANCIAL ATTACHMENTS WITH THE COURT.</p> <p><i>In a dissolution, legal separation, or nullity action, both a preliminary and a final declaration of disclosure must be served on the other party with certain exceptions. Neither disclosure is filed with the court. Instead, a declaration stating that service of disclosure documents was completed or waived must be filed with the court (see form FL-141).</i></p> <ul style="list-style-type: none"> • <i>In summary dissolution cases, each spouse or domestic partner must exchange preliminary disclosures as described in Summary Dissolution Information (form FL-810). Final disclosures are not required (see Family Code section 2109).</i> • <i>In a default judgment case that is not a stipulated judgment or a judgment based on a marital settlement agreement, only the petitioner is required to complete and serve a preliminary declaration of disclosure. A final disclosure is not required of either party (see Family Code section 2110).</i> • <i>Service of the preliminary declarations of disclosure may not be waived by an agreement between the parties.</i> • <i>Parties who agree to waive final declarations of disclosure must file their written agreement with the court (see form FL-144).</i> <p><i>The petitioner must serve a preliminary declaration of</i></p>

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			<p>FL-140, second paragraph, first line: I suggest that the word “Petition” not be capitalized as it is not being used as a proper noun, e. g. “within 60 days of the filing the petition (form FL-100 or FL-103) and . . .”</p> <p>FL-140, second paragraph, second line: I suggest that the word “respondent” be capitalized as it is being used as a proper noun, e. g. “and Respondent must serve a preliminary declaration . . .”</p> <p>FL-140, second paragraph, second line: I suggest that the word “Response” not be capitalized as it is not being used as a proper noun, e. g. “. . . within 60 days of filing the response form (form FL-120 or FL-123), unless . . .”</p> <p>FL-140, third paragraph, first line (summary dissolutions): The FL-140 and FL-142 are not required in summary dissolutions as the litigants are allowed to simply use the worksheets contained in the summary dissolution form packet nor is the FL-141 required to establish preliminary declarations in summary dissolutions as the statement that</p>	<p><i>disclosure at the same time as the Petition or within 60 days of filing the Petition. The respondent must serve a preliminary declaration of disclosure at the same time as the Response or within 60 days of filing the Response. The time periods are extended by written agreement of the parties or by court order (see Family Code section 2104(f)).</i></p> <p>“Petition” as used in the form refers to the form and is capitalized per Judicial Council forms policy.</p> <p>The appearance of the word “respondent” without capitalizing the initial word follows the conventions of Judicial Council Forms Manual and the AOC Style Guide.</p> <p>“Response” as used in the form refers to the form and the initial letter is capitalized per Judicial Council forms policy.</p> <p>Rule 5.77. Summary Dissolution provides that a party may either file a preliminary declaration of disclosure under Family Code section 2104 or complete the worksheets in form FL-810. The committee and task force prefer revising form FL-140 as above specified. The committee and task force also recommend revising forms FL-800 and FL-810 to indicate that the parties may exchange the worksheets in form FL-810 or forms FL-140</p>

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			<p>the disclosures have been done is contained within the summary dissolution petition at item 12 as required by Family Code §2401(a)(3). CRC 5.77 states that applicants for summary dissolution may meet the disclosure requirements by either (1) completing the worksheets contained within the summary dissolution information packet and an FL-150 Income and Expense Declaration; OR (2) by completing the disclosures and FL-140.</p> <p>Item 11 of the FL-800 requires the litigants to exchange completed FL-150 Income and Expense Declarations. At item 12 of the FL-800, the form reads, “We each have filled out and given the other copies of the worksheets on pages 7, 9, and 11 of the Summary Dissolution Information booklet (form FL-810) used in determining the value and division of our property. We have told each other in writing about any investment, business, or other income-producing opportunities that came up after we were separated based on investments made or work done during the marriage or domestic partnership and before our separation. This meets the requirements of preliminary declaration of disclosure, and no further proof of service of the declaration of disclosure is required.” This is not an optional “checkbox” item, which means that by signing the joint petition for summary dissolution, they are establishing that they have complied with their disclosure obligations. By</p>	<p>and FL-142 or FL-160 to comply with the requirement to complete a list of all community and separate property assets and debts.</p> <p>The committee and task force recommend revising all summary dissolution rules and forms so that they also comply with the requirements of Family Code section 2104, and are consistent with the language in form FL-140)</p>

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			<p>the parties swearing under penalty of perjury on the FL-800 that they have met these disclosure obligations, they are providing the functional equivalent of the FL-141. See also CA Jur. 3d Family Law §727; 5 Witkin Cal. Proc. 5th Pleading §892; 11 Witkin, California Summary 10th Community Property §234; 11 Witkin, California Summary 10th Husband and Wife §126; CA Jur. 3d Family Law §727; CA Prac. Guide: Family Law (Hogoboom & King) Ch. 2-C, 2.77.</p> <p>I suggest that we do not include the references to summary dissolutions on the revised FL-140 to avoid confusing litigants and processing units. In the alternative, I suggest that we include language that alerts the summary-dissolution litigants that the disclosure obligation can be met by exchanging the worksheets and FL-150.</p> <p>FL-140, fourth paragraph, “A declaration of disclosure is required in a nullity or legal separation action as well as in a dissolution action.”—this is an important fact that escapes many litigants and is foundational to the remainder of the form. I suggest we move this sentence to become the new first paragraph of the form, located directly under “DO NOT FILE WITH THE COURT.”</p> <p>FL-140, Item (2): The FL-150 Income and Expense Declaration is a required part of the</p>	<p>The committee prefers to include the language on form FL-140 specified in item 1 and revising forms FL-800 and FL-810 so that they comply with Family Code section 2104.</p> <p>The committee and task force agree with this suggestion and have incorporated it into the revisions recommended for adoption.</p> <p>The committee and task force agree to revise form FL-140 at item 2 to remove the phrase “(as</p>

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Family Law: Revision to Declaration of Disclosure Forms (*Amend rule 5.77 and revise forms FL-140, FL-141, FL-107-INFO, FL-160, FL-161, FL-800 and FL-810*)

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	Commentator	Position	Comment	Committee Response
			<p>disclosures and would always be attached unless the parties already have a current FL-150 on file. Additionally, this is a “checkbox” item, so the box would only be checked by the litigant if the form was applicable in the case. For these reasons, I suggest removing the words parenthetical “(as applicable).”</p> <p>It would seem that we should list the FL-155 Financial Statement (Simplified) as an option in this section as well similar to how we are listing the FL-142 and FL-160 as alternatives in Item (1).</p> <p>FL-141, caption: In the third box where we designate “petitioner” and “respondent,” we should add “other party” to accommodate those cases in which DCSS intervenes prior to the final disclosures being completed.</p> <p>FL-141, Item (2), line 1: We should capitalize “Respondent” as it is being used as a proper noun.</p> <p>FL-141, Item (2), line 2: It would seem that in certain circumstances (no request for spousal support or attorney’s fees, etc.), the litigants</p>	<p>applicable)”</p> <p>The committee and task force do not agree to include on the form that a party may file a <i>Financial Statement (Simplified)</i> (form FL-155) instead of an <i>Income and Expense Declaration</i> (form FL-150). Form FL-155 is not appropriate for use in proceedings to determine or modify spousal or domestic partner support, to determine or modify family support, or to determine attorney’s fees and costs, nor does it provide the information needed to provide a full disclosure of assets and liabilities under family law statutes.</p> <p>The committee and task force agree with this suggestion and have incorporated it into the revisions recommended for adoption.</p> <p>The appearance of the word “respondent” without capitalizing the initial letter follows the conventions of Judicial Council Forms Manual and the AOC Style Guide.</p> <p>As noted above in response to a similar comment regarding form FL-140, FL-155 is not an appropriate substitute for the information required</p>

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			<p>could use the FL-155 in place of the FL-150. I suggest that we add a reference to the FL-155 as an alternative.</p> <p>FL-141, Item (3), line 1: We should capitalize “Respondent” as it is used as a proper noun. It would seem that in certain circumstances (no request for spousal support or attorney’s fees, etc.), the litigants could use the FL-155 in place of the FL-150. I suggest that we add a reference to the FL-155 as an alternative.</p> <p>FL-141, Item (3), line 2: The litigants aren’t going to know what “and the material facts and information required by Family Code section 2105” are. If we really want to provide guidance to them, we should be more specific as we are in Item (2), e. g., “material facts and information regarding characterization and valuation of community assets and liabilities as required by Family Code §2105.”</p> <p>FL-141, Item (4), line 1: We should capitalize “Petitioner” and “Respondent” as they are being used as proper nouns.</p> <p>FL-107-INFO: The proposal indicated that we would be expanding this form to apply domestic partnerships, but it doesn’t appear to do so until we get to the first paragraph on page 2. The same steps would mostly be applicable to a nullity action as well. Perhaps we should add this to the heading, etc.? I</p>	<p>by form FL-150.</p> <p>The appearance of the word “respondent” without capitalizing the initial letter follows the conventions of Judicial Council Forms Manual and the AOC Style Guide. As noted above in response to a similar comment regarding form FL-140, FL-155 is not an appropriate substitute for the information required by form FL-150.</p> <p>The committee and task force recommend revising the form to include references to forms FL-142 or FL-160 in addition to Family Code section 2105.</p> <p>The appearance of the words without capitalizing the initial letters follows the conventions of Judicial Council Forms Manual and the AOC Style Guide.</p> <p>“Domestic partnerships” does not refer to a type of action. Therefore, it would not be appropriate to include this reference in the title. Nullity proceedings are relatively rare and there are differences in procedures between courts about how to handle these cases, making a statewide form problematic.</p>

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			<p>suggest that we add “Domestic Partnership” and “Nullity” to the Heading on both pages: “FL-107-INFO Legal Steps for a Divorce, Legal Separation, Nullity, or Domestic Partnership.” Additionally, the two paragraphs on the top of page 2 that explain that a same-sex marriage, domestic partnership, or legal separation involve the same steps, and if we add “nullity” to the headings, we should include a paragraph about how these steps apply to a nullity. These paragraphs appear to be foundational to the entire form, and I think they should appear directly beneath the heading on page 1, so it’s more instantly clear how the form applies to domestic-partnership, legal-separation, and/or nullity litigants.</p> <p>FL-107-INFO, Step 3, first bullet, first line: We should capitalize “Petitioner” as it is being used as a proper noun.</p> <p>FL-107-INFO, Step 3, first bullet, third line: Since Respondents must also comply with their disclosure obligations in the case of a stipulated judgment or marital settlement agreement, we should add this information (e. g., “If the respondent does not file a response but the parties are submitting a stipulated judgment or marital settlement agreement, the respondent must complete and serve the same disclosure documents on the petitioner prior to submitting the judgment to the court.”</p>	<p>The appearance of the words without capitalizing the initial letters follows the conventions of Judicial Council Forms Manual and the AOC Style Guide</p> <p>Due to space constraints, committee and task force prefer to refer parties directly to the California Courts web site for additional information.</p>

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			<p>FL-107-INFO, Step 3, second bullet: Since the parties could also, in limited circumstances, use the FL-155 in place of the FL-150, it should be referenced here as an option.</p> <p>FL-107-INFO, Step 3, third bullet: This is confusing. The respondent needs to file the FL-141 only if he files a response or the parties are submitting a stipulated judgment or marital settlement agreement. The second sentence is confusing: “If the respondent does not give petitioner these papers, the petitioner can still finish the case.” Seemingly, we are trying to convey that if the respondent files a response but does not comply with his/her disclosure obligations (FL-140, FL-142/FL-160, FL-150-FL-155) and file his/her FL-141, the petitioner can request that the court waive these disclosures and/or in the case of default, the disclosures are automatically waived. However, the existing sentence does not make these scenarios clear. It’s a big assumption to expect that our litigants all have access to, or expertise using, the internet to access the website. Additionally, when I went to the suggested link, it did not provide clarification regarding how or when the petitioner can finish the case without Respondent having filed his/her disclosures. It may be helpful to reword this section to state that except in cases of default or waiver by the court, the petitioner and respondent must each file an FL-141 with the Court.</p>	<p>Form FL-155 is not an appropriate substitute for an <i>Income and Expense Declaration</i> (form FL-150) to comply with statutory disclosure requirements.</p> <p>This form provides basic information to parties who file their first papers about the process of a dissolution or legal separation case under rule 5.83. The form is not able to provide case specific information to cover all situations. For this reason, page 2 of the form refers the parties to resources that can assist them. AOC staff will review the materials noted at the link and attempt to clarify the issues that the commenter found confusing.</p>

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			<p>Additionally, at the second line, the word “petitioner” should be capitalized as it is being used as a proper noun, e. g., “If the respondent does not give Petitioner these papers, . . .”</p> <p>FL-107-INFO, page 1, Step 4 “No Response BUT written agreement”: We should include the information that the default judgment with written agreement cannot be submitted until 30 days after service (unlike a judgment w/ written agreement in which the respondent has made an appearance).</p> <p>FL-107-INFO, page 1, “Important Notices”: If we make this form applicable to nullities, we should specify that nullities have no waiting period either.</p> <p>FL-107-INFO, page 1, “Important Notices”: We should make it clear that the MC-040 must be filed and served (e. g., “File and have served the Notice of Change of Address (form MC-040) to tell the court and other party that you have moved.”</p> <p>FL-107-INFO, page 2, “Do you have a same-sex marriage or a registered domestic partnership?”—this heading is in the second person “you” while the next heading (“What if I want a legal separation?”) is in the first person “I.” They should either both be in the first person or the second person. Since</p>	<p>As it appears, the word complies with the conventions and styles adopted y the Judicial Council pertaining to forms</p> <p>Space constraints on the form preclude inserting the recommended language in Step 4. The general information about a 30-day waiting period is coved in Step 2.</p> <p>The committee and task force prefer not to expand the form to nullity proceedings.</p> <p>Form MC-040 is an optional form which a party can use to tell the other party and the court about a change of address or other contact information. The committee and task force agree to clarify that service and filing is required of the change of information and that MC-040 may be used for this purpose.</p> <p>The committee and task force agree to use the third person in the specific headings.</p>

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			<p>the rest of the form is in the second and third person “you,” I suggest we go with the second person, e. g. “What if you want a legal separation?”</p> <p>FL-107-INFO, page 2, “Do you have a same-sex marriage or a registered domestic partnership?,” third line: The word “respondent” should be capitalized as it is being used as proper noun. We should place a period at the end of the sentence after the website address.</p> <p>FL-107-INFO, page 2, “What if I want a legal separation?,” first line: We should replace the phrase “about the same” with “nearly the same” to be less colloquial and more clear.</p> <p>FL-107-INFO, page 2, “What if I want a legal separation?,” second line: The word “respondent” should be capitalized as it is being used as a proper noun.</p> <p>FL-107-INFO, page 2, “What if I want a legal separation?,” third line: We should place a period at the end of the sentence after the website address.</p> <p>FL-107-INFO, page 2, “Ways to resolve divorce or legal separation cases out of court”—We should replace the period at the end of the last sentence “There are several ways you can get help” with a colon to indicate that the information below falls within this</p>	<p>As it appears, the word complies with the conventions and styles adopted y the Judicial Council pertaining to forms. A period will be placed at the end of web site addresses.</p> <p>This recommended change has been included with those recommended for adoption.</p> <p>As it appears, the word complies with the conventions and styles adopted y the Judicial Council pertaining to forms. A period will be placed at the end of web site addresses.</p> <p>A period will be placed at the end of web site addresses.</p> <p>The committee and task force prefer that the proposed form mirror existing form FL-107-INFO regarding punctuation.</p>

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			<p>category.</p> <p>FL-107-INFO, page 2, “Court Services (free)”: The two bullets pertaining to Family Court Services and Family Law Facilitators and Self-Help Centers” describe the services offered beginning with a verb, e. g. “Provide mandatory . . .” and “Can provide samples . . .” The “Settlement Conferences” section does not, which creates a lack of parallelism and awkwardness. A possible revision would be to begin the “Family Court Services” and “Family Law Facilitators and Self Help Centers” descriptions with wording such as “an office that can provide . . .” or reword the “Settlement Conferences” section to begin with a verb such as “Provide an opportunity to meet with a judge or experienced attorney to discuss the case and the parties’ positions, so the judge or experienced attorney can suggest a resolution . . .”</p> <p>FL-107-INFO, page 2, “Settlement Conferences,” last line: The pronoun “them” may not be entirely clear to litigants who may misconstrue this to mean they can use the judge or experienced lawyer “to help in further settlement discussions” rather than using the suggestions to help in further negotiations. An easy fix would be to replace the “them” with “the suggestions.”</p> <p>FL-107-INFO, page 2, “Where can I get help?,” fifth bullet: We should place a period</p>	<p>The committee and task force prefer that the proposed form mirror the structure of existing form FL-107-INFO.</p> <p>The committee and task force agree to replace “them” with “the suggestions.”</p> <p>A period has been laced at the end of web site addresses.</p>

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			<p>after the website address at the end of the sentence.</p> <p>FL-160, Generally: I completely agree that litigants are often confused about the FL-160 and the FL-142, which appear at first review to be nearly identical and am generally in favor of reducing the number of forms to streamline the process. However, our litigants typically only list the property, debts, etc., on the FL-160 that they want the Court to make orders about (property/debt not already divided, etc.), and this is the form that when attached to the petition/response and filed with the Court defines the assets and debts that must be divided or confirmed and included in the final judgment. While not perhaps the wisest choice, litigants are not precluded from omitting property from their petition/response/FL-160, and some do so, believing that they have already divided all property. For partial discussion, see <i>Burnett v. King</i> (Cal. 1949) 33 Cal.2d 805, 809, and <i>Coats v. Coats</i> (Cal. 1911) 160 Cal. 671. These omitted community assets/liabilities can be adjudicated by postjudgment motion if necessary. Fam. Code §2556.</p> <p>In contrast, the FL-142 serves a completely different purpose—it is a complete inventory of all assets and liabilities to satisfy the disclosure obligations, and it is never filed with the court as it typically would have attachments such as tax returns, bank</p>	<p>No response required.</p> <p>No response required.</p>

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			<p>statements, title documents, etc.</p> <p>I'm afraid that allowing the litigants to use one form to satisfy both obligations will result in more confusion, more blurring of the lines between the two functions, and at least one obligation not being completed properly. For example, some litigants will complete the FL-160 by listing only the property/debt they want divided and omit all the other assets/liabilities that they have a duty to disclose, misguidedly thinking they have met their obligation. Other litigants will complete the FL-160 like the FL-142, listing ALL assets and liabilities, which then will necessitate that the final judgment (particularly in case of default) also list ALL of these assets/ liabilities even though the parties really aren't in need of orders pertaining to much of the property/debt listed. This will make preparation of judgments much more time intensive and will require additional time in court for those cases that are litigated to ensure that orders pertaining to all the listed property/debt are made.</p> <p>Finally, I don't believe that the majority of the self-represented litigants in our county are going to read and understand the difference between attaching the deeds, bank statements, etc., to the FL-160 to satisfy the disclosure obligation but filing the FL-160 alone with the Court. The likely result is that the litigants won't attach the necessary documents when completing their disclosures or will attempt to</p>	<p>The committee and task force recommend substantial revisions to the instructions on form FL-160. The revisions include adding a new page 4 that includes information and instructions about completing the form.</p> <p>The committee and task force will work with the Center for Families, Children & the Courts to collect any feedback regarding difficulties implementing form FL-160 as a multipurpose form. Any such feedback will inform the committee and task force if additional revisions to the form should be proposed in a future cycle.</p> <p>The committee and task force recommend substantial revisions to the instructions on form FL-160. The revisions include instructions concerning the documents that must be attached to the form when a party is using it to comply with disclosure requirements.</p>

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			<p>file the FL-160 with the attachments, thereby compromising their private information.</p> <p>FL-160, Caption: FL-141, caption: In the third box where we designate “petitioner” and “respondent,” we should add “other party” to accommodate those cases in which DCSS intervenes prior to the Declaration of Default or Uncontested Dissolution being filed.</p> <p>FL-160, page 1, first bullet, “To complete this form,” (3): Although the form tells them they must identify quasi-community property, it does not tell them how—should they create their own box in the caption and fill out a separate FL-160? If so, we should add “quasi community property” as a checkbox in the caption.</p> <p>FL-160, page 1, first bullet, “To complete this form,” (3): We need a closing parenthesis after “located in California).”</p> <p>FL-160, page 1, second bullet, “When attached to a Request to Enter Default (form FL-165)”: Values must also be included if litigants use this form to partially meet their final disclosure obligations pursuant to Fam. Code §2105(b)(2). If we’re going to allow litigants to use the FL-160 to meet this obligation, we should include a bullet that informs them of this requirement.</p> <p>FL-160, page 1, third bullet, “When this form</p>	<p>The committee and task force agree to include this revision to the caption with the other revisions recommended for adoption.</p> <p>The committee and task force agree with the suggestion and recommend revising the form to state that a party must include community and quasi-community property on the same form and that a party should list separate property on a different form FL-160.</p> <p>This change has been included in the revisions to the form recommended for adoption.</p> <p>The committee and task force recommend revising the form to indicate when a party need not include values on form FL-160.</p> <p>The preliminary declaration of disclosure may be</p>

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			<p>is attached to a Preliminary or Final Declaration of Disclosure”: This bullet would indicate that litigants who want to use the FL-160 for their disclosure obligations must attach a copy to the petition to indicate the property they want the court to divide/confirm and a separate one with the FL-140 to meet their disclosure obligations. As discussed above, I’m very afraid that this dual use of the form and blurring of the lines between the two functions will cause more confusion than streamlining and that increased non-compliance with actual disclosure obligations.</p> <p>Additionally, the reference to “other information required by Schedule of Assets and Debts (form FL-142) must be attached and served on the other party, not filed with the court” requires litigants who receive limited or no assistance to go review the FL-142 and cross reference it with the FL-160, which defeats the intent of making the FL-160 a dual-purpose form. Additionally, the proposed FL-160 does not have the helpful hints contained in the FL-142, such as “Give street addresses and attach copies of deeds with legal descriptions and latest lender’s statement,” so the litigants are either going to have to cross-reference to two forms to properly use the FL-160 for disclosure obligations or will fail to attach these documents. If we were to include this language on the FL-160, it would incorrectly</p>	<p>served concurrently with the petition or within 60 days of filing the petition (unless the time period is changed by the parties’ agreement or by court order). Therefore, the bullet point should not require a party to attach this form to the petition.</p> <p>The committee and task force recommend revising the form to include an instruction about how to complete form FL-160 when it is attached to a <i>Petition or Response</i>.</p> <p>The committee and task force recommend substantial revisions to the instructions on form FL-160. The revisions include special instructions concerning the documents that must be attached to the form when a party is using it to comply with disclosure requirements.</p>

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			<p>indicate to litigants that they must attach those documents for filing the FL-160 with the court. The intent to streamline the process and reduce forms is a good one, but I think this is likely to cause much more confusion and harm than justified by the marginal benefit.</p> <p>FL-160, page 2, “Life Insurance (Cash Value)”: If we go forward with the idea of making FL-160 a dual-purpose form, we should change this heading to match the corresponding one on the FL-142: “Life Insurance with Cash Surrender or Loan Value” as this helps litigants understand the difference between a life insurance policy that is an asset and one that is not.</p> <p>FL-160, page 2, “Profit-Sharing, IRAs, Deferred Compensation, Annuities”: In the absence of a reason to do otherwise, this heading should exactly mirror the one on the FL-142: “Profit-Sharing, Annuities, IRAs, Deferred Compensation.”</p> <p>FL-160, page 2: If we go forward with the idea of making FL-160 a dual-purpose form, we should include a category for “other assets” to exactly mirror the FL-142.</p>	<p>The committee and task force agree to recommend the suggested change.</p> <p>Same response as above.</p> <p>Same response as above.</p>