

JUDICIAL COUNCIL OF CALIFORNIA

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INVITATION TO COMMENT SPR19-27

Title	Action Requested
Family Law: Rule and Forms for Minor to Marry or Establish a Domestic Partnership	Review and submit comments by June 10, 2019
Proposed Rules, Forms, Standards, or Statutes	Proposed Effective Date
Adopt Cal. Rules of Court, rule 5.448; approve form FL-912, revise forms FL-910 and FL-915	January 1, 2020
Proposed by	Contact
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Executive Summary and Origin

The Family and Juvenile Law Advisory Committee proposes adopting a new rule, approving a new form, and revising two forms to implement the requirements of Senate Bill 273 (Hill; Stats. 2018, ch. 660) relating to minors who seek a court order to marry, establish a domestic partnership, or both.

Background

In September 2018, the Legislature enacted SB 273, amending several Family Codes relating to marriage and domestic partnerships involving minors. Amended Family Code sections 297.1 and 304 now require that Family Court Services (FCS) do the following, unless the minor is 17 years of age and has achieved a high school diploma or a high school equivalency certificate:

- Separately interview the parties intending to marry or establish a domestic partnership;
- Interview at least one of the parents or the guardian of each party who is a minor, if applicable;
- Prepare and submit to the court a report of any potential force, threat, persuasion, fraud, or coercion or duress by either of the parties or their family members relating to the intended marriage or domestic partnership; and

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 These proposals are circulated for comment purposes only.

- Report to the court recommendations for granting or denying permission to the parties to marry or establish a domestic partnership.

In addition, if Family Court Services is required to interview the minor and write a report, Family Code sections 297.1 and 304 require that the court:

- Separately interview the parties in camera before making a final determination; and
- Consider whether there is any evidence of coercion or undue influence on the minor.

The court must also:

- Provide the minor with specific information on issuing an order granting permission to marry or establish a domestic partnership; and
- Document certain statistical data of the parties on the order.

The Proposal

To implement the requirements of SB 273, the committee proposes adopting rule 5.448, approving form FL-912, and revising forms FL-910 and FL-915, as follows:

Rule 5.448. Minor’s Request to Marry or Establish a Domestic Partnership

The new rule would:

1. Include the statutory basis for these types of actions;
2. Indicate that the rule applies to Family Court Services in all courts, even those that adopt a confidential child custody mediation model and do not normally write recommendations;
3. Identify the mandatory forms used in these cases;
4. Require FCS to provide a copy of the report and recommendations to the parties;
5. Require FCS to protect the confidentiality in the storage and maintenance of the report and recommendations; and
6. Include the responsibilities of the judicial officers to make findings in the case and determine whether to grant or deny the minor’s request.

The text of the proposed rule is on pages 8–11.

Request of Minor to Marry or Establish a Domestic Partnership (form FL-910)

This form would be revised at items one and two to include an optional entry for the parties to identify their gender (male, female, or nonbinary). While the parties’ age is required to be included on the order, the court seeks specific comment about whether the court should include check boxes on the form to gather data about the parties’ gender. A new item would be included on the form titled “Minor’s Age and Education.” This would allow the parties to identify if the minor is exempt from the interview process. The two questions per party would be if (1) the minor is 17 years of age, and (2) the minor has achieved a high school diploma or a high school

equivalency certificate. This information on the form would help the court clerk identify early in the process if the case is one that does or does not require an appointment with Family Court Services.

Item five, “Written Permission” would be revised as follows:

- The title would be changed to “Written Consent” to align with the language in Family Code sections 297.1 and 304.
- The paragraph under the heading would be revised to specify when the written consent of a parent or guardian is required by statute.
- The references to “mother” and “father” would be stricken and replaced with “parent,” “parent with legal authority,” and “legal guardian,” where appropriate.
- Several check boxes would be inserted to allow for cases in which a minor has more than one parent or legal guardian.

Consent for Minor to Marry or Establish a Domestic Partnership (form FL-912)

A minor must provide written consent to marry from a parent or legal guardian, unless the minor does not have a parent or legal guardian who is capable of consenting. This optional new form would provide consistency in the presentation of the written consent to the court. Form FL-912 could be completed by a minor’s parent with legal authority to consent or a legal guardian, and filed by the parties with the initial request or after form FL-910 is filed. Having an optional form would not preclude the minor from filing a different document; however, the rule would indicate that any other document filed must contain the same information that is included in form FL-912.

Order on Request to Marry or Establish a Domestic Partnership (form FL-915)

The committee proposes numerous changes to the items in this form, as follows:

Item 1. Information about the parties’ gender and age would be added to items one and two.

Item 4. A new section four (“Review”) would be added to identify the items that the court considered in the case. These items include those that are mandated by statute (the request, the written permissions, FCS’s written report of recommendations, and the court’s own private interviews).

Item 5. Another new section (“Findings”) would include the findings that the court must make relating to the minor’s request. These would include (1) whether or not there is any evidence of force, threat, persuasion, fraud, or duress on the minor relating to the intended marriage or domestic partnership; (2) whether the minor has a parent or legal guardian capable of consenting; or (3) whether the minor has the ability to pay for counseling, if applicable.

Item 7. The section for orders would be reformatted and revised to include specific statutory language relating to counseling.

As a final part of the order on page two, the form would include language to inform the parties of the next steps after the court makes the order. It would also include a section to address whether or not there is a waiting period before the parties can request a marriage license or file a declaration of domestic partnership.

The most significant change to the form would be to expand it from one to five pages to include the notices that the parties must receive from the court order under SB 273. The title of the form would, therefore, be changed to *Order and Notices to Minor on Request to Marry or Establish a Domestic Partnership* (form FL-915). The notices on pages two through five would include the following:

- The rights and responsibilities of an emancipated minor;
- The circumstances under which a marriage or domestic partnership may be determined by a court to be void or voidable and adjudged a nullity, and the procedure for obtaining such an order;
- The procedure for legal separation or divorce;
- The telephone numbers for the National Domestic Violence Hotline and the National Sexual Assault Hotline;
- Information about unemancipated minors, including the following:
 - (1) The conditions under which an unemancipated minor may leave home and seek to remain in a shelter or live separately from parents or guardians, and whether consent of a parent is required to remain away from the home of the parent or guardian;
 - (2) The rights of an unemancipated minor to apply for a protective or restraining order to prevent abuse; and
 - (3) The rights of an unemancipated minor to enter into contracts, including contracts for legal services and mental health counseling.

Mandatory request and order forms

The committee proposes that forms FL-910 and FL-915 be changed to mandatory forms. Due to the extensive statutory changes relating to a request for a minor to marry or establish a domestic partnership, the committee believes it is necessary to implement the request and order forms on a statewide basis. This would be the most effective way of helping the courts comply with the requirements of Family Code sections 297.1 and 304. A mandatory order and notices to minor form would provide consistency in the orders and the delivery of information statewide to the parties. It would also centralize the process for updating the language in the future, if necessary. It should be noted that the changes to forms FL-910 and FL-915 are not highlighted in the forms themselves to increase the ability to read and review them, especially if they are photocopied.

Alternatives Considered

Notices to minor

The committee considered how to implement the requirement of SB 273 that the minor receive specific notices after the court makes an order in the case. The committee considered either developing a separate Judicial Council form for the notices or including the notices to minor with

the court order. The committee decided to propose that the notices be included with the court order. This would eliminate confusion about whether it would become the responsibility of the judicial officer, the court clerk, or Family Court Services to ensure that the minor receives the notices.

New rule of court

The committee considered whether there was a need for a rule of court to implement SB 273. The committee decided that there was a need to provide guidance to the parties and to the court about implementing the new laws. For example, the parties and the courts would need to know the following: the request and order form in these cases would be mandatory; Family Court services would be required to make certain recommendations to the court, even if Family Court Services does not normally submit recommendations to the court with respect to other proceedings, such as those relating to child custody and visitation (parenting time); and Family Court Services must provide a copy of the written recommendations to the parties, even though SB 273 is silent on this matter. Thus, the proposed new rule would not simply recite the language of the new and amended Family Codes.

Further, because the process under SB 273 is not a “mediation” within the meaning of the Family Code, the committee considered but did not propose amending rule 5.210 (Court-connected child custody mediation) to include new provisions to address SB 273’s requirements.

Terminology in the proposed new rule and forms

Although Family Code sections 297.1, 303, and 304 use the terms “parent” and “guardian” and provide that, if applicable, the minor must have a parent’s or a guardian’s written consent to marry or establish a domestic partnership, the committee considered that these terms may need clarification in the proposed forms. This is because a “parent” or “guardian” may not actually have the legal authority to consent to the minor’s request. For example, a court order that grants “sole legal custody” to a parent gives only one of the child’s parents the legal authority to consent to any issue relating the child’s health, safety, and welfare. Thus, in this situation, the other parent would not have the legal authority to consent to the minor’s request to marry or establish a domestic partnership. On the other hand, a court order of “joint legal custody” enables each of the minor’s parents to consent to the child’s marriage or domestic partnership. With respect to the term “guardian,” minors may apply this term liberally to a person in their lives who is not related to them. It takes a court order for a person to become a minor’s legal guardian. For the foregoing reasons, the committee decided to replace the terms “parent” and “guardian” with “parent with legal authority” and “legal guardian,” where appropriate in proposed form FL-912 and revised forms FL-910 and FL-915.

Confidentiality

The committee considered whether the case files for these actions should be confidential and whether the written report from Family Court Services should be kept in the confidential portion of the family law file. In other proceedings, such as those involving psychological evaluations of children to determine child custody or visitation rights, Family Code section 3025.5 requires that

the evaluation be kept confidential and not be disclosed, except to those persons or entities specifically enumerated in the statute. Although members generally believed that the reports from Family Court services should be confidential, SB 273 did not provide the same statutory protections for Family Court Services' written reports in actions for minors seeking to marry or establish a domestic partnership, even though the reports could potentially contain information about the minor's psychological condition or capacity to consent to the intended marriage or domestic partnership.

To address the concern for privacy at this time, the committee has proposed including language in rule 5.448(c)(5) to require that Family Court Services protect party confidentiality in the storage and disposal of records and any personal information gathered during the interviews, as well as in the management of reports containing recommendations about the minor's request to marry or establish a domestic partnership.

Education and training requirements

The committee considered including a subdivision in the proposed new rule to address specific education and training requirements for Family Court Services professionals who interview the minors in these cases and write recommendations for granting or denying the minor's request to marry or establish a domestic partnership. The committee also considered proposing amendments to the education and training requirements for mediators under rule 5.210 of the California Rules of Court.

Although the committee understands that interviewing minors and specifically assessing for coercion, duress, or undue influence on the minor may currently be outside of the scope of the training these court professionals have received, the committee decided not to propose additional educational components in the new or existing rules at this time. Instead, the committee directed that staff from the Center for Families, Children & the Courts provide courses and introduce new curricula at upcoming Family Court Services statewide conferences, remote monthly trainings for FCS personnel, and the annual institute for new FCS personnel.

Collection of data regarding gender

The committee considered whether or not to revise the forms to include a query about the parties' gender. Family Code sections 297.1 and 304 only require that the court order document the age of the parties in this type of action. The current forms already include an item for the parties to provide their age. SB 273 only requires that the court order include information about the parties' gender if the parties provide that information

The committee considered that the *Request of Minor to Marry or Establish a Domestic Partnership* (form FL-910) could be one method of obtaining information about gender. The committee also considered that form FL-910 would not be the only method for the Secretary of State and the State Registrar to collect the data. The minor has to present the family court order (form FL-915) when applying for a marriage license or a declaration of domestic partnership.

Thus, the agencies responsible for those forms could revise their forms to ask the parties to provide information about their gender if they so choose.

The committee decided to revise the request and order forms to illustrate where information about gender would appear on the request and order, and seek specific comment on this issue.

Fiscal and Operational Impacts

The statutory changes would increase the workload of Family Court Services mediators and child custody recommending counselors who do not already interview minors and their parents or guardians in these cases. Specific training might be needed to help them assess any potential force, threat, persuasion, or duress by either of the parties or their family members relating to the intended marriage or domestic partnership. The mandated changes would also increase the responsibilities of judicial officers who must review the FCS reports and interview the minors in chambers before making a determination on the request to marry or establish a domestic partnership or marriage. However, because courts report that there are relatively few of these types of filings each year, the overall operational impact on the courts may not be significant.

Request for Specific Comments

In addition to comments on the proposal as a whole, the advisory committee is interested in comments on the following:

- Should *Request of Minor to Marry or Establish a Domestic Partnership* (form FL-910) include an item for the parties to identify their gender? Family Code sections 297.1 and 304 only require the family court to indicate the minor's gender on the order if the parties provide this information. Please include the rationale for your answer.
- Does the proposal appropriately address the stated purpose?

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

- Would the proposal provide cost savings? If so, please quantify.
- What would the implementation requirements be for courts? For example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems.
- Would 3 months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?
- How well would this proposal work in courts of different sizes?

Attachments and Links

1. Cal. Rules of Court, rule 5.448, at pages 8–11
2. Forms FL-910, FL-912, and FL-915, at pages 12–19
3. SB 273 (Hill; Stats. 2018, ch. 660),
http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB273

Rule 5.448 of the California Rules of Court would be adopted, effective January 1, 2020, to read:

1 **Title 5. Family and Juvenile Rules**

2
3 **Division 1. Family Rules**

4
5 **Chapter 19. Minor Marriage or Domestic Partnership**

6
7 **Article 1. General Provisions**

8
9 **Rule 5.448. Minor’s Request to Marry or Establish a Domestic Partnership**

10
11 **(a) Application**

- 12
13 (1) This rule implements Family Code sections 297.1, 303, and 304, allowing a
14 person under the age of 18 years of age (a minor) to seek a court order for
15 permission to marry or establish a domestic partnership.
16
17 (2) The responsibilities of Family Court Services under (c) apply equally to
18 courts that adopt a confidential child custody mediation program,
19 recommending child custody counseling, or a tiered/hybrid program.
20
21 (3) For the purpose of this rule, the terms “parent” and “parent with legal
22 authority” are used interchangeably.

23
24 **(b) Required initial filings**

- 25
26 (1) The minor and the minor’s proposed spouse or domestic partner must
27 complete and file with the court clerk a *Request of Minor to Marry or*
28 *Establish a Domestic Partnership* (form FL-910).
29
30 (2) Unless the minor has no parent or legal guardian capable of consenting, each
31 minor must file, in addition to form FL-910, the written consent from a parent
32 with legal authorization to provide consent or a legal guardian. *Consent for*
33 *Minor to Marry or Establish a Domestic Partnership* (form FL-912) may be
34 used for this purpose.

35
36 **(c) Responsibilities of Family Court Services**

37
38 Unless the minor is 17 years of age and has achieved a high school diploma or a
39 high school equivalency certificate, Family Court Services must:

- 40
41 (1) Interview the parties intending to marry or establish a domestic partnership.

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(A) The parties must initially be interviewed separately; and

(B) The parties may subsequently be interviewed together.

(2) Interview at least one of the parents or the legal guardian of each party who is a minor, if the minor has a parent or legal guardian. If more than one parent or legal guardian is interviewed, the parents or guardians must be interviewed separately.

(3) Inform the parties that Family Court Services must:

(A) Prepare a written report, including recommendations for granting or denying the parties permission to marry or establish a domestic partnership;

(B) Provide the parties and the court with a copy of the report; and

(C) Submit a report of known or suspected child abuse or neglect to the county child protective services agency if Family Court Services knows or reasonably suspects that either party is a victim of child abuse or neglect.

(4) Prepare a written report, which must:

(A) Include an assessment of any potential force, threat, persuasion, fraud, coercion, or duress by either of the parties or their family members relating to the intended marriage or domestic partnership;

(B) Include recommendations for granting or denying the parties permission to marry or establish a domestic partnership; and

(C) Be submitted to the parties and the court.

(5) Protect party confidentiality in:

(A) Storage and disposal of records and any personal information gathered during the interviews; and

(B) Management of written reports containing recommendations for either granting or denying permission for a minor to marry or establish a domestic partnership.

1 **(d) Responsibilities of the judicial officer**

2
3 In determining whether to issue a court order granting permission for the minor to
4 marry or establish a domestic partnership:

5
6 (1) The judicial officer must:

7
8 (A) If Family Court Services is required to interview the parties, do the
9 following before making a final determination:

10
11 (i) Separately and privately interview each of the parties; and

12
13 (ii) Consider whether there is any evidence of coercion or undue
14 influence on the minor.

15
16 (B) Complete *Order and Notices to Minor on Request to Marry or*
17 *Establish a Domestic Partnership* (form FL-915).

18
19 (2) The judicial officer may order that the parties:

20
21 (A) Appear at a hearing to consider whether it is in the best interest of the
22 minor to marry or establish a domestic partnership.

23
24 (B) Participate in counseling concerning the social, economic, and personal
25 responsibilities incident to the marriage or domestic partnership before
26 the marriage or domestic partnership is established. The judicial
27 officer:

28
29 (i) Must not require the parties to confer with counselors provided
30 by religious organizations of any denomination;

31
32 (ii) Must consider, among other factors, the ability of the parties to
33 pay for the counseling in determining whether to order the parties
34 to participate in counseling;

35
36 (iii) May impose a reasonable fee to cover the cost of any counseling
37 provided by the county or the court; and

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39 (iv) May require the parties to file a certificate of completion of
40 counseling before granting permission to marry or establish a
41 domestic partnership.

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(e) Waiting period

After obtaining a court order granting a minor permission to marry or establish a domestic partnership, the parties must wait 30 days from the date the court made the order before filing a marriage license or filing a declaration of domestic partnership. This waiting period is not required if the minor is:

- (1) 17 years of age and has a high school diploma or a high school equivalency certificate; or
- (2) 16 or 17 years of age and is pregnant or whose prospective spouse or domestic partner is pregnant.

Clerk stamps date here when form is filed.

**NOT APPROVED
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COUNCIL
2-14-2019**

1 Minor Requesting Court Order

Name: _____ Date of birth: _____
Gender (Optional): Male Female Nonbinary
Address: _____
City: _____ State: _____ Zip: _____
Telephone number: _____

2 Minor's Proposed Spouse or Domestic Partner

Name: _____ Date of birth: _____
Gender (Optional): Male Female Nonbinary
Address: _____
City: _____ State: _____ Zip: _____
Telephone number: _____

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed:

Case Number:

3 Your Lawyer's Information (if you have a lawyer):

Name: _____ State Bar No.: _____
Firm Name: _____
Address: _____
Telephone number: _____ E-mail Address: _____

4 Request We request that the court grant us permission to marry. establish a domestic partnership.

5 Minor's Age and Education

- a. Is the person in **1** 17 years of age? yes no
- b. Does the person in **1** have a high school diploma or a high school equivalency certificate? yes no
- c. Is the person in **2** 17 years of age? yes no
- d. Does the person in **2** have a high school diploma or a high school equivalency certificate? yes no

6 Written Consent

Unless the minor has no parent or guardian with the legal authority to consent (or capable of consenting), each person under 18 years of age must file with the request the written consent of a parent with legal authority or a legal guardian for the minor to marry or establish a domestic partnership. Form FL-912 may be used for this purpose.

Person in 1 (Check all that apply and specify name of the "parent with legal authority" or "legal guardian"):

- a. parent with legal authority legal guardian (specify name): _____
- b. parent with legal authority legal guardian (specify name): _____
- c. parent with legal authority legal guardian (specify name): _____
- d. I am not a minor a minor, but have no parent, parent capable of consenting, or legal guardian.

Person in 2 (Check all that apply and specify name of the "parent with legal authority" or "legal guardian"):

- a. parent with legal authority legal guardian (specify name): _____
- b. parent with legal authority legal guardian (specify name): _____
- c. parent with legal authority legal guardian (specify name): _____
- d. I am not a minor a minor, but have no parent, parent capable of consenting, or legal guardian.



7 I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: _____

Person in **1** signs here

Date: _____

Person in **2** signs here

When you file this request, the court must determine whether to grant permission for you to marry or establish a domestic partnership.

1. Unless the minor is 17 years of age and has achieved a high school diploma or high school equivalency certificate, the law requires that all of the following be completed *before* the court can make a decision in your case:

a. **Family Court Services must:**

- (1) Interview the parties separately.
- (2) Interview at least one of the parents or the guardians of each party who is a minor if the minor has a parent or guardian who has legal authority to consent to the minor's intended marriage or domestic partnership.

If the minor has more than one parent or guardian with legal authority, Family Court Services must interview them separately.

- (3) Prepare a written report based on the information collected from the interviews and give it to the court.

b. **The judge must:**

- (1) Review the report and recommendations written by Family Court Services;
- (2) Interview each of the parties separately and privately; and
- (3) Make an order on the request to marry or establish a domestic partnership.

2. Court Order

The court will make an order on the party's request using *Order and Notices to Minor on Request to Marry or Establish a Domestic Partnership* ([form FL-915](#)). Important notices are included with the order. You may want to review the notices before you file the petition.

3. Order for counseling

If the court considers it necessary, and the court determines that the parties can afford it, the law allows the judge to require the parties to participate in counseling before obtaining a marriage license or establishing a domestic partnership. As to this order:

- a. The counseling must relate to the social, economic, and personal responsibilities incident to marriage or domestic partnership.
- b. The court must consider, among other factors, the ability of the parties to pay for counseling before ordering the parties to attend counseling.
- c. The court cannot order the parties to participate in counseling that is provided by religious organizations of any denomination.
- d. The court may require the parties to pay a reasonable fee to cover the cost of any counseling provided by the county or the court.

4. Data collection

Gender: Parties are not required to specify their gender on form FL-910. If the parties volunteer this information, the court must include it in the order.

Age: The parties must specify their ages on form FL-910. By law, the court order must include this information in the order.

The judge does not use the age and gender information in form FL-910 to make the order.

The parties' ages are reported to the State Registrar or the Secretary of State to allow them to document and update each year the number of recorded marriages and domestic partnerships in which one or both of the parties were minors at the time the parties married or registered the domestic partnership.

Clerk stamps date here when form is filed.

**NOT APPROVED
BY THE JUDICIAL
COUNCIL
2-14-2019**

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed:

Case Number:

1 Minor Requesting Court Order

Name: _____
Address: _____
City: _____ State: _____ Zip: _____
Telephone number: _____

2 Minor's Proposed Spouse or Domestic Partner

Name: _____
Address: _____
City: _____ State: _____ Zip: _____
Telephone number: _____

3 Minor's Parent With Legal Authority or Legal Guardian

Name: _____
I am the (check one): parent with legal authority legal guardian
of the minor in (check one): ① ②
Address: _____
City: _____ State: _____ Zip: _____
Telephone number: _____

*Use a separate form for each parent with legal authority or legal guardian
who is giving written consent to the minor's intended marriage or domestic
partnership.*

4 Consent

- a. I consent to my child's intended (check all that apply): marriage domestic partnership.
- b. I understand that Family Court Services may be required to interview me before the court makes an order in this case. I authorize Family Court Services to contact me using the information provided in ③.
- c. Other (specify): _____

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: _____



Person in ③ signs here

Order and Notices to Minor on Request to Marry or Establish a Domestic Partnership

Clerk stamps date here when form is filed.

DRAFT

**NOT APPROVED
BY THE JUDICIAL
COUNCIL**

2-14-2019

1 Minor Requesting Court Order

Name: _____ Date of birth: _____
Gender: Male Female Nonbinary Not provided
Address: _____
City: _____ State: _____ Zip: _____
Telephone number: _____

2 Minor's Proposed Spouse or Domestic Partner

Name: _____ Date of birth: _____
Gender: Male Female Nonbinary Not provided
Address: _____
City: _____ State: _____ Zip: _____
Telephone number: _____

3 Your Lawyer's Information (If you have a lawyer):

Name: _____ State Bar No.: _____
Firm Name: _____
Address: _____
Telephone number: _____ E-Mail Address: _____

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

4 Review. The court has considered:

- a. The *Request of Minor to* *Marry* *Establish a Domestic Partnership*
- b. The written consent from each minor's parent with legal authority or legal guardian.
- c. The written report submitted to the court by Family Court Services.
- d. The court's own separate and private interview of the parties.
4c and 4d do not apply if the minor is 17 years of age and has achieved a high school diploma or a high school equivalency certificate.
- e. The ability of the parties to pay for counseling.
- f. Other (*specify*): _____

5 Findings. The court makes the following findings:

- a. There is is not evidence of force, threat, persuasion, fraud, coercion, or duress on the minor relating to the intended marriage or domestic partnership.
- b. The minor in ① ② does not have a parent, parent capable of consenting, or a legal guardian.
- c. This couple has does not have the ability to pay for premarital or prepartnership counseling.
- d. Other (*specify*): _____

6 Hearing Required

The court is considering whether it is in the best interest of the person or persons under 18 years of age to marry or establish a domestic partnership at this time. The matter is scheduled for a hearing on

**Hearing
Date**

→ Date: _____ Time: _____ a.m. p.m.
Dept./Rm. or Address: _____

This is a Court Order.



7 The court makes the following orders:

- a. This couple may get married if they meet all other requirements to get a marriage license.
- b. This couple may establish a domestic partnership if they meet all other requirements to file a Declaration for Domestic Partnership with the Secretary of State.
- c. After considering the ability of the couple to pay for counseling, the court orders that this couple must go to counseling to learn about the social, economic, and personal responsibilities of being in a marriage or domestic partnership.
 - This couple must show a certificate of completion of counseling in c. before permission is granted.
- d. This couple may not get married or establish a domestic partnership at this time.
- e. Other (*specify*):

8 Other (*specify*):

Date: _____

Judicial Officer

What to do with this order.

- 1 File it with the court.** This order must be filed with the clerk of the court where your case is filed.
- 2 Get certified copies.** Make copies of the signed order and ask the clerk of the court where your case is filed to certify the copies.
- 3 Apply for the license to marry or register a domestic partnership.**
For marriages, present a certified copy of the order to the county clerk at the time you apply for the marriage license. For domestic partnerships, present the certified copy of the order to the Secretary of State (with the Declaration of Domestic Partnership) at the time the domestic partnership is registered.
- 4 Keep copies.** Keep copies of the order and other documents for your records.

Is there a waiting period before we can request a marriage license or file a declaration of domestic partnership?

YES The parties **MUST** wait 30 days from the date the court made the order granting permission to marry or establish a domestic partnership before filing a marriage license or filing a declaration of domestic partnership.

NO There is **NO** waiting period if a minor in the relationship is:
17 years of age and has a high school diploma or a high school equivalency certificate.

OR

16 or 17 years of age and is pregnant or whose prospective spouse or domestic partner is pregnant.

This is a Court Order.

1 Where to get help

This notice gives you only basic information and is not legal advice. If you want legal advice, ask a lawyer for help. You may:

Contact the family law facilitator or self help center in your court for information, court forms, and referrals to local legal resources. For more information, see courts.ca.gov/courtresources.

Find a lawyer through a certified lawyer referral service on the State Bar of California's website: calbar.ca.gov/LRS or by calling 866-442-2529 (toll-free).

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

Find information on the California Courts Online Self-Help Center website: courts.ca.gov/selfhelp.

Find free and low-cost legal help (if you qualify) at lawhelpcalifornia.org.

Find information at your local law library or public library.

National Domestic Violence Hotline
 For a referral to a local domestic violence or legal assistance program, call the National Domestic Violence Hotline at:

 1-800-799-7233 (TDD: 1-800-787-3224).

 It's free and private. They can help you in more than 100 languages.

National Sexual Assault Hotline
 Anyone affected by sexual assault, whether it happened to you or someone you care about, can find support by contacting the National Sexual Assault Hotline at:

 1-800-656.HOPE (4673).

 You can also visit rainn.org to receive online support by confidential online chat.

2 What it means to be an emancipated minor

If you are under the age of 18 years and have an order allowing you to marry or register a domestic partnership, you are considered to be an emancipated minor when you have entered into a valid marriage or domestic partnership.

When you are emancipated, you are no longer under the care and control of your parents or legal guardian. If you are a dependent or ward of the juvenile court, your legal status also changes when you are emancipated. This affects certain rights relating to you and your parents or legal guardians. For example,

- You give up the right to financial support from your parents or legal guardians.
- Your parents or legal guardians lose the right to control your finances, and they are no longer required to support you.

3 Rights of an emancipated minor

As specified in Family Code sections 7050 to 7052, as an emancipated minor, you have the right to:

- Decide where you want to live;
- Enroll yourself in school;
- Apply for a work permit;
- Make or revoke a will;
- Keep the money you earn;
- Decide how to spend the money you earn;
- Enter into contracts, get a bank loan or credit card;
- File a lawsuit or be sued in your own name ;
- Consent to your own medical, dental and psychiatric care; and
- Buy, sell, lease, exchange, or transfer any interest you have in real estate or personal property.

4 Other rights of an emancipated minor

With respect to shares of stock in a domestic or foreign corporation, a membership in a nonprofit corporation, or other property held by an emancipated minor, you may do all of the following:

- Vote in person, and give proxies to exercise any voting rights, with respect to the shares, membership, or property;
- Waive notice of any meeting or give consent to the holding of any meeting; and
- Authorize, ratify, approve, and affirm any action that could be taken by shareholders, members, or property owners.

5 Limits on the rights of an emancipated minor

Even if you have been declared an emancipated minor:

- You must still attend school as required by law.
- If you are charged with a crime, your case will be in the Juvenile Court.
- Labor laws relating to minors still apply to you and prevent you from performing dangerous kinds of work.
- You must still meet the age requirements in California for obtaining a driver's license.
- You cannot consent to sexual intercourse with anyone who is not your legal spouse or domestic partner. This means that any other adult who has sex with an emancipated minor can still be prosecuted for unlawful sexual intercourse with a minor.

6 Alternatives to emancipation

As an alternative to emancipation, you can consider:

- Family counseling to help improve your relationship with your parents while living with them.
- Obtaining an order to make someone you trust your legal guardian until you become 18 years old.
- Getting help from public or private agencies in your area.
- Making an informal agreement with your parents that allows you to live with someone else. Note: The law allows the caregiver to enroll you in school and obtain basic medical care for you by completing a Caregiver's Authorization Affidavit, even if the caregiver does not have a court order for child custody. The affidavit can be found online at <http://www.courts.ca.gov/documents/caregiver.pdf>

7 Rights of *unemancipated* minors

A minor who is 12 years or older may file for a domestic violence restraining order in the minor's own name.

A minor may consent to the matters provided in Family Code sections 6920 to 6929, subject to certain limitations, and the consent of the minor's parent or legal guardian is not necessary. For example:

Mental health treatment, outpatient counseling, emergency residential shelter service

A minor who is 12 years of age or older may consent to mental health treatment or counseling on an outpatient basis, or to residential shelter services or other supportive services on a temporary or emergency basis. Both of the following requirements must be satisfied:

- (1) The minor, in the opinion of the attending professional person, is mature enough to participate intelligently in the outpatient services or residential shelter services.
- (2) The minor (A) would present a danger of physical or mental harm to self or to others without the mental health treatment or counseling or residential shelter services, or (B) is the alleged victim of incest or child abuse.

Other treatment

- (1) A minor who is 12 years of age or older may consent to medical care and counseling relating to the diagnosis and treatment of a drug- or alcohol-related problem, prevention of a sexually transmitted disease, or prevention or treatment of pregnancy.
- (2) A minor may make a contract in the same manner as an adult. However, the contract can be disaffirmed if the law so permits.
- (3) Minors may never (A) give a delegation of power (B) contract relating to real property, or (C) contract relating to personal property not within the minor's immediate possession or control.

8 Annulments: void marriage or domestic partnership

The law describes circumstances in which a marriage or domestic partnership is void (not legally valid) from the very beginning.

Bigamous relationship: One or both people are already married to (or in a registered domestic partnership with) someone else. For more information, see Family Code section 2201.

Incestuous relationship: This is a marriage or partnership between two people who are close blood relatives. See Family Code section 2200.

9 Annulments: voidable marriage or domestic partnership

Family Code section 2210 describes circumstances in which a marriage or domestic partnership can be declared invalid (or voidable). The following must have taken place at the time the parties married or registered the domestic partnership:

Under age: The person filing for annulment was under 18 years old.

Unsound mind: Either party was unable to understand the nature of the marriage or domestic partnership, including the obligations that come with it.

Fraud: Either party decided to marry or register the domestic partnership as a result of fraud. The party was deceived about something vital to the relationship that directly affected the decision to marry or become a domestic partner. Some examples are hiding the inability to have children or just wanting to get a green card.

Force: Either party was forced to consent.

Physical incapacity: One of the parties was physically incapable of "consummating" the relationship (having sexual intercourse) and the incapacity appears to be "incurable."

Prior existing marriage or domestic partnership: The marriage or domestic partnership took place after the former spouse or domestic partner was absent for five years and not known to be living, or was thought to be dead.

Note: See Family Code section 2211 for the time limits for filing to nullify a voidable legal relationship.

10 How to annul a marriage or domestic partnership

There are a number of forms and steps to complete when filing for annulment. For information and procedures for filing and responding to an annulment case that is filed in family court, you can:

- Visit the California Courts Online Self-Help Center at www.courts.ca.gov/1037.htm#legal.
- Talk to a lawyer. For help finding a lawyer, go to www.courts.ca.gov/selfhelp-findlawyer.htm.
- Visit your local court's self-help center at www.courts.ca.gov/selfhelp-selfhelpcenters.htm.

11 How to end a marriage, domestic partnership, or both

Dissolution (Divorce): A divorce judgment ends your marriage or domestic partnership, or both. You will be legally a single person again. In a divorce case you can ask the judge to make orders about parenting issues, child support, spousal or partner support, and dividing property and debts.

Legal Separation: A legal separation does not end a marriage or domestic partnership. A couple may decide to file for legal separation instead of a divorce for religious reasons, financial reasons, or because they just want to live apart and have court orders about money, property, and parenting issues.

For information about divorce and legal separation, including the procedures for filing in family court to to www.courts.ca.gov/selfhelp-divorce.htm.

Read *Legal Steps for a Divorce or Legal Separation* (form FL-107-INFO). This form can be found online at www.courts.ca.gov/documents/fl107info.pdf.

Summary Dissolution: This type of action is available for couples who have been married or domestic partners for less than five years, do not have children together, do not seek an order for support, do not own real estate or land, and have limited debts and property. For more information, go to:

- <http://www.courts.ca.gov/1241.htm>;
- <http://www.courts.ca.gov/1242.htm>; and
- <http://www.courts.ca.gov/16430.htm>.