

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

455 Golden Gate Avenue  
San Francisco, California 94102-3688

**Report**

TO: Members of the Judicial Council

FROM: Family and Juvenile Law Advisory Committee  
Hon. Mary Ann Grilli and Hon. Susan D. Huguenor, Co-chairs  
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DATE: September 20, 2004

SUBJECT: Family Law: Privacy Notices and Domestic Partnership Dissolution,  
Legal Separation, and Annulment Procedures (adopt Cal. Rules of  
Court, rule 5.28; amend rule 5.102; adopt forms FL-103 and FL-123;  
approve form FL-316; revise forms FL-100, FL-110, FL-115, FL-117,  
FL-120, FL-142, FL-145, FL-150, FL-160, FL-165, FL-170, FL-180,  
FL-190, FL-310, FL-311, FL-341, FL-341(B), FL-341(C), FL-341(D),  
FL-341(E), FL-343, FL-344, FL-345, FL-435, and FL-450)  
(Action Required)

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Issue Statement

This proposal contains rules and forms from two separate circulations for comment which address two separate legislative mandates as they contain many overlapping forms. Assembly Bill 205 (Stats. 2003, ch. 421), the California Domestic Partner Rights and Responsibilities Act of 2003, modifies the procedures for terminating domestic partnerships. Proposed rules 5.28 and 5.102 would make explicit the forms to be used for terminating a domestic partnership and would identify the parties to the proceeding. The proposed new and revised forms would be used by domestic partners to obtain a dissolution, a legal separation, or an annulment under the new statute.

Urgency legislation enacted on June 7, 2004, Assembly Bill 782 (Stats. 2004, ch. 45), requires the Judicial Council to add notices to family law forms that parties may redact their social security numbers from all written materials in their case other than forms to enforce child or spousal support. The legislation further requires the council to add a question to forms in which parties list their assets and debts, asking whether identifying or locating information is available on those forms. This question is designed to allow either party to request that the form containing such identifying information be placed under seal. The attached forms include these required

changes. Also, a new form is proposed to simplify the process of sealing forms covered under this statute.

### Recommendation

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective January 1, 2005, adopt rule 5.28 of the California Rules of Court; amend rule 5.102; adopt forms FL-103, FL-123 and FL-316; and revise forms FL-100, FL-110, FL-115, FL-117, FL-120, FL-142, FL-145, FL-150, FL-160, FL-165, FL-170, FL-180, FL-190, FL-310, FL-311, FL-341, FL-341(B), FL-341(C), FL-341(D), FL-341(E), FL-343, FL-344, FL-345, FL-435, and FL-450 to allow domestic partners to obtain a dissolution, a legal separation, or an annulment and to provide privacy protections to family law litigants.

The text of the proposed rules and copies of the proposed forms are attached at pages 10–65.

### Rationale for Recommendation

This proposal contains rules and forms that were circulated in two separate cycles, one the regular spring cycle, and one a special cycle to respond to urgency legislation as they contain overlapping forms. The first circulation responded to legislative requirements regarding the dissolution of domestic partnership. The second, special circulation, responded to legislation regarding privacy notices.

### *Domestic Partnership Rules and Forms*

AB 205 contains many provisions designed to provide domestic partners with the same rights and responsibilities as spouses. Specifically, new Family Code section 299(d) provides that “dissolution of a domestic partnership, nullity of a domestic partnership, and legal separation of partners in a domestic partnership shall follow the same procedures, and the partners shall possess the same rights, protections, and benefits, and be subject to the same responsibilities, obligations, and duties, as apply to the dissolution of marriage, nullity of marriage, and legal separation of spouses in a marriage. . . .”

Proposed new rule 5.28 indicates that, other than the initial petition and response, the same forms are to be used for dissolutions, legal separations, and annulments of domestic partnerships as are used for dissolutions, legal separations, and annulments of marriages. In addition, pending the revision of all family law forms and rules, rule 5.28(b) would make it clear that in any family law rules or forms the terms “spouse,” “husband,” “wife,” “father,” “mother,” “marriage,” and “marital status” should be considered to encompass “domestic partner,” “parent,” or “domestic partnership,” as applicable.

Rule 5.102 would be amended to reflect the fact that domestic partners can file for dissolution, legal separation, or annulment of their domestic partnership and to indicate that the parties to those proceedings are the domestic partners themselves.

The forms required for dissolution, legal separation, and annulment have been reviewed to determine whether they are gender-neutral and the revisions that would be required to allow their use for termination of a domestic partnership. Most family law forms do not need to be revised, since they use the gender-neutral terms “petitioner” and “respondent” rather than “husband” and “wife” or “mother” and “father.” Those that are not gender neutral would be modified accordingly. All forms that refer to “spousal support” would be modified to refer to “partner or spousal support.” Custody and visitation forms FL-311, FL-341, FL-341(B), FL-341(C), FL-341(D), and FL-341(E) would be revised to refer to “petitioner” and “respondent” rather than to “mother” and “father.”

The committee recommends that the same forms be used for dissolutions, legal separations, and annulments of domestic partnerships as are used for dissolutions, legal separations, and annulments of marriages – with two exceptions. The unique forms *Petition – Domestic Partnership (Family Law)* (form FL-103) and *Response – Domestic Partnership (Family Law)* (form FL-123) should be adopted because of procedural differences between a divorce of married persons and a divorce of domestic partners.

Those differences concern residency of parties and voluntary declarations of paternity. Specifically, Family Code section 299(d) provides that, “in accordance with the consent acknowledged by domestic partners in the Declaration of Domestic Partnership form, proceedings for dissolution, nullity, or legal separation of a domestic partnership registered in this state may be filed in the superior courts of this state even if neither domestic partner is a resident of, or maintains a domicile in, the state at the time the proceedings are filed.” Therefore questions about residence of the parties are required only for those who established their domestic partnership or the equivalent outside the state of California. Additionally, voluntary declarations of paternity would not be used for parents of the same gender; thus, questions regarding those declarations have been eliminated from forms FL-103 and FL-123.

The committee followed the direction of section 15 of AB 205 to construe the act “liberally in order to secure to eligible couples who register as domestic partners the full range of legal rights, protections and benefits, as well as all of the responsibilities, obligations, and duties to the other, to their children, to third parties and to the state, as the laws of California extend to and impose upon spouses.” All procedural protections – such as the requirement in Family Code section 2100 et seq. to disclose all assets, debts, income, expenses and business opportunities to the other spouse – are therefore applied to domestic partners.

Family Code section 299(a) sets out a procedure for an administrative termination of a domestic partnership with the Secretary of State if the parties meet the requirements of that section. Those statutory requirements parallel the restrictions on summary dissolution of a marriage set out in Family Code section 2400. Since the

forms for summary dissolution (FL-800 through FL-830) would not be used in cases involving domestic partners, they have not been revised.

Certain additional technical changes to the forms are proposed, including a reference to the new Servicemembers Civil Relief Act of 2003 in place of the Soldiers' and Sailors' Civil Relief Act of 1940.

Although all forms used in dissolution, legal separation, and annulment have been reviewed, the forms for governmental child support and simplified support modification are not proposed for change at this time because they are slated for more significant revisions in January 2006 as part of the plain-language project. Any changes necessary to make those forms gender - neutral will be proposed at that time.

#### *Privacy Notices Forms*

Assembly Bill 782 (Kehoe; Stats. 2004, ch. 45) was chaptered as urgency legislation on June 7, 2004. It repealed Family Code section 2024.5, which required the Judicial Council to develop a form to be filed with any petition or first responsive pleading in a dissolution, legal separation, or nullity action that lists the social security numbers (known to the party) of the petitioner, the respondent, and any minor child of the parties. Form FL-102, *Confidential Declaration of Social Security Numbers (Family Law)*, which was designed to meet that requirement and was approved by the Judicial Council to take effect July 1, 2004, was repealed by the council on June 23, 2004. AB 782 also added new Family Code sections 2024.5 and 2024.6.

New Family Code section 2024.5 provides that a party may redact any social security number from any written material filed with the court regarding a petition for dissolution of marriage, nullity, or legal separation. The section directs that the "Judicial Council form used to file such a petition, or a response to such a petition, shall contain a notice that the parties may redact any social security numbers from those pleadings, attachments, documents, or other material filed with the court." Family Code section 2024.5(b) makes an exception to prevent a party from redacting a social security number from an *Abstract of Support Judgment* (form FL-480) or any similar form created for the purpose of collecting child or spousal support payments. The Family and Juvenile Law Advisory Committee proposes that the *Petition (Family Law)* (form FL-100) and *Response (Family Law)* (form FL-120) be revised to provide notices to the parties that they may redact their social security numbers from any written material filed with the court in their case other than a form used to collect child or spousal support.

Five other changes were proposed to forms FL-100 and FL-120. The first is to move the notice regarding the interest charged on delinquent child support from the first page to the second page (to become item 7 of the *Petition* and item 10 of the *Response*), where it follows the notice regarding ordering child support.

The second is to delete item 5(b) regarding community property, which provides an option for a party to state that “All such assets and debts have been disposed of by written agreement.” Under Family Code section 2105, the parties must exchange final declarations of disclosure or waive those declarations before they can enter into an agreement for the resolution of property or support orders, other than temporary support. Under Family Code section 2104, they cannot serve a preliminary declaration for disclosure until the service of the *Petition*. Thus, this item is misleading.

The third proposed change is to modify the requests regarding child visitation, at item 7(c) in the *Petition* and 9(c) in the *Response*, to indicate that the parties may file attachments regarding more specific custody and visitation options.

A fourth change is to clarify at item 8 in the *Petition* and item 10 in the *Response* that, in order to make orders regarding child support, the court will need additional information about the finances of the parties. This is designed to address a concern that parties incorrectly assume, based on the current language, that the court will make child support orders on its own motion.

The fifth change is to add a new item 7 to the *Response* (form FL-120) to allow the respondent to allege that there never was a legal marriage.

The committee proposes that domestic partnership forms be similarly revised. While Family Code section 2045.5 specifically refers only to petitions for dissolution of marriage, nullity of marriage, or legal separation, Family Code section 299(d), which will become effective January 1, 2005, provides that “the dissolution of a domestic partnership, nullity of a domestic partnership, and legal separation of partners in a domestic partnership shall follow the same procedures, and the partners shall possess the same rights, protections, and benefits, and be subject to the same responsibilities, obligations, and duties, as apply to the dissolution of marriage, nullity of marriage, and legal separation of spouses in a marriage. . . .” The committee proposes that forms FL-103, *Petition –Domestic Partnership (Family Law)* and FL-123, *Response–Domestic Partnership (Family Law)* (form FL-123), contain the same notices regarding social security numbers and otherwise be conformed to the petition and response for dissolution, legal separation, and nullity of marriage.

Thus, several forms that were circulated in the set of domestic partnership forms described above were recirculated with the proposed privacy notices and modifications made as a result of the comments received when those forms were originally circulated between April 4, 2004, and June 4, 2004.

New Family Code section 2024.6(b) mandates that the Judicial Council form used to declare the assets and liabilities of the parties in a proceeding for dissolution of marriage, nullity of marriage, or legal separation of the parties require the party filing

the form to state whether the form contains identifying or locating information on the assets and liabilities listed.

The Judicial Council forms used for this purpose are the *Property Declaration (Family Law)* (form FL-160) and *Schedule of Assets and Debts (Family Law)* (form FL-142). An additional question is proposed for the *Property Declaration*, asking the person completing the form whether the form contains identifying information about the assets and debts listed. However, the *Schedule of Assets and Debts* is designed as an attachment to *Form Interrogatories (Family Law)*(form FL-145) or *Declaration of Disclosure* (form FL-140) neither of which are filed with the court. Without identifying information, form FL-142 would not be particularly helpful; thus, a warning that the form should not be filed with the court has been added.

The *Income and Expense Declaration* (form FL-150) requests information about the debts that the litigant is paying, including to whom the debt is owed, and the balance of the debt. An additional question has been added to determine whether identifying information is contained in the declaration. The admonition on the first and second pages of the form to cross out the social security number on any pay stub submitted as an attachment would be in bold. The *Financial Statement – Simplified* (form FL-155) requests no information about the debts of the parties and already has a boldface warning regarding crossing out social security numbers on attached pay stubs, so no changes are recommended for that form.

Two additional Judicial Council forms, *Property Order Attachment to Findings and Order After Hearing (Family Law)* (form FL-344) and *Property Order Attachment to Judgment (Family Law)* (form FL-345), may contain identifying information about or location of the assets and debts of a party. An additional question is proposed for each form, asking the person completing the form whether it contains identifying information about the assets and debts listed.

New Family Code section 2024.6(a) provides that, “[u]pon request by a party to a petition for dissolution of marriage, nullity of marriage, or legal separation, the court shall order a pleading that lists the parties’ financial assets and liabilities and provides the location or identifying information about those assets and liabilities sealed. The request may be made by ex parte application.” To assist parties in sealing the affected documents, the committee proposes new optional form *Ex Parte Application and Order to Seal Financial Forms in Court File (Family Law)* (form FL-316). This form is designed to state the basis for the application and list the specific forms to be sealed. It would assist court clerks in locating the forms and make it clear that the entire file is not to be sealed. It would also help clarify that this procedure for sealing is one of the exceptions noted in rule 243.1(a)(2) of the California Rules of Court.

### Alternative Actions Considered

A separate set of forms for domestic partnerships was considered but was rejected because it would involve the creation of so many new forms and make updating problematic.

### Comments From Interested Parties

An invitation to comment on the proposal containing forms for the domestic partnership dissolution, legal separation, and annulment forms was circulated from April 5, 2004, through June 4, 2004, to the standard mailing list for family and juvenile law proposals as well as to the regular rules and forms mailing list. Together these lists include judges, court administrators, attorneys, social workers, probation officers, mediators, and other family and juvenile law professionals. The proposal was also circulated to legal services organizations and the Judicial Council's Access and Fairness Advisory Committee.

An invitation to comment on the proposal containing forms for privacy notices on family law forms was circulated to the same recipients in a special cycle from July 30 through August 20, 2004.

### *Comments on Domestic Partnership Forms*

Seven written comments were received. Six commenters agreed with the proposal on the condition that the forms be modified. One agreed without requesting changes. None disagreed. A chart of the comments received and the committee's responses is attached at pages 66-71.

One commenter suggested that there should be a separate set of forms for persons in domestic partnerships, to minimize confusion among persons filing for divorce. The committee considered this option but did not want to propose adopting the 20 or more new Judicial Council forms that would be required for a separate procedure for domestic partnership dissolutions and legal separations. All family law forms are potentially used by domestic partners, and the clear intention of the law is to follow the same procedures as for married couples. For the most part, the changes to the existing forms are minor and do not seem to add as much complexity as a separate set of forms would.

Two commenters pointed out a typographical error in which the term "spousal support" remained in a provision that should have referred to "partner support." That error has been corrected. Another suggested that space for a telephone number be added to form FL-117, *Notice of Acknowledgment and Receipt*, so that the court might verify the litigant's awareness that a default is being entered. Another commenter noted that the Spanish translation is inaccurate, which is true since the translation will not be completed until the English version is finalized.

That commenter also raised the question of whether "physical incapacity" could be a ground for annulment in a case of a same-sex couple. The committee determined

that, while this issue might be one for ultimate determination by the courts, it appears that the statutory provisions and case law noted in *Stepanek v. Stepanek* (1961) 193 Cal.App.2d 760 (1961) indicate that the standard for incapacity is not procreation but whether the parties were able to consummate their relationship. Thus, physical incapacity may indeed be a ground for annulment of a same-sex domestic partnership. Additionally, Family Code section 297(b)(5)(B) provides that heterosexual couples may be domestic partners in some situations. Physical incapacity would clearly be an appropriate ground for those couples, as well.

Another commenter noted that the waiver of residency requirements pertains only to cases involving those who established their domestic partnership in California. The committee modified the forms accordingly. That commenter also raised concerns about listing the optional forms to establish terms of visitation and custody. The committee made changes to the form to clarify that attaching those forms is optional.

#### *Comments on Privacy Notices*

Twenty-four comments were received in response to the special circulation of privacy notices. All commenters agreed with the basic changes, and many had specific suggestions for improvements to the forms. A number of commenters noted that they were pleased to see these new privacy protections offered to family law litigants. A chart of the comments received and the committee's responses is attached at pages 72-94.

Many of the suggestions involved moving lines, rephrasing questions to make them easier for self-represented litigants to answer, and making other fairly technical changes. These changes were considered and generally accepted as noted in the comment chart attached. A few comments related to the domestic partnership forms, and they were analyzed in the same manner as the comments described above.

Several questions were raised about the new procedures for sealing documents. Based upon review of the statute, the committee determined that parties should be required to file an *Ex Parte Application and Order to Seal Financial Forms* (form FL-316) listing specific forms, rather than make a blanket request for the sealing of any document with identifying or location information filed in the future. A blanket procedure also would be more challenging for clerks and would potentially impose more than ministerial duties upon them. Check boxes have been added to the order proposed on form FL-316 so that a judge can more easily identify which forms should be sealed.

In addition, the committee determined that, according to the terms of the statute, any pleading that one party requests sealed must be served on the other party. The committee has also added a requirement to form FL-316 that parties lodge with the court clerk, a copy of any previously filed document that they want sealed to make it easier for judges to identify which documents should be sealed.



Based on the comments, the committee has added the question regarding whether the pleading contains identifying or locating information to the proposed *Judgment (Family Law)* (form FL-180). It also added a sentence to that question, notifying litigants that if the document does contain identifying information, that form may be sealed by filing an *Ex Parte Application and Order to Seal Financial Forms* (form FL-316).

One commenter suggested that a form to request that a document be “unsealed” be developed. The committee agreed to propose such a form for the July 1, 2005 cycle.

#### Implementation Requirements and Costs

The costs associated with this proposal are the costs of printing new forms and sealing portions of files. These costs are required by the statute.

Attachments

Rule 5.28 of the California Rules of Court is adopted and rule 5.102 is amended, effective January 1, 2005, to read:

1 **Rule 5.28 Domestic partnerships**

2  
3 **(a) [Procedures for obtaining a dissolution, a legal separation, or an**  
4 **annulment of a domestic partnership]**

- 5  
6 (1) Form FL-103, *Petition—Domestic Partnership (Family Law)* must be filed  
7 to commence an action for dissolution, legal separation, or annulment of a  
8 domestic partnership. Form FL-123, *Response—Domestic Partnership*  
9 (*Family Law*), must be filed in response to this petition.  
10  
11 (2) All other forms and procedures used for the dissolution, legal separation,  
12 or annulment of a domestic partnership are the same as those used for the  
13 dissolution, legal separation, or annulment of a marriage, except that  
14 parties who qualify for a “Notice of Termination of Domestic Partnership”  
15 under Family Code section 299 must follow that procedure rather than file  
16 a summary dissolution proceeding with the superior court.

17  
18 **(b) [Terminology for rules and forms]**

19  
20 For the purposes of family law rules and forms, the terms “spouse,” “husband,”  
21 and “wife” encompass “domestic partner.” The terms “father” and “mother”  
22 encompass “parent.” The terms “marriage” and “marital status” encompass  
23 “domestic partnership” and “domestic partnership status,” respectively.  
24  
25

26 **Rule 5.102 Parties to proceeding**

- 27  
28 (a) Except as provided in ~~(b)~~ (c) or in rules 5.150 through 5.160, the only  
29 persons permitted to be parties to a proceeding for dissolution, legal  
30 separation, or nullity of marriage are the husband and wife.  
31  
32 (b) Except as provided in (c) or in rules 5.150 through 5.160, the only persons  
33 permitted to be parties to a proceeding for dissolution, legal separation, or  
34 nullity of domestic partnership are the domestic partners.  
35  
36 ~~(b)~~ (c) In a nullity proceeding commenced by a person specified in Family  
37 Code section 2211, other than a proceeding commenced by or on behalf of  
38 the husband or wife in a marriage or one of the domestic partners in a  
39 domestic partnership, the person initiating the proceeding is a party and the  
40 caption on all papers must be suitably modified to reflect that fact.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):   TELEPHONE NO. : _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	<b>FOR COURT USE ONLY</b>  <h1 style="margin: 0;">DRAFT 23</h1> <h1 style="margin: 0;">9.28.04 xyz</h1>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
<b>DOMESTIC PARTNERSHIP OF</b> PETITIONER:  RESPONDENT:	
<b>PETITION FOR</b> <input type="checkbox"/> <b>Dissolution of Domestic Partnership</b> <input type="checkbox"/> <b>Legal Separation of Domestic Partnership</b> <input type="checkbox"/> <b>Nullity of Domestic Partnership</b>	CASE NUMBER: _____
<input type="checkbox"/> <b>AMENDED</b>	

1. STATISTICAL FACTS
  - a. Date of registration of domestic partnership or equivalent:
  - b. Date of separation:
  - c. Time from date of registration of domestic partnership to date of separation (specify): \_\_\_\_\_ Years \_\_\_\_\_ Months
  
2. RESIDENCE (Partnerships established out of state only)
  - a.  Our domestic partnership was established in another state (specify state):
  - b.  Petitioner  Respondent has been a resident of this state of California for at least six months and of this county for at least three months immediately preceding the filing of this *Petition for Dissolution of Domestic Partnership*.
  
3. DECLARATION REGARDING MINOR CHILDREN (include children of this relationship born prior to or during this domestic partnership or adopted during this domestic partnership):
  - a.  There are no minor children.
  - b.  The minor children are:
 

<u>Child's name</u>	<u>Birthdate</u>	<u>Age</u>	<u>Sex</u>

Continued on Attachment 3b.

  - c. If there are minor children of the petitioner and respondent, a completed *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)* (form FL-105) must be attached.
  
4. SEPARATE PROPERTY
 

Petitioner requests that the assets and debts listed  in *Property Declaration* (form FL-160)  in Attachment 4  below be confirmed as separate property.

Item \_\_\_\_\_ Confirm to \_\_\_\_\_

**NOTICE: You may redact (black out) social security numbers from any written material filed with the court in this case other than a form used to collect child or partner support.**

DOMESTIC PARTNERSHIP OF <i>(Last name, first name of each party):</i>	CASE NUMBER:
-----------------------------------------------------------------------	--------------

5. DECLARATION REGARDING COMMUNITY AND QUASI-COMMUNITY ASSETS AND DEBTS AS CURRENTLY KNOWN

- a.  There are no such assets or debts subject to disposition by the court in this proceeding.
- b.  All such assets and debts are listed  in *Property Declaration* (form FL-160)  in Attachment 5b.  
 below *(specify)*:

6. **Petitioner requests**

- |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>a. <input type="checkbox"/> dissolution of the domestic partnership based on</p> <p>(1) <input type="checkbox"/> irreconcilable differences. (Fam. Code, § 2310(a).)</p> <p>(2) <input type="checkbox"/> incurable insanity. (Fam. Code, § 2310(b).)</p> <p>b. <input type="checkbox"/> legal separation of the domestic partnership based on</p> <p>(1) <input type="checkbox"/> irreconcilable differences. (Fam. Code, § 2310(a).)</p> <p>(2) <input type="checkbox"/> incurable insanity. (Fam. Code, § 2310(b).)</p> <p>c. <input type="checkbox"/> nullity of void domestic partnership based on</p> <p>(1) <input type="checkbox"/> incest. (Fam. Code, § 2200.)</p> <p>(2) <input type="checkbox"/> bigamy. (Fam. Code, § 2201.)</p> | <p>d. <input type="checkbox"/> nullity of voidable domestic partnership based on</p> <p>(1) <input type="checkbox"/> petitioner's age at time of registration of domestic partnership. (Fam. Code, § 2210(a).)</p> <p>(2) <input type="checkbox"/> prior existing marriage or domestic partnership. (Fam. Code, § 2210(b).)</p> <p>(3) <input type="checkbox"/> unsound mind. (Fam. Code, § 2210(c).)</p> <p>(4) <input type="checkbox"/> fraud. (Fam. Code, § 2210(d).)</p> <p>(5) <input type="checkbox"/> force. (Fam. Code, § 2210(e).)</p> <p>(6) <input type="checkbox"/> physical incapacity. (Fam. Code, § 2210(f).)</p> |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

7. **Petitioner requests** that the court grant the above relief and make injunctive (including restraining) and other orders as follows:

- |                                                                                                                                                                                                                                        | Petitioner               | Respondent               | Joint                    | Other                    |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| a. Legal custody of children to .....                                                                                                                                                                                                  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Physical custody of children to .....                                                                                                                                                                                               | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Child visitation granted to .....                                                                                                                                                                                                   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| As requested in form: <input type="checkbox"/> FL-311 <input type="checkbox"/> FL-312 <input type="checkbox"/> FL-341(C) <input type="checkbox"/> FL-341(D) <input type="checkbox"/> FL-341(E) <input type="checkbox"/> Attachment 7c. |                          |                          |                          |                          |
| d. <input type="checkbox"/> Determination of parentage of any children born to the Petitioner and Respondent prior to the domestic partnership.                                                                                        |                          |                          |                          |                          |
| e. Attorney fees and costs payable by .....                                                                                                                                                                                            | <input type="checkbox"/> | <input type="checkbox"/> |                          |                          |
| f. Partner support payable to .....                                                                                                                                                                                                    | <input type="checkbox"/> | <input type="checkbox"/> |                          |                          |
| g. <input type="checkbox"/> Terminate court's jurisdiction (ability) to award partner support to respondent.                                                                                                                           |                          |                          |                          |                          |
| h. <input type="checkbox"/> Property rights be determined.                                                                                                                                                                             |                          |                          |                          |                          |
| i. <input type="checkbox"/> Petitioner's former name be restored to <i>(specify)</i> :                                                                                                                                                 |                          |                          |                          |                          |
| j. <input type="checkbox"/> Other <i>(specify)</i> :                                                                                                                                                                                   |                          |                          |                          |                          |

Continued on Attachment 7j.

8. **Child support**—If there are minor children who were born to or adopted by the petitioner and respondent before or during this domestic partnership, the court will make orders for the support of the children upon request and submission of financial forms by the requesting party. An earnings assignment may be issued without further notice. Any party required to pay support must pay interest on overdue amounts at the "legal" rate, which is currently 10 percent.

9. **I HAVE READ THE RESTRAINING ORDERS ON THE BACK OF THE SUMMONS, AND I UNDERSTAND THAT THEY APPLY TO ME WHEN THIS PETITION IS FILED.**

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

Date: \_\_\_\_\_

(TYPE OR PRINT NAME)

\_\_\_\_\_

(SIGNATURE OF PETITIONER)

Date: \_\_\_\_\_

(TYPE OR PRINT NAME)

\_\_\_\_\_

(SIGNATURE OF ATTORNEY FOR PETITIONER)

**NOTICE:** Dissolution or legal separation may automatically cancel the rights of a domestic partner under the other domestic partner's will, trust, retirement plan, power of attorney, pay-on-death bank account, survivorship rights to any property owned in joint tenancy, and any other similar thing. It does not automatically cancel the right of a domestic partner as beneficiary of the other partner's life insurance policy. You should review these matters, as well as any credit cards, other credit accounts, insurance policies, retirement plans, and credit reports, to determine whether they should be changed or whether you should take any other actions. However, some changes may require the agreement of your partner or a court order (see Fam. Code, §§ 231–235).

ATTORNEY OR PARTY WITHOUT ATTORNEY ( <i>Name, State Bar number, and address</i> ):  <hr/> TELEPHONE NO.: _____ FAX NO. ( <i>Optional</i> ): _____ E-MAIL ADDRESS ( <i>Optional</i> ): _____ ATTORNEY FOR ( <i>Name</i> ): _____	FOR COURT USE ONLY  <h1 style="margin: 0;">DRAFT 23</h1> <h1 style="margin: 0;">9.28.04 xyz</h1>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
<b>DOMESTIC PARTNERSHIP OF</b> PETITIONER:  RESPONDENT:	
<b>RESPONSE</b> <input type="checkbox"/> <b>and REQUEST FOR</b> <input type="checkbox"/> <b>Dissolution of Domestic Partnership</b> <input type="checkbox"/> <b>Legal Separation of Domestic Partnership</b> <input type="checkbox"/> <b>Nullity of Domestic Partnership</b>	CASE NUMBER: _____
<input type="checkbox"/> <b>AMENDED</b>	

1. STATISTICAL FACTS
  - a. Date of registration of domestic partnership:
  - b. Date of separation:
  - c. Time from date of registration of domestic partnership to date of separation (*specify*): \_\_\_\_\_ Years \_\_\_\_\_ Months
  
2. RESIDENCE (Partnerships established out of state only)
  - a.  Our domestic partnership was established in another state (*specify state*): \_\_\_\_\_
  - b.  Petitioner  Respondent has been a resident of this state of California for at least six months and of this county for at least three months immediately preceding the filing of this *Petition for Dissolution of Domestic Partnership*.
  
3. DECLARATION REGARDING MINOR CHILDREN (*include children of this relationship born prior to or during this domestic partnership or adopted during this domestic partnership*):
  - a.  There are no minor children.
  - b.  The minor children are:
 

<u>Child's name</u>	<u>Birthdate</u>	<u>Age</u>	<u>Sex</u>

Continued on Attachment 3b.

  - c. If there are minor children of the petitioner and the respondent, a completed *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)* (form FL-105) must be attached.
  
4. SEPARATE PROPERTY
 Respondent requests that the assets and debts listed  in *Property Declaration* (form FL-160)  in Attachment 4  below be confirmed as separate property.
 

<u>Item</u>	<u>Confirm to</u>

**NOTICE: You may redact (black out) social security numbers from any written material filed with the court in this case other than a form used to collect child or partner support.**

DOMESTIC PARTNERSHIP OF <i>(Last name, first name of each party):</i>	CASE NUMBER:
-----------------------------------------------------------------------	--------------

5. DECLARATION REGARDING COMMUNITY AND QUASI-COMMUNITY ASSETS AND DEBTS AS CURRENTLY KNOWN

- a.  There are no such assets or debts subject to disposition by the court in this proceeding.
- b.  All such assets and debts are listed  in *Property Declaration* (form FL-160)  in Attachment 5b.  
 below (*specify*):

6.  **Respondent contends** that there is not a valid domestic partnership or equivalent.

7.  **Respondent denies** the grounds set forth in item 6 of the petition.

8. **Respondent requests**

- |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>a. <input type="checkbox"/> dissolution of the domestic partnership based on               <ul style="list-style-type: none"> <li>(1) <input type="checkbox"/> irreconcilable differences. (Fam. Code, § 2310(a).)</li> <li>(2) <input type="checkbox"/> incurable insanity. (Fam. Code, § 2310(b).)</li> </ul> </li> <li>b. <input type="checkbox"/> legal separation of the domestic partners based on               <ul style="list-style-type: none"> <li>(1) <input type="checkbox"/> irreconcilable differences. (Fam. Code, § 2310(a).)</li> <li>(2) <input type="checkbox"/> incurable insanity. (Fam. Code, § 2310(b).)</li> </ul> </li> <li>c. <input type="checkbox"/> nullity of void domestic partnership based on               <ul style="list-style-type: none"> <li>(1) <input type="checkbox"/> incest. (Fam. Code, § 2200.)</li> <li>(2) <input type="checkbox"/> bigamy. (Fam. Code, § 2201.)</li> </ul> </li> </ul> | <ul style="list-style-type: none"> <li>d. <input type="checkbox"/> nullity of voidable domestic partnership based on               <ul style="list-style-type: none"> <li>(1) <input type="checkbox"/> respondent's age at time of domestic partnership. (Fam. Code, § 2210(a).)</li> <li>(2) <input type="checkbox"/> prior existing marriage or domestic partnership. (Fam. Code, § 2210(b).)</li> <li>(3) <input type="checkbox"/> unsound mind. (Fam. Code, § 2210(c).)</li> <li>(4) <input type="checkbox"/> fraud. (Fam. Code, § 2210(d).)</li> <li>(5) <input type="checkbox"/> force. (Fam. Code, § 2210(e).)</li> <li>(6) <input type="checkbox"/> physical incapacity. (Fam. Code, § 2210(f).)</li> </ul> </li> </ul> |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

9. **Respondent requests** that the court grant the above relief and make injunctive (including restraining) and other orders as follows:

- |                                                                                                                                                                                                                                        | Petitioner               | Respondent               | Joint                    | Other                    |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| a. Legal custody of children to .....                                                                                                                                                                                                  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Physical custody of children to .....                                                                                                                                                                                               | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Child visitation granted to .....                                                                                                                                                                                                   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| As requested in form: <input type="checkbox"/> FL-311 <input type="checkbox"/> FL-312 <input type="checkbox"/> FL-341(C) <input type="checkbox"/> FL-341(D) <input type="checkbox"/> FL-341(E) <input type="checkbox"/> Attachment 9c. |                          |                          |                          |                          |
| d. <input type="checkbox"/> Determination of parentage of any children born to the petitioner and respondent prior to the domestic partnership.                                                                                        |                          |                          |                          |                          |
| e. Attorney fees and costs payable by .....                                                                                                                                                                                            | <input type="checkbox"/> | <input type="checkbox"/> |                          |                          |
| f. Partner support payable to .....                                                                                                                                                                                                    | <input type="checkbox"/> | <input type="checkbox"/> |                          |                          |
| g. <input type="checkbox"/> Terminate court's jurisdiction (ability) to award partner support to the petitioner.                                                                                                                       |                          |                          |                          |                          |
| h. <input type="checkbox"/> Property rights be determined.                                                                                                                                                                             |                          |                          |                          |                          |
| i. <input type="checkbox"/> Respondent's former name be restored to ( <i>specify</i> ):                                                                                                                                                |                          |                          |                          |                          |
| j. <input type="checkbox"/> Other ( <i>specify</i> ):                                                                                                                                                                                  |                          |                          |                          |                          |

Continued on Attachment 9j.

10. **Child support** –If there are minor children who were born to or adopted by the petitioner and the respondent before or during this domestic partnership, the court will make orders for the support of the children upon request and submission of financial forms by the requesting party. An earnings assignment may be issued without further notice. Any party required to pay support must pay interest on overdue amounts at the "legal" rate, which is currently 10 percent.

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)

Date:

\_\_\_\_\_  
(TYPE OR PRINT NAME)



\_\_\_\_\_  
(SIGNATURE OF RESPONDENT)

\_\_\_\_\_  
(SIGNATURE OF ATTORNEY FOR RESPONDENT)

**The original response must be filed in the court with proof of service of a copy on petitioner.**

ATTORNEY OR PARTY WITHOUT ATTORNEY <i>(Name, State Bar number, and address):</i>   TELEPHONE NO.: _____ FAX NO. <i>(Optional):</i> _____ E-MAIL ADDRESS <i>(Optional):</i> _____ ATTORNEY FOR <i>(Name):</i> _____	<b>FOR COURT USE ONLY</b>  <h1 style="margin: 0;">DRAFT 12</h1> <h1 style="margin: 0;">9/27/04 mc</h1>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b>  STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER: RESPONDENT:	
<b>EX PARTE APPLICATION AND ORDER TO SEAL FINANCIAL FORMS</b>	CASE NUMBER: _____

1. I am the  petitioner  respondent  other *(specify):* \_\_\_\_\_ in this case.

2. I request that the family law forms and other written documents listed below be sealed because they contain the location or identifying information about my assets or debts.

<u>Name of form or written document</u>	<u>Date filed</u>
a.	
b.	
c.	
d.	
e.	

Continued on Attachment 2(f).

3. I have provided the other party in this case with copies of all these documents. A copy of each of these documents is attached. These documents  have  have not been filed previously.

4. I have given notice to the other party in this case. My proof of service of ex parte application is attached.

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

Date:

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

**ORDER**

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

Date:

\_\_\_\_\_  
JUDICIAL OFFICER

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):   TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	<b>FOR COURT USE ONLY</b>  <h1 style="margin: 0;">DRAFT 11</h1> <h1 style="margin: 0;">09.28.04 xyz</h1>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
<b>MARRIAGE OF</b> PETITIONER: RESPONDENT:	
<b>PETITION FOR</b> <input type="checkbox"/> <b>Dissolution of Marriage</b> <input type="checkbox"/> <b>Legal Separation</b> <input type="checkbox"/> <b>Nullity of Marriage</b>	CASE NUMBER:  <input type="checkbox"/> <b>AMENDED</b>

1. RESIDENCE (Dissolution only)  Petitioner  Respondent has been a resident of this state for at least six months and of this county for at least three months immediately preceding the filing of this *Petition for Dissolution of Marriage*.

2. STATISTICAL FACTS

- a. Date of marriage: \_\_\_\_\_ c. Time from date of marriage to date of separation (specify):
- b. Date of separation: \_\_\_\_\_ Years: \_\_\_\_\_ Months: \_\_\_\_\_

3. DECLARATION REGARDING MINOR CHILDREN (include children of this relationship born prior to or during the marriage or adopted during the marriage):

- a.  There are no minor children.
  - b.  The minor children are:
- | <u>Child's name</u> | <u>Birthdate</u> | <u>Age</u> | <u>Sex</u> |
|---------------------|------------------|------------|------------|
|                     |                  |            |            |

Continued on Attachment 3b.

- c. If there are minor children of the Petitioner and Respondent, a completed *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)* (form FL-105) must be attached.
- d.  A completed voluntary declaration of paternity regarding minor children born to the Petitioner and Respondent prior to the marriage is attached.

4. SEPARATE PROPERTY

Petitioner requests that the assets and debts listed  in *Property Declaration* (form FL-160)  in Attachment 4  below be confirmed as separate property.

Item Confirm to

**NOTICE: You may redact (black out) social security numbers from any written material filed with the court in this case other than a form used to collect child or spousal support.**



MARRIAGE OF <i>(last name, first name of parties)</i> :  _____	CASE NUMBER:  _____
----------------------------------------------------------------------	---------------------------

**5. DECLARATION REGARDING COMMUNITY AND QUASI-COMMUNITY ASSETS AND DEBTS AS CURRENTLY KNOWN**

- a.  There are no such assets or debts subject to disposition by the court in this proceeding.
- b.  All such assets and debts are listed  in *Property Declaration* (form FL-160)  in Attachment 5b.  
 below (*specify*):

**6. Petitioner requests**

- |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>a. <input type="checkbox"/> dissolution of the marriage based on           <ul style="list-style-type: none"> <li>(1) <input type="checkbox"/> irreconcilable differences. (Fam. Code, § 2310(a).)</li> <li>(2) <input type="checkbox"/> incurable insanity. (Fam. Code, § 2310(b).)</li> </ul> </li> <li>b. <input type="checkbox"/> legal separation of the parties based on           <ul style="list-style-type: none"> <li>(1) <input type="checkbox"/> irreconcilable differences. (Fam. Code, § 2310(a).)</li> <li>(2) <input type="checkbox"/> incurable insanity. (Fam. Code, § 2310(b).)</li> </ul> </li> <li>c. <input type="checkbox"/> nullity of void marriage based on           <ul style="list-style-type: none"> <li>(1) <input type="checkbox"/> incestuous marriage. (Fam. Code, § 2200.)</li> <li>(2) <input type="checkbox"/> bigamous marriage. (Fam. Code, § 2201.)</li> </ul> </li> </ul> | <ul style="list-style-type: none"> <li>d. <input type="checkbox"/> nullity of voidable marriage based on           <ul style="list-style-type: none"> <li>(1) <input type="checkbox"/> petitioner's age at time of marriage. (Fam. Code, § 2210(a).)</li> <li>(2) <input type="checkbox"/> prior existing marriage. (Fam. Code, § 2210(b).)</li> <li>(3) <input type="checkbox"/> unsound mind. (Fam. Code, § 2210(c).)</li> <li>(4) <input type="checkbox"/> fraud. (Fam. Code, § 2210(d).)</li> <li>(5) <input type="checkbox"/> force. (Fam. Code, § 2210(e).)</li> <li>(6) <input type="checkbox"/> physical incapacity. (Fam. Code, § 2210(f).)</li> </ul> </li> </ul> |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

**7. Petitioner requests that the court grant the above relief and make injunctive (including restraining) and other orders as follows:**

- |                                                                                                                                                                                                                                        | Petitioner               | Respondent               | Joint                    | Other                    |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| a. Legal custody of children to .....                                                                                                                                                                                                  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Physical custody of children to .....                                                                                                                                                                                               | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Child visitation be granted to .....                                                                                                                                                                                                | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| As requested in form: <input type="checkbox"/> FL-311 <input type="checkbox"/> FL-312 <input type="checkbox"/> FL-341(C) <input type="checkbox"/> FL-341(D) <input type="checkbox"/> FL-341(E) <input type="checkbox"/> Attachment 7c. |                          |                          |                          |                          |
| d. <input type="checkbox"/> Determination of parentage of any children born to the Petitioner and Respondent prior to the marriage.                                                                                                    |                          |                          |                          |                          |
| e. Attorney fees and costs payable by .....                                                                                                                                                                                            | <input type="checkbox"/> | <input type="checkbox"/> |                          |                          |
| f. Spousal support payable to (earnings assignment will be issued) .....                                                                                                                                                               | <input type="checkbox"/> | <input type="checkbox"/> |                          |                          |
| g. <input type="checkbox"/> Terminate the court's jurisdiction (ability) to award spousal support to Respondent.                                                                                                                       |                          |                          |                          |                          |
| h. <input type="checkbox"/> Property rights be determined.                                                                                                                                                                             |                          |                          |                          |                          |
| i. <input type="checkbox"/> Petitioner's former name be restored to ( <i>specify</i> ):                                                                                                                                                |                          |                          |                          |                          |
| j. <input type="checkbox"/> Other ( <i>specify</i> ):                                                                                                                                                                                  |                          |                          |                          |                          |

Continued on Attachment 7j.

**8. Child support**—If there are minor children born to or adopted by the Petitioner and Respondent before or during this marriage, the court will make orders for the support of the children upon request and submission of financial forms by the requesting party. An earnings assignment may be issued without further notice. Any party required to pay support must pay interest on overdue amounts at the "legal" rate, which is currently 10 percent.

**9. I HAVE READ THE RESTRAINING ORDERS ON THE BACK OF THE SUMMONS, AND I UNDERSTAND THAT THEY APPLY TO ME WHEN THIS PETITION IS FILED.**

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

Date:

\_\_\_\_\_  
(TYPE OR PRINT NAME)



\_\_\_\_\_  
(SIGNATURE OF PETITIONER)

Date:

\_\_\_\_\_  
(TYPE OR PRINT NAME)



\_\_\_\_\_  
(SIGNATURE OF ATTORNEY FOR PETITIONER)

**NOTICE:** Dissolution or legal separation may automatically cancel the rights of a spouse under the other spouse's will, trust, retirement plan, power of attorney, pay on death bank account, survivorship rights to any property owned in joint tenancy, and any other similar thing. It does not automatically cancel the right of a spouse as beneficiary of the other spouse's life insurance policy. You should review these matters, as well as any credit cards, other credit accounts, insurance policies, retirement plans, 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 a court order (see Family Code sections 231–235).

SUMMONS (Family Law)

CITACION JUDICIAL (Derecho de Familia)

NOTICE TO RESPONDENT (Name):
AVISO AL DEMANDADO (Nombre):

FOR COURT USE ONLY (SOLO PARA USO DE LA CORTE)
DRAFT 11
9/16/04 kc

You are being sued. A usted lo están demandando.

Petitioner's name is:
El nombre del demandante es:

CASE NUMBER (Número del Caso):

You have 30 calendar days after this Summons and Petition are served on you to file a Response (form FL-120 or FL-123) at the court and have a copy served on the petitioner. A letter or phone call will not protect you.
If you do not file your Response on time, the court may make orders affecting your marriage or domestic partnership, your property, and custody of your children. You may be ordered to pay support and attorney fees and costs. If you cannot pay the filing fee, ask the clerk for a fee waiver form.
If you want legal advice, contact a lawyer immediately. You can get information about finding lawyers at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), at the California Legal Services Web site (www.lawhelpcalifornia.org), or by contacting your local county bar association.

Usted tiene 30 días calendarios después de recibir oficialmente esta citación judicial y petición, para completar y presentar su formulario de Respuesta (Response form FL-120 or FL-123) ante la corte. Una carta o una llamada telefónica no le ofrecerá protección.
Si usted no presenta su Respuesta a tiempo, la corte puede expedir órdenes que afecten su matrimonio, su propiedad y que ordenen que usted pague mantención, honorarios de abogado y las costas. Si no puede pagar las costas por la presentación de la demanda, pida al actuario de la corte que le dé un formulario de exoneración de las mismas (Waiver of Court Fees and Costs).
Si desea obtener consejo legal, comuníquese de inmediato con un abogado. Por información de abogados, el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), el sitio web de California Legal Services (www.lawhelpcalifornia.org) oponié endose en contacto con el colegio de abogados locales.

NOTICE: The restraining orders on page 2 are effective against both spouses or domestic partners until the petition is dismissed, a judgment is entered, or the court makes further orders. These orders are enforceable anywhere in California by any law enforcement officer who has received or seen a copy of them.

AVISO: Las prohibiciones judiciales que aparecen al reverso de esta citación son efectivas para ambos cónyuges, tanto el esposo como la esposa, hasta que la petición sea rechazada, se dicte una decisión final o la corte expida instrucciones adicionales. Dichas prohibiciones pueden hacerse cumpliren cualquier parte de California por cualquier agente del orden público que las haya recibido o que haya visto una copia de ellas.

- 1. The name and address of the court are (El nombre y dirección de la corte es):
2. The name, address, and telephone number of the petitioner's attorney, or the petitioner without an attorney, are (El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

Date (Fecha): Clerk (Actuario), by \_\_\_\_\_, Deputy

[SEAL]

NOTICE TO THE PERSON SERVED: You are served
a. [ ] as an individual.
b. [ ] on behalf of respondent who is a
(1) [ ] minor
(2) [ ] ward or conservatee
(3) [ ] other (specify):
(Read the reverse for important information.)
(Lea el reverso para obtener información de importancia.)

### WARNING—IMPORTANT INFORMATION

**WARNING:** California law provides that, for purposes of division of property upon dissolution of a marriage or domestic partnership or upon legal separation, property acquired by the parties during marriage or domestic partnership in joint form is presumed to be community property. If either party to this action should die before the jointly held community property is divided, the language in the deed that characterizes how title is held (i.e., joint tenancy, tenants in common, or community property) will be controlling, and not the community property presumption. You should consult your attorney if you want the community property presumption to be written into the recorded title to the property.

### STANDARD FAMILY LAW RESTRAINING ORDERS

**Starting immediately, you and your spouse or domestic partner are restrained from**

1. removing the minor child or children of the parties, if any, from the state without the prior written consent of the other party or an order of the court;
2. cashing, borrowing against, canceling, transferring, disposing of, or changing the beneficiaries of any insurance or other coverage, including life, health, automobile, and disability, held for the benefit of the parties and their minor child or children;
3. transferring, encumbering, hypothecating, concealing, or in any way disposing of any property, real or personal, whether community, quasi-community, or separate, without the written consent of the other party or an order of the court, except in the usual course of business or for the necessities of life; and
4. creating a nonprobate transfer or modifying a nonprobate transfer in a manner that affects the disposition of property subject to the transfer, without the written consent of the other party or an order of the court. Before revocation of a nonprobate transfer can take effect or a right of survivorship to property can be eliminated, notice of the change must be filed and served on the other party.

You must notify each other of any proposed extraordinary expenditures at least five business days prior to incurring these extraordinary expenditures and account to the court for all extraordinary expenditures made after these restraining orders are effective. However, you may use community property, quasi-community property, or your own separate property to pay an attorney to help you or to pay court costs.

### ADVERTENCIA—INFORMACION IMPORTANTE EN ESPAÑOL

**ADVERTENCIA:** Para los efectos de la división de bienes al momento de una separación legal o de la disolución de un matrimonio, las leyes de California disponen que se presuman como bienes de la sociedad conyugal aquéllos adquiridos en forma conjunta por las partes durante el matrimonio. Si cualquiera de las partes de esta acción muriese antes de que se dividan los bienes en tenencia conjunta de la sociedad conyugal, prevalecerá el lenguaje relativo a la tenencia de los derechos de propiedad contenido en la escritura—como, por ejemplo, copropiedad con derechos de sucesión (joint tenancy), tenencia en común (tenants in common) o bienes de la sociedad conyugal (community property)—y no la presunción de que los bienes son de la sociedad conyugal. Usted debe consultar a su abogado o abogada si desea que la presunción de que los bienes son de la sociedad conyugal se especifique en el título de propiedad inscrito.

### PROHIBICIONES JUDICIALES ESTANDARES—DERECHO DE FAMILIA

**A usted y a su cónyuge se les prohíbe**

1. que saquen del estado al hijo o hijos menores de las partes, si los hay, sin el consentimiento previo por escrito de la otra parte o sin una orden de la corte; y
2. que cobren en efectivo, usen como colateral para préstamos, cancelen, transfieran, discontinúen o cambien los beneficiarios de, cualquier póliza de seguro u otras coberturas de seguro, inclusive los de vida, salud, automóvil e incapacidad mantenido para el beneficio de las partes y su hijo o hijos menores; y
3. que transfieran, graven, hipotequen, escondan o de cualquier otra manera enajenen cualquier propiedad mueble o inmueble, ya sean bienes de la sociedad conyugal, quasi conyugales o bienes propios de los cónyuges, sin el consentimiento por escrito de la otra parte o sin una orden de la corte, excepto en el curso normal de los negocios o para atender a las necesidades de la vida; y
4. crear una transferencia no incluida en el procedimiento sucesorio o modificar una transferencia no incluida en el procedimiento sucesorio de manera tal que afecte la disposición de los bienes sujetos a la transferencia, sin el consentimiento por escrito de la otra parte o una orden del tribunal. Antes de que la revocación de una transferencia no incluida en el procedimiento sucesorio pueda entrar en vigor, o de que el derecho de supervivencia a los bienes se pueda eliminar, se debe presentar un aviso del cambio al tribunal, y dicho aviso se debe entregar a la otra parte.

Ustedes deben notificarse entre sí sobre cualquier gasto extraordinario propuesto, por lo menos con cinco días de antelación a la fecha en que se van a incurrir dichos gastos extraordinarios y responder ante la corte por todo gasto extraordinario hecho después de que estas prohibiciones judiciales entren en vigor. Sin embargo, nada de lo contenido en las prohibiciones judiciales le impedirá que use bienes de la sociedad conyugal para pagar honorarios razonables de abogados con el fin de obtener representación legal durante el proceso.

ATTORNEY OR PARTY WITHOUT ATTORNEY ( <i>Name, State Bar number, and address</i> ):  _____  TELEPHONE NO.: _____ FAX NO. ( <i>Optional</i> ): _____ E-MAIL ADDRESS ( <i>Optional</i> ): _____ ATTORNEY FOR ( <i>Name</i> ): _____	FOR COURT USE ONLY  <h1 style="margin: 0;">DRAFT 13</h1> <h1 style="margin: 0;">9/16/04 kc</h1>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF _____ STREET ADDRESS: _____ MAILING ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____	
PETITIONER: _____  RESPONDENT: _____	
<b>PROOF OF SERVICE OF SUMMONS</b>	CASE NUMBER: _____

1. At the time of service I was at least 18 years of age and not a party to this action. **I served the respondent with copies of:**
- a.  Family Law: *Petition* (form FL-100), *Summons* (form FL-110), and blank *Response* (form FL-120)
  - or-
  - b.  Family Law—Domestic Partnership: *Petition—Domestic Partnership* (form FL-103), *Summons* (form FL-110), and blank *Response—Domestic Partnership* (form FL-123)
  - or-
  - c.  Uniform Parentage: *Petition to Establish Parental Relationship* (form FL-200), *Summons* (form FL-210), and blank *Response to Petition to Establish Parental Relationship* (form FL-220)
  - or-
  - d.  Custody and Support: *Petition for Custody and Support of Minor Children* (form FL-260), *Summons* (form FL-210), and blank *Response to Petition for Custody and Support of Minor Children* (form FL-270)
- and**
- e.  (1)  Completed and blank *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act* (form FL-105)
  - (2)  Completed and blank *Declaration of Disclosure* (form FL-140)
  - (3)  Completed and blank *Schedule of Assets and Debts* (form FL-142)
  - (4)  Completed and blank *Income and Expense Declaration* (form FL-150)
  - (5)  Completed and blank *Financial Statement (Simplified)* (form FL-155)
  - (6)  Completed and blank *Property Declaration* (form FL-160)
  - (7)  *Order to Show Cause* (form FL-300), *Application for Order and Supporting Declaration* (form FL-310), and blank *Responsive Declaration to Order to Show Cause or Notice of Motion* (form FL-320)
  - (8)  Other (*specify*): \_\_\_\_\_
2. Address where respondent was served:
3. I served the respondent by the following means (*check proper box*):
- a.  **Personal service.** I personally delivered the copies to the respondent (Code Civ. Proc., § 415.10) on (*date*): \_\_\_\_\_ at (*time*): \_\_\_\_\_
  - b.  **Substituted service.** I left the copies with or in the presence of (*name*): \_\_\_\_\_ who is (*specify title or relationship to respondent*): \_\_\_\_\_
    - (1)  **(Business)** a person at least 18 years of age who was apparently in charge at the office or usual place of business of the respondent. I informed him or her of the general nature of the papers
    - (2)  **(Home)** a competent member of the household (at least 18 years of age) at the home of the respondent. I informed him or her of the general nature of the papers

PETITIONER:	CASE NUMBER:
RESPONDENT:	

3. b. (cont.) on (date): \_\_\_\_\_ at (time): \_\_\_\_\_
- I thereafter mailed additional copies (by first class, postage prepaid) to the respondent at the place where the copies were left (Code Civ. Proc., § 415.20b) on (date): \_\_\_\_\_
- A **declaration of diligence** is attached, stating the actions taken to first attempt personal service.
- c.  **Mail and acknowledgment service.** I mailed the copies to the respondent, addressed as shown in item 2, by first-class mail, postage prepaid, on (date): \_\_\_\_\_ from (city): \_\_\_\_\_
- (1)  with two copies of the *Notice and Acknowledgment of Receipt (Family Law)* (form FL-117) and a postage-paid return envelope addressed to me. **(Attach completed Notice and Acknowledgment of Receipt (Family Law) (form FL-117).)** (Code Civ. Proc., § 415.30.)
- (2)  to an address outside California (by registered or certified mail with return receipt requested). **(Attach signed return receipt or other evidence of actual delivery to the respondent.)** (Code Civ. Proc., § 415.40.)
- d.  **Other** (specify code section): \_\_\_\_\_  
 Continued on Attachment 3d.

4. The "NOTICE TO THE PERSON SERVED" on the *Summons* was completed as follows (Code Civ. Proc., §§ 412.30, 415.10, 474):
- a.  As an individual **or**
- b.  On behalf of respondent who is a
- (1)  minor. (Code Civ. Proc., § 416.60.)
- (2)  ward or conservatee. (Code Civ. Proc., § 416.70.)
- (3)  other (specify): \_\_\_\_\_

**5. Person who served papers**

Name: \_\_\_\_\_  
 Address: \_\_\_\_\_

Telephone number: \_\_\_\_\_

This person is

- a.  exempt from registration under Business and Professions Code section 22350(b).
- b.  not a registered California process server.
- c.  a registered California process server:  an employee or  an independent contractor
- (1) Registration no.: \_\_\_\_\_
- (2) County: \_\_\_\_\_
- d. **The fee** for service was (specify): \$ \_\_\_\_\_

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

—or—

7.  **I am a California sheriff, marshal, or constable,** and I certify that the foregoing is true and correct.

Date: \_\_\_\_\_

(NAME OF PERSON WHO SERVED PAPERS)	▶	(SIGNATURE OF PERSON WHO SERVED PAPERS)
------------------------------------	---	-----------------------------------------



ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):   TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY   <h2 style="margin: 0;">DRAFT 13</h2> <h2 style="margin: 0;">09/28/04 xyz</h2>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
<b>MARRIAGE OF</b> PETITIONER: RESPONDENT:	
<b>RESPONSE</b> <input type="checkbox"/> <b>and REQUEST FOR</b> <input type="checkbox"/> <b>Dissolution of Marriage</b> <input type="checkbox"/> <b>Legal Separation</b> <input type="checkbox"/> <b>Nullity of Marriage</b>	CASE NUMBER: _____  <input type="checkbox"/> <b>AMENDED</b>

1. RESIDENCE (Dissolution only)  Petitioner  Respondent has been a resident of this state for at least six months and of this county for at least three months immediately preceding the filing of the *Petition for Dissolution of Marriage*.

2. STATISTICAL FACTS

- a. Date of marriage: \_\_\_\_\_ c. Time from date of marriage to date of separation (specify):
- b. Date of separation: \_\_\_\_\_ Years: \_\_\_\_\_ Months: \_\_\_\_\_

3. DECLARATION REGARDING MINOR CHILDREN (include children of this relationship born prior to or during the marriage or adopted during the marriage):

- a.  There are no minor children.
- b.  The minor children are:
 

<u>Child's name</u>	<u>Birthdate</u>	<u>Age</u>	<u>Sex</u>

Continued on Attachment 3b.

- c. If there are minor children of the Petitioner and Respondent, a completed *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)* (form FL-105) must be attached.
- d.  A completed voluntary declaration of paternity regarding minor children born to the Petitioner and Respondent prior to the marriage is attached.

4. SEPARATE PROPERTY

Respondent requests that the assets and debts listed  in *Property Declaration* (form FL-160)  in Attachment 4  below be confirmed as separate property.

<u>Item</u>	<u>Confirm to</u>

**NOTICE: You may redact (black out) social security numbers from any written material filed with the court in this case other than a form used to collect child or spousal support.**

MARRIAGE OF <i>(last name, first name of parties)</i> :  _____	CASE NUMBER:  _____
----------------------------------------------------------------------	---------------------------

**5. DECLARATION REGARDING COMMUNITY AND QUASI-COMMUNITY ASSETS AND DEBTS AS CURRENTLY KNOWN**

- a.  There are no such assets or debts subject to disposition by the court in this proceeding.
- b.  All such assets and debts are listed  in *Property Declaration* (form FL-160)  in Attachment 5b.  
 below (*specify*):

- 6.  **Respondent contends** that the parties were never legally married.
- 7.  **Respondent denies** the grounds set forth in item 6 of the petition.

**8. Respondent requests**

- |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>a. <input type="checkbox"/> dissolution of the marriage based on           <ul style="list-style-type: none"> <li>(1) <input type="checkbox"/> irreconcilable differences. (Fam. Code, § 2310(a).)</li> <li>(2) <input type="checkbox"/> incurable insanity. (Fam. Code, § 2310(b).)</li> </ul> </li> <li>b. <input type="checkbox"/> legal separation of the parties based on           <ul style="list-style-type: none"> <li>(1) <input type="checkbox"/> irreconcilable differences. (Fam. Code, § 2310(a).)</li> <li>(2) <input type="checkbox"/> incurable insanity. (Fam. Code, § 2310(b).)</li> </ul> </li> <li>c. <input type="checkbox"/> nullity of void marriage based on           <ul style="list-style-type: none"> <li>(1) <input type="checkbox"/> incestuous marriage. (Fam. Code, § 2200.)</li> <li>(2) <input type="checkbox"/> bigamous marriage. (Fam. Code, § 2201.)</li> </ul> </li> </ul> | <ul style="list-style-type: none"> <li>d. <input type="checkbox"/> nullity of voidable marriage based on           <ul style="list-style-type: none"> <li>(1) <input type="checkbox"/> respondent's age at time of marriage. (Fam. Code, § 2210(a).)</li> <li>(2) <input type="checkbox"/> prior existing marriage. (Fam. Code, § 2210(b).)</li> <li>(3) <input type="checkbox"/> unsound mind. (Fam. Code, § 2210(c).)</li> <li>(4) <input type="checkbox"/> fraud. (Fam. Code, § 2210(d).)</li> <li>(5) <input type="checkbox"/> force. (Fam. Code, § 2210(e).)</li> <li>(6) <input type="checkbox"/> physical incapacity. (Fam. Code, § 2210(f).)</li> </ul> </li> </ul> |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

**9. Respondent requests** that the court grant the above relief and make injunctive (including restraining) and other orders as follows:

- |                                                                                                                                                                                                                                        | Petitioner               | Respondent               | Joint                    | Other                    |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| a. Legal custody of children to .....                                                                                                                                                                                                  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Physical custody of children to .....                                                                                                                                                                                               | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Child visitation be granted to .....                                                                                                                                                                                                | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| As requested in form: <input type="checkbox"/> FL-311 <input type="checkbox"/> FL-312 <input type="checkbox"/> FL-341(C) <input type="checkbox"/> FL-341(D) <input type="checkbox"/> FL-341(E) <input type="checkbox"/> Attachment 9c. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d. <input type="checkbox"/> Determination of parentage of any children born to the Petitioner and Respondent prior to the marriage.                                                                                                    | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e. Attorney fees and costs payable by .....                                                                                                                                                                                            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| f. Spousal support payable to (wage assignment will be issued) .....                                                                                                                                                                   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| g. <input type="checkbox"/> Terminate the court's jurisdiction (ability) to award spousal support to Petitioner.                                                                                                                       | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| h. <input type="checkbox"/> Property rights be determined.                                                                                                                                                                             | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| i. <input type="checkbox"/> Respondent's former name be restored to ( <i>specify</i> ):                                                                                                                                                | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| j. <input type="checkbox"/> Other ( <i>specify</i> ):                                                                                                                                                                                  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Continued on Attachment 9j.

**10. Child support**– If there are minor children born to or adopted by the Petitioner and Respondent before or during this marriage, the court will make orders for the support of the children upon request and submission of financial forms by the requesting party. An earnings assignment may be issued without further notice. Any party required to pay support must pay interest on overdue amounts at the "legal" rate, which is currently 10 percent.

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

Date: \_\_\_\_\_

_____ (TYPE OR PRINT NAME)	▶	_____ (SIGNATURE OF RESPONDENT)
Date: _____ _____ (TYPE OR PRINT NAME)	▶	_____ (SIGNATURE OF ATTORNEY FOR RESPONDENT)

**The original response must be filed in the court with proof of service of a copy on Petitioner.**



ATTORNEY OR PARTY WITHOUT ATTORNEY <i>(Name and Address):</i>  ATTORNEY FOR <i>(Name):</i>	TELEPHONE NO.:  <p align="center" style="font-size: 1.2em;"><b>DRAFT 5 9/16/04 kc</b></p>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b>	
PETITIONER:  RESPONDENT:	
<b>SCHEDULE OF ASSETS AND DEBTS</b> <input type="checkbox"/> <b>Petitioner's</b> <input type="checkbox"/> <b>Respondent's</b>	CASE NUMBER:

— INSTRUCTIONS —

List all your known community and separate assets or debts. Include assets even if they are in the possession of another person, including your spouse. If you contend an asset or debt is separate, put P (for Petitioner) or R (for Respondent) in the first column (separate property) to indicate to whom you contend it belongs.

All values should be as of the date of signing the declaration unless you specify a different valuation date with the description. For additional space, use a continuation sheet numbered to show which item is being continued.

ITEM NO.	ASSETS DESCRIPTION	SEP. PROP	DATE ACQUIRED	CURRENT GROSS FAIR MARKET VALUE	AMOUNT OF MONEY OWED OR ENCUMBRANCE
1.	REAL ESTATE <i>(Give street addresses and attach copies of deeds with legal descriptions and latest lender's statement.)</i>			\$	\$
2.	HOUSEHOLD FURNITURE, FURNISHINGS, APPLIANCES <i>(Identify.)</i>				
3.	JEWELRY, ANTIQUES, ART, COIN COLLECTIONS, etc. <i>(Identify.)</i>				

ITEM NO.	SEP. PROP	DATE ACQUIRED	CURRENT GROSS FAIR MARKET VALUE	AMOUNT OF MONEY OWED OR ENCUMBRANCE
4. VEHICLES, BOATS, TRAILERS <i>(Describe and attach copy of title document.)</i>			\$	\$
5. SAVINGS ACCOUNTS <i>(Account name, account number, bank, and branch. Attach copy of latest statement.)</i>				
6. CHECKING ACCOUNTS <i>(Account name and number, bank, and branch. Attach copy of latest statement.)</i>				
7. CREDIT UNION, OTHER DEPOSIT ACCOUNTS <i>(Account name and number, bank, and branch. Attach copy of latest statement.)</i>				
8. CASH <i>(Give location.)</i>				
9. TAX REFUND				
10. LIFE INSURANCE WITH CASH SURRENDER OR LOAN VALUE <i>(Attach copy of declaration page for each policy.)</i>				

ITEM NO.	ASSETS DESCRIPTION	SEP. PROP	DATE ACQUIRED	CURRENT GROSS FAIR MARKET VALUE	AMOUNT OF MONEY OWED OR ENCUMBRANCE
11. STOCKS, BONDS, SECURED NOTES, MUTUAL FUNDS <i>(Give certificate number and attach copy of the certificate or copy of latest statement.)</i>				\$	\$
12. RETIREMENT AND PENSIONS <i>(Attach copy of latest summary plan documents and latest benefit statement.)</i>					
13. PROFIT - SHARING, ANNUITIES, IRAS, DEFERRED COMPENSATION <i>(Attach copy of latest statement.)</i>					
14. ACCOUNTS RECEIVABLE AND UNSECURED NOTES <i>(Attach copy of each.)</i>					
15. PARTNERSHIPS AND OTHER BUSINESS INTERESTS <i>(Attach copy of most current K-1 form and Schedule C.)</i>					
16. OTHER ASSETS					
17. TOTAL ASSETS FROM CONTINUATION SHEET					
18. TOTAL ASSETS				\$	\$

ITEM NO.	DEBTS—SHOW TO WHOM OWED	SEP. PROP.	TOTAL OWING	DATE INCURRED
19. STUDENT LOANS <i>(Give details.)</i>			\$	
20. TAXES <i>(Give details.)</i>				
21. SUPPORT ARREARAGES <i>(Attach copies of orders and statements.)</i>				
22. LOANS—UNSECURED <i>(Give bank name and loan number and attach copy of latest statement.)</i>				
23. CREDIT CARDS <i>(Give creditor's name and address and the account number. Attach copy of latest statement.)</i>				
24. OTHER DEBTS <i>(Specify.):</i>				
25. TOTAL DEBTS FROM CONTINUATION SHEET				
26. TOTAL DEBTS			\$	

27.  *(Specify number):* \_\_\_\_\_ pages are attached as continuation sheets.

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

Date:

\_\_\_\_\_  
 (TYPE OR PRINT NAME)

 \_\_\_\_\_  
 (SIGNATURE OF DECLARANT)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):	TELEPHONE NO.:
ATTORNEY FOR (Name):	
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b>	
SHORT TITLE OF CASE:	
<b>FORM INTERROGATORIES</b>	
<b>Asking Party:</b>  <b>Answering Party:</b>  <b>Set No.:</b>	CASE NUMBER:

**Sec. 1. Instructions to Both Parties**

The interrogatories on page 2 of this form are intended to provide for the exchange of relevant information without unreasonable expense to the answering party. They do not change existing law relating to interrogatories, nor do they affect the answering party's right to assert any privilege or make any objection. **Privileges must be asserted.**

**Sec. 2. Definitions**

Words in **boldface** in these interrogatories are defined as follows:

- (a) **Person** includes a natural person; a partnership; any kind of business, legal, or public entity; and its agents or employees.
- (b) **Document** means all written, recorded, or graphic materials, however stored, produced, or reproduced.
- (c) **Asset** or **property** includes any interest in real estate or personal property. It includes any interest in a pension, profit-sharing, or retirement plan.
- (d) **Debt** means any obligation, including debts paid since the date of separation.
- (e) **Support** means any benefit or economic contribution to the living expenses of another person, including gifts.
- (f) If asked to **identify a person**, give the person's name, last known residence and business addresses, telephone numbers, and company affiliation at the date of the transaction referred to.
- (g) If asked to **identify a document**, attach a copy of the document unless you explain why not. If you do not attach the copy, describe the document, including its date and nature, and give the name, address, telephone number, and occupation of the person who has the document.

**Sec. 3. Instructions to the Asking Party**

Check the box next to each interrogatory you want the answering party to answer.

**Sec. 4. Instructions to the Answering Party**

You must answer these interrogatories under oath within 30 days, in accordance with Code of Civil Procedure section 2030.

You must furnish all information you have or can reasonably find out, including all information (not privileged) from your attorneys or under your control. If you don't know, say so.

If an interrogatory is answered by referring to a document, the document must be attached as an exhibit to the response and referred to in the response. If the document has more than one page, refer to the page and section where the answer can be found.

If a document to be attached to the response may also be attached to the *Schedule of Assets and Debts* (form FL-142), the document should be attached only to the response, and the form should refer to the response.

If an interrogatory cannot be answered completely, answer as much as you can, state the reason you cannot answer the rest, and state any information you have about the unanswered portion.

**Sec. 5. Oath**

Your answers to these interrogatories must be under oath, dated, and signed. Use the following statement **at the end of your answers:**

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

\_\_\_\_\_ \_\_\_\_\_

( DATE ) ( SIGNATURE )

1. **Personal history.** State your full name, current residence address and work address, social security number, any other names you have used, and the dates between which you used each name.
2. **Agreements.** Are there any agreements between you and your spouse or domestic partner, made before or during your marriage or domestic partnership or after your separation, that affect the disposition of **assets, debts, or support** in this proceeding? If your answer is yes, for each agreement state the date made and whether it was written or oral, and attach a copy of the agreement or describe its contents.
3. **Legal actions.** Are you a party or do you anticipate being a party to any legal or administrative proceeding other than this action? If your answer is yes, state your role and the name, jurisdiction, case number, and a brief description of each proceeding.
4. **Persons sharing residence.** State the name, age, and relationship to you of each **person** at your present address.
5. **Support provided others.** State the name, age, address, and relationship to you of each **person** for whom you have provided **support** during the past 12 months and the amount provided per month for each.
6. **Support received for others.** State the name, age, address, and relationship to you of each **person** for whom you have received **support** during the past 12 months and the amount received per month for each.
7. **Current income.** List all income you received during the past 12 months, its source, the basis for its computation, and the total amount received from each. Attach your last three paycheck stubs.
8. **Other income.** During the past three years, have you received cash or other property from any source not identified in item 7? If so, list the source, the date, and the nature and value of the property.
9. **Tax returns.** Attach copies of all tax returns and tax schedules filed by or for you in any jurisdiction for the past three calendar years.
10. **Schedule of assets and debts.** Complete the *Schedule of Assets and Debts* (form FL-142) served with these interrogatories.
11. **Separate property contentions.** State the facts that support your contention that an asset or debt is separate property.
12. **Property valuations.** During the past 12 months, have you received written offers to purchase or had written appraisals of any of the assets listed on your completed *Schedule of Assets and Debts*? If your answer is yes, **identify the document**.
13. **Property held by others.** Is there any **property** held by any third party in which you have any interest or over which you have any control? If your answer is yes, indicate whether the property is shown on the *Schedule of Assets and Debts* completed by you. If it is not, describe and identify each such asset, state its present value and the basis for your valuation, and **identify the person** holding the asset.
14. **Retirement and other benefits.** Do you have an interest in any disability, retirement, profit-sharing, or deferred compensation plan? If your answer is yes, **identify** each plan and provide the name, address, and telephone number of the administrator and custodian of records.
15. **Claims of reimbursement.** Do you claim the legal right to be reimbursed for any expenditures of your separate or community property? If your answer is yes, state all supporting facts.
16. **Credits.** Have you claimed reimbursement credits for payments of community debts since the date of separation? If your answer is yes, **identify** the source of payment, the creditor, the date paid, and the amount paid. State whether you have added to the debt since the separation.
17. **Insurance.** **Identify** each health, life, automobile, and disability insurance policy or plan that you now own or that covers you, your children, or your assets. State the policy type, policy number, and name of the company. **Identify** the agent and give the address.
18. **Health.** Is there any physical or emotional condition that limits your ability to work? If your answer is yes, state each fact on which you base your answer.
19. **Children's needs.** Do you contend that any of your children have any special needs? If so, identify the child with the need, the reason for the need, its cost, and its expected duration.
20. **Attorney fees.** State the total amount of attorney fees and costs incurred by you in this proceeding, the amount paid, and the source of the money paid. Describe the billing arrangements.
21. **Gifts.** List any gifts you have made without the consent of your spouse or domestic partner in the past 24 months, their values, and the recipients.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):  TELEPHONE NO.: E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name):	<p style="text-align: center;">FOR COURT USE ONLY</p> <h1 style="text-align: center;">DRAFT 22 9/27/04 mc</h1>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b>  STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT/CLAIMANT:	
<b>INCOME AND EXPENSE DECLARATION</b>	CASE NUMBER:

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

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

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

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

2. **Age and education**

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

3. **Tax information**

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

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

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

5. Number of pages attached: \_\_\_\_\_

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

Date:

\_\_\_\_\_  
(TYPE OR PRINT NAME)

\_\_\_\_\_  
(SIGNATURE OF DECLARANT)

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

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

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

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

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

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

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

Number of years in this business (specify):

Name of business (specify):

Type of business (specify):

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

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

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

10. **Deductions** . . . . . Last month

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

11. **Assets** . . . . . Total

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



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

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

**13. Average monthly expenses**       Estimated expenses       Actual expenses       Proposed needs

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

**14. Installment payments and debts not listed above**

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

15. This form  does  does not contain the locations of, or identifying information about, the assets and debts listed. NOTE: If the form does contain such information, you may ask the court to seal this document by completing and submitting an *Ex Parte Application and Order to Seal Financial Forms* (form FL-316).

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

I confirm this fee arrangement.

Date: \_\_\_\_\_

\_\_\_\_\_  
(TYPE OR PRINT NAME OF ATTORNEY)



\_\_\_\_\_  
(SIGNATURE OF ATTORNEY)

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

**17. Number of children**

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

**18. Children's health-care expenses**

- a.  I do  I do not have health insurance available to me for the children through my job.
- b. Name of insurance company: \_\_\_\_\_
- c. Address of insurance company: \_\_\_\_\_
  
- d. The monthly cost for the **children's** health insurance is or would be *(specify)*: \$ \_\_\_\_\_  
*(Do not include the amount your employer pays.)*

**19. Additional expenses for the children in this case**

Amount per month

- a. Child care so I can work or get job training. . . . . \$ \_\_\_\_\_
- b. Children's health care not covered by insurance . . . . . \$ \_\_\_\_\_
- c. Travel expenses for visitation . . . . . \$ \_\_\_\_\_
- d. Children's educational or other special needs *(specify below)*: . . . . . \$ \_\_\_\_\_

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

- (attach documentation of any item listed here, including court orders):*
- |                                                                                                         | Amount per month | For how many months? |
|---------------------------------------------------------------------------------------------------------|------------------|----------------------|
| a. Extraordinary health expenses not included in 19b. . . . .                                           | \$ _____         | _____                |
| b. Major losses not covered by insurance (examples: fire, theft, other insured loss) . . . . .          | \$ _____         | _____                |
| c. (1) Expenses for my minor children who are from other relationships and are living with me . . . . . | \$ _____         | _____                |
| (2) Names and ages of those children <i>(specify)</i> :                                                 |                  |                      |
| (3) Child support I receive for those children. . . . .                                                 | \$ _____         |                      |

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

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

ATTORNEY OR PARTY WITHOUT ATTORNEY <i>(Name, State Bar number, and address):</i>  TELEPHONE NO.: _____ FAX NO. <i>(Optional):</i> _____ E-MAIL ADDRESS <i>(Optional):</i> _____ ATTORNEY FOR <i>(Name):</i> _____	FOR COURT USE ONLY  <h1 style="margin: 0;">Draft 6</h1> <h1 style="margin: 0;">9/27/04</h1> <h1 style="margin: 0;">mc</h1>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER:  RESPONDENT:	
<input type="checkbox"/> <b>PETITIONER'S</b> <input type="checkbox"/> <b>RESPONDENT'S</b> <input type="checkbox"/> <b>COMMUNITY AND QUASI-COMMUNITY PROPERTY DECLARATION</b> <input type="checkbox"/> <b>SEPARATE PROPERTY DECLARATION</b>	CASE NUMBER:

**INSTRUCTIONS**

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

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

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

15.  A *Continuation of Property Declaration* (form FL-161) is attached and incorporated by reference.
16. This form  does  does not contain the locations of, or identifying information about, the assets and debts listed.  
NOTE: If the form does contain such information, you may ask the court to seal this document by completing and submitting an *Ex Parte Application and Order to Seal Financial Forms* (form FL-316).

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

Date:

\_\_\_\_\_  
(TYPE OR PRINT NAME)



\_\_\_\_\_  
(SIGNATURE)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):  <hr/> <p style="text-align: center;">TELEPHONE NO.: _____ FAX NO. (Optional): _____</p> <p>E-MAIL ADDRESS (Optional): _____</p> <p>ATTORNEY FOR (Name): _____</p>	<b>FOR COURT USE ONLY</b>  <h1 style="margin: 0;">DRAFT 8</h1> <h1 style="margin: 0;">9/16/04 kc</h1>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b>  STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER:  RESPONDENT:	
<b>REQUEST TO ENTER DEFAULT</b>	CASE NUMBER: _____

1. **To the clerk:** Please enter the default of the respondent who has failed to respond to the petition.
2. A completed *Income and Expense Declaration* (form FL-150) or *Financial Statement (Simplified)* (form FL-155)  is attached  is not attached.  
 A completed *Property Declaration* (form FL-160)  is attached  is not attached because (check at least one of the following):
  - (a)  there have been no changes since the previous filing.
  - (b)  the issues subject to disposition by the court in this proceeding are the subject of a written agreement.
  - (c)  there are no issues of child, spousal, or partner support or attorney fees and costs subject to determination by the court.
  - (d)  the petition does not request money, property, costs, or attorney fees. (Fam. Code, § 2330.5.)
  - (e)  there are no issues of division of community property.
  - (f)  this is an action to establish parental relationship.

Date: \_\_\_\_\_

\_\_\_\_\_  
 (TYPE OR PRINT NAME)

\_\_\_\_\_  
 (SIGNATURE OF [ATTORNEY FOR] PETITIONER)

3. **Declaration**
  - a.  No mailing is required because service was by publication or posting and the address of the respondent remains unknown.
  - b.  A copy of this *Request to Enter Default*, including any attachments and an envelope with sufficient postage, was provided to the court clerk, with the envelope addressed as follows (*address of the respondent's attorney or, if none, the respondent's last known address*):

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

Date: \_\_\_\_\_

\_\_\_\_\_  
 (TYPE OR PRINT NAME)

\_\_\_\_\_  
 (SIGNATURE OF DECLARANT)

<b>FOR COURT USE ONLY</b>
<input type="checkbox"/> <i>Request to Enter Default</i> mailed to the respondent or the respondent's attorney on (date): _____
<input type="checkbox"/> Default entered as requested on (date): _____
<input type="checkbox"/> Default <b>not</b> entered. Reason: _____
Clerk, by _____, Deputy

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

a.  Costs and disbursements are waived.

b. Costs and disbursements are listed as follows:

- (1)  Clerk's fees ..... \$ .....
- (2)  Process server's fees ..... \$ .....
- (3)  Other *(specify):* ..... \$ .....
- ..... \$ .....
- ..... \$ .....
- ..... \$ .....
- TOTAL ..... \$ .....

c. I am the attorney, agent, or party who claims these costs. To the best of my knowledge and belief, the foregoing items of cost are correct and have been necessarily incurred in this cause or proceeding.

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

Date:

_____ (TYPE OR PRINT NAME)		_____ (SIGNATURE OF DECLARANT)
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**5. Declaration of nonmilitary status.** The respondent is not in the military service of the United States as defined in section 511 et seq. of the Servicemembers Civil Relief Act (50 U.S.C. Appen. § 501 et seq.), and is not entitled to the benefits of such act.

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

Date:

_____ (TYPE OR PRINT NAME)		_____ (SIGNATURE OF DECLARANT)
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ATTORNEY OR PARTY WITHOUT ATTORNEY ( <i>Name, State Bar number, and address</i> ):  <hr/> <p style="text-align: center;">TELEPHONE NO.: <span style="margin-left: 150px;">FAX NO. (<i>Optional</i>):</span></p> <p>E-MAIL ADDRESS (<i>Optional</i>):</p> <p>ATTORNEY FOR (<i>Name</i>):</p>	FOR COURT USE ONLY  <h1 style="margin: 0;">DRAFT 13</h1> <h1 style="margin: 0;">9/16/04 kc</h1>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF  STREET ADDRESS:  MAILING ADDRESS:  CITY AND ZIP CODE:  BRANCH NAME:	
PETITIONER:  RESPONDENT:	
<b>DECLARATION FOR DEFAULT OR UNCONTESTED</b> <input type="checkbox"/> <b>DISSOLUTION</b> <input type="checkbox"/> <b>LEGAL SEPARATION</b>	CASE NUMBER:

**(NOTE: Items 1 through 16 apply to both dissolution and legal separation proceedings.)**

1. I declare that if I appeared in court and were sworn, I would testify to the truth of the facts in this declaration.
2. I agree that my case will be proven by this declaration and that I will not appear before the court unless I am ordered by the court to do so.
3. All the information in the  *Petition*  *Response* is true and correct.
4. **Default or uncontested** (*Check a or b.*)
  - a.  The default of the respondent was entered or is being requested, and I am not seeking any relief not requested in the petition. **OR**
  - b.  The parties have agreed that the matter may proceed as an uncontested matter without notice, and the agreement is attached or is incorporated in the attached settlement agreement or stipulated judgment.
5. **Settlement agreement** (*Check a or b.*)
  - a.  The parties have entered into  **an agreement**  **a stipulated judgment** regarding their property their marriage or domestic partnership rights, including support, the original of which is or has been submitted to the court. I request that the court approve the agreement. **OR**
  - b.  **There is no agreement or stipulated judgment**, and the following statements are true (*check at least one, including item (2) if a community estate exists*):
    - (1)  There are no community or quasi-community assets or community debts to be disposed of by the court.
    - (2)  The community and quasi-community assets and debts are listed on the attached **completed** current *Property Declaration* (form FL-160), which includes an estimate of the value of the assets and debts that I propose to be distributed to each party. The division in the proposed *Judgment (Family Law)* (form FL-180) is a fair and equal division of the property and debts, or if there is a negative estate, the debts are assigned fairly and equitably.
6. **Declaration of disclosure** (*Check a, b, or c.*)
  - a.  Both the petitioner and respondent have filed, or are filing concurrently, a *Declaration Regarding Service of Declaration of Disclosure* (form FL-141) and an *Income and Expense Declaration* (form FL-150).
  - b.  This matter is proceeding by default. I am the petitioner in this action and have filed a proof of service of the preliminary *Declaration of Disclosure* (form FL-140) with the court. I hereby waive receipt of the final *Declaration of Disclosure* (form FL-140) from the respondent.
  - c.  This matter is proceeding as an uncontested action. Service of the final *Declaration of Disclosure* (form FL-140) is mutually waived by both parties. A waiver provision executed by both parties under penalty of perjury is contained in the settlement agreement or proposed judgment or another, separate stipulation.
7.  **Child custody** should be ordered as set forth in the proposed *Judgment (Family Law)* (form FL-180).
8.  **Child visitation** should be ordered as set forth in the proposed *Judgment (Family Law)* (form FL-180).
9. **Spousal, partner, and family support** (*If a support order or attorney fees are requested, submit a completed Income and Expense Declaration (form FL-150) unless a current form is on file. Include your best estimate of the other party's income. Check at least one of the following.*)
  - a.  I knowingly give up forever any right to receive spousal or partner support.
  - b.  I ask the court to reserve jurisdiction to award spousal or partner support in the future to (*name*):
  - c.  Spousal support should be ordered as set forth in the proposed *Judgment (Family Law)* (form FL-180).
  - d.  Family support should be ordered as set forth in the proposed *Judgment (Family Law)* (form FL-180).

PETITIONER:  RESPONDENT:	CASE NUMBER:
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10.  **Child support** should be ordered as set forth in the proposed *Judgment (Family Law)* (form FL-180).
11. a. I  am receiving  am not receiving  intend to apply for public assistance for the child or children listed in the proposed order.  
 b. To the best of my knowledge, the other party  is  is not receiving public assistance.
12.  The petitioner  respondent is presently receiving public assistance, and all support should be made payable to the local child support agency at the address set forth in the proposed judgment. A representative of the local child support agency has signed the proposed judgment.
13. If there are minor children, check and complete item a and item b or c:  
 a. My gross (before taxes) monthly income is (*specify*): \$  
 b.  The estimated gross monthly income of the other party is (*specify*): \$  
 c.  I have no knowledge of the estimated monthly income of the other party for the following reasons (*specify*):  
  
 d.  I request that this order be based on the  petitioner's  respondent's earning ability. The facts in support of my estimate of earning ability are (*specify*):  
  
 Continued on Attachment 13d.
14.  **Parentage** of the children of the petitioner and respondent born prior to their marriage or domestic partnership should be ordered as set forth in the proposed *Judgment (Family Law)* (form FL-180). A declaration regarding parentage is attached.
15.  **Attorney fees** should be ordered as set forth in the proposed *Judgment (Family Law)* (form FL-180).
16.  The petitioner  respondent requests restoration of his or her former name as set forth in the proposed *Judgment (Family Law)* (form FL-180).
17. There are irreconcilable differences that have led to the irremediable breakdown of the marriage or domestic partnership, and there is no possibility of saving the marriage or domestic partnership through counseling or other means.
18. This declaration may be reviewed by a commissioner sitting as a temporary judge, who may determine whether to grant this request or require my appearance under Family Code section 2336.

**STATEMENTS IN THIS BOX APPLY ONLY TO DISSOLUTIONS—Items 19 through 21**

19. If this is a dissolution of marriage or of a domestic partnership created in another state, the petitioner and/or the respondent has been a resident of this county for at least three months and of the state of California for at least six months continuously and immediately preceding the date of the filing of the petition for dissolution of marriage or domestic partnership.
20. I ask that the court grant the request for a judgment for dissolution of marriage or domestic partnership based upon irreconcilable differences and that the court make the orders set forth in the proposed *Judgment (Family Law)* (form FL-180) submitted with this declaration.
21.  This declaration is for the termination of **marital or domestic partner status only**. I ask the court to reserve jurisdiction over all issues whose determination is not requested in this declaration.

**THIS STATEMENT APPLIES ONLY TO LEGAL SEPARATIONS**

22. I ask that the court grant the request for a judgment for legal separation based upon irreconcilable differences and that the court make the orders set forth in the proposed *Judgment (Family Law)* (form FL-180) submitted with this declaration.  
**I understand that a judgment of legal separation does not terminate a marriage or domestic partnership and that I am still married or a partner in a domestic partnership.**

23.  Other (*specify*):

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

Date:

\_\_\_\_\_ (TYPE OR PRINT NAME) \_\_\_\_\_ (SIGNATURE OF DECLARANT)





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

- i.  A settlement agreement between the parties is attached.
- j.  A written stipulation for judgment between the parties is attached.
- k.  Child custody and visitation are ordered as set forth in the attached
  - (1)  settlement agreement, stipulation for judgment, or other written agreement.
  - (2)  *Child Custody and Visitation Order Attachment* (form FL-341).
  - (3)  *Stipulation and Order for Custody and/or Visitation of Children* (form FL-355).
  - (4)  other *(specify):*
  
- l.  Child support is ordered as set forth in the attached
  - (1)  settlement agreement, stipulation for judgment, or other written agreement.
  - (2)  *Child Support Information and Order Attachment* (form FL-342).
  - (3)  *Stipulation to Establish or Modify Child Support and Order* (form FL-350).
  - (4)  other *(specify):*
  
- m.  Spousal or partner support is ordered as set forth in the attached
  - (1)  settlement agreement, stipulation for judgment, or other written agreement.
  - (2)  *Spousal, Partner, or Family Support Order Attachment* (form FL-343).
  - (3)  other *(specify):*

**NOTICE:** It is the goal of this state that each party will make reasonable good faith efforts to become self-supporting as provided for in Family Code section 4320. The failure to make reasonable good faith efforts may be one of the factors considered by the court as a basis for modifying or terminating spousal or partner support.

- n.  Property division is ordered as set forth in the attached
  - (1)  settlement agreement, stipulation for judgment, or other written agreement.
  - (2)  *Property Order Attachment to Judgment* (form FL-345).
  - (3)  other *(specify):*
- o.  Parentage is established for children of this relationship born prior to the marriage or domestic partnership.
- p.  Other *(specify):*

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

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

Date:

\_\_\_\_\_  
JUDICIAL OFFICER

SIGNATURE FOLLOWS LAST ATTACHMENT

5. Number of pages attached: \_\_\_\_\_

6. This form  does  does not contain the locations of, or identifying information about, the assets and debts listed.  
 NOTE: If the form does contain such information, you may ask the court to seal this document by completing and submitting an *Ex Parte Application and Order to Seal Financial Forms* (form FL-316).

**NOTICE**

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

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

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

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

ATTORNEY OR PARTY WITHOUT ATTORNEY ( <i>Name, State Bar number, and address</i> ):  <hr/> TELEPHONE NO.: _____ FAX NO. ( <i>Optional</i> ): _____ E-MAIL ADDRESS ( <i>Optional</i> ): _____ ATTORNEY FOR ( <i>Name</i> ): _____	<b>FOR COURT USE ONLY</b>  <h1 style="margin: 0;">DRAFT 6</h1> <h1 style="margin: 0;">9/16/04 kc</h1>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b>  STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER:  RESPONDENT:	
<b>NOTICE OF ENTRY OF JUDGMENT</b>	CASE NUMBER:

You are notified that the following judgment was entered on (*date*):

1.  Dissolution
2.  Dissolution—status only
3.  Dissolution—reserving jurisdiction over termination of marital status or domestic partnership
4.  Legal separation
5.  Nullity
6.  Parent-child relationship
7.  Judgment on reserved issues
8.  Other (*specify*):

Date: \_\_\_\_\_ Clerk, by \_\_\_\_\_, Deputy

**—NOTICE TO ATTORNEY OF RECORD OR PARTY WITHOUT ATTORNEY—**

Under the provisions of Code of Civil Procedure section 1952, if no appeal is filed the court may order the exhibits destroyed or otherwise disposed of after 60 days from the expiration of the appeal time.

**STATEMENT IN THIS BOX APPLIES ONLY TO JUDGMENT OF DISSOLUTION**

Effective date of termination of marital or domestic partnership status (*specify*):

**WARNING: Neither party may remarry or enter into a new domestic partnership until the effective date of the termination of marital or domestic partnership status, as shown in this box.**

**CLERK'S CERTIFICATE OF MAILING**

I certify that I am not a party to this cause and that a true copy of the *Notice of Entry of Judgment* was mailed first class, postage fully prepaid, in a sealed envelope addressed as shown below, and that the notice was mailed at (*place*): \_\_\_\_\_, California, on (*date*): \_\_\_\_\_

Date: \_\_\_\_\_ Clerk, by \_\_\_\_\_, Deputy

Name and address of petitioner or petitioner's attorney    
  Name and address of respondent or respondent's attorney

\_\_\_\_\_    
  \_\_\_\_\_    
  \_\_\_\_\_

PETITIONER:  RESPONDENT:	CASE NUMBER:
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**APPLICATION FOR ORDER AND SUPPORTING DECLARATION**

—THIS IS NOT AN ORDER—

Petitioner  Respondent  Claimant requests the following orders be made:

1.  CHILD CUSTODY  To be ordered pending the hearing
- |                                                        |                                                                                                                                 |                                                                                                     |                                                                                                                        |
|--------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|
| a. <input type="checkbox"/> Child ( <u>name, age</u> ) | b. <input type="checkbox"/> Legal custody to<br>(person who makes decisions<br>about health, education,<br>etc.)( <u>name</u> ) | c. <input type="checkbox"/> Physical custody to<br>(person with whom child<br>lives)( <u>name</u> ) | d. <input type="checkbox"/> Modify existing order<br>(1) filed on ( <u>date</u> ):<br>(2) ordering ( <u>specify</u> ): |
|--------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|

As requested in form  FL-311  FL-312  FL-341(C)  FL-341(D)  FL-341(E)

2.  CHILD VISITATION  To be ordered pending the hearing
- As requested in:
- |                                                                                                                                               |                                                                                                                        |
|-----------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|
| a. <input type="checkbox"/> Attachment 2a<br>b. <input type="checkbox"/> form FL-311<br>c. <input type="checkbox"/> Other ( <u>specify</u> ): | d. <input type="checkbox"/> Modify existing order<br>(1) filed on ( <u>date</u> ):<br>(2) ordering ( <u>specify</u> ): |
|-----------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|

3.  CHILD SUPPORT (*An earnings assignment order may be issued.*)
- |                                                        |                                                           |                                                                                                                        |
|--------------------------------------------------------|-----------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|
| a. <input type="checkbox"/> Child ( <u>name, age</u> ) | b. Monthly amount<br>( <u>if not by guideline</u> )<br>\$ | c. <input type="checkbox"/> Modify existing order<br>(1) filed on ( <u>date</u> ):<br>(2) ordering ( <u>specify</u> ): |
|--------------------------------------------------------|-----------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|

4.  SPOUSAL OR PARTNER SUPPORT (*An earnings assignment order may be issued.*)
- |                                                                                                                                                                                                  |                                                                                                                        |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|
| a. <input type="checkbox"/> Amount requested ( <u>monthly</u> ): \$<br>b. <input type="checkbox"/> Terminate existing order<br>(1) filed on ( <u>date</u> ):<br>(2) ordering ( <u>specify</u> ): | c. <input type="checkbox"/> Modify existing order<br>(1) filed on ( <u>date</u> ):<br>(2) ordering ( <u>specify</u> ): |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|

5.  ATTORNEY FEES AND COSTS a.  Fees: \$ b.  Costs: \$

6.  PROPERTY RESTRAINT  To be ordered pending the hearing
- a. The  petitioner  respondent  claimant is restrained from transferring, encumbering, hypothecating, concealing, or in any way disposing of any property, real or personal, whether community, quasi-community, or separate, except in the usual course of business or for the necessities of life.
- The applicant will be notified at least five business days before any proposed extraordinary expenditures, and an accounting of such will be made to the court.
- b.  Both parties are restrained and enjoined from cashing, borrowing against, canceling, transferring, disposing of, or changing the beneficiaries of any insurance or other coverage, including life, health, automobile, and disability, held for the benefit of the parties or their minor children.
- c.  Neither party may incur any debts or liabilities for which the other may be held responsible, other than in the ordinary course of business or for the necessities of life.

**NOTE: To obtain domestic violence restraining orders, you must use the forms *Request for Order (Domestic Violence Prevention)* (form DV-100) and *Temporary Restraining Order (Domestic Violence Prevention)* (form DV-110).**

PETITIONER:  RESPONDENT:	CASE NUMBER:
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7.  PROPERTY CONTROL  **To be ordered pending the hearing**
- a.  The petitioner  respondent is given the exclusive temporary use, possession, and control of the following property we own or are buying (*specify*):
- b.  The petitioner  respondent is ordered to make the following payments on liens and encumbrances coming due while the order is in effect:
- | <u>Debt</u> | <u>Amount of payment</u> | <u>Pay to</u> |
|-------------|--------------------------|---------------|
|             |                          |               |
8.  **I request** that time for service of the *Order to Show Cause* and accompanying papers be shortened so that these documents may be served no less than (*specify number*): \_\_\_\_\_ days before the time set for the hearing. I need to have the order shortening time because of the facts specified in the attached declaration.
9.  OTHER RELIEF (*specify*):
10.  FACTS IN SUPPORT of relief requested and change of circumstances for any modification are (*specify*):  
 contained in the attached declaration.

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

Date:

\_\_\_\_\_  
 (TYPE OR PRINT NAME)

▶

\_\_\_\_\_  
 (SIGNATURE OF APPLICANT)

PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT:	CASE NUMBER:
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**CHILD CUSTODY AND VISITATION APPLICATION ATTACHMENT**

- TO  *Findings and Order After Hearing*  *Judgment*  
 *Stipulation and Order for Custody and/or Visitation of Children*  
 *Other (specify):*

1.  **Custody.** Custody of the minor children of the parties is requested as follows:

<u>Child's name</u>	<u>Date of birth</u>	<u>Legal custody to</u> (person who makes decisions about health, education, etc.)	<u>Physical custody to</u> (person with whom the child lives)
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Joint legal custody  Joint physical custody

2.  **Visitation**

a.  Reasonable right of visitation to the party without physical custody (**not appropriate in cases involving domestic violence**)

b.  See the attached \_\_\_\_\_-page document dated(*specify date*):

c.  The parties will go to mediation at (*specify location*):

d.  No visitation

e.  Visitation for the  petitioner  respondent will be as follows:

(1)  **Weekends starting (date):**

*(The first weekend of the month is the first weekend with a Saturday.)*

1st  2nd  3rd  4th  5th weekend of the month

from \_\_\_\_\_ at \_\_\_\_\_  a.m.  p.m.  
*(day of week) (time)*

to \_\_\_\_\_ at \_\_\_\_\_  a.m.  p.m.  
*(day of week) (time)*

(a)  The parents will alternate the fifth weekends, with the  petitioner  respondent having the initial fifth weekend, which starts (*date*):

(b)  The petitioner will have fifth weekends in  odd  even months.

(2)  **Alternate weekends starting (date):**

The  petitioner  respondent will have the children with him or her during the period

from \_\_\_\_\_ at \_\_\_\_\_  a.m.  p.m.  
*(day of week) (time)*

to \_\_\_\_\_ at \_\_\_\_\_  a.m.  p.m.  
*(day of week) (time)*

(3)  **Weekdays starting (date):**

The  petitioner  respondent will have the children with him or her during the period

from \_\_\_\_\_ at \_\_\_\_\_  a.m.  p.m.  
*(day of week) (time)*

to \_\_\_\_\_ at \_\_\_\_\_  a.m.  p.m.  
*(day of week) (time)*

(4)  **Other (specify days and times as well as any additional restrictions):**

See Attachment 2e(4).

PETITIONER:	CASE NUMBER:
RESPONDENT:	

3.  **Supervised visitation.**  
 I request that (name): \_\_\_\_\_ have supervised visitation with the minor children according to the schedule set out on page 1 and that the visits be supervised by (name): \_\_\_\_\_ who is a  professional  nonprofessional supervisor. The supervisor's phone number is (specify): \_\_\_\_\_  
 I request that the costs of supervision be paid as follows: petitioner: \_\_\_\_\_ percent; respondent: \_\_\_\_\_ percent.

**If item 3 is checked, you must attach a declaration that shows why unsupervised visitation would be bad for your children. The judge is required to consider supervised visitation if one parent is alleging domestic violence and is protected by a restraining order.**

4.  **Transportation for visitation and place of exchange**
- Transportation **to** the visits will be provided by (name): \_\_\_\_\_
  - Transportation **from** the visits will be provided by (name): \_\_\_\_\_
  - Drop-off of the children will be at (address): \_\_\_\_\_
  - Pick-up of the children will be at (address): \_\_\_\_\_
  - The children will be driven only by a licensed and insured driver. The car or truck must have legal child restraint devices.
  - During the exchanges, the parent driving the children will wait in the car and the other parent will wait in his or her home while the children go between the car and the home.
  - Other (specify): \_\_\_\_\_

5.  **Travel with children.** The  petitioner  respondent  other (name): \_\_\_\_\_ **must** have written permission from the other parent or a court order to take the children out of
- the state of California.
  - the following counties (specify): \_\_\_\_\_
  - other places (specify): \_\_\_\_\_

6.  **Child abduction prevention.** There is a risk that one of the parents will take the children out of California without the other parent's permission. I request the orders set out on attached form FL-312.

7.  **Children's holiday schedule.** I request the holiday and visitation schedule set out on the attached  form FL-341(C)  other (specify): \_\_\_\_\_

8.  **Additional custody provisions.** I request the additional orders regarding custody set out on the attached  form FL-341(D)  other (specify): \_\_\_\_\_

9.  **Joint legal custody provisions.** I request joint legal custody and want the additional orders set out on the attached  form FL-341(E)  other (specify): \_\_\_\_\_

10.  **Other.** I request the following additional orders (specify): \_\_\_\_\_





PETITIONER/PLAINTIFF:  RESPONDENT/DEFENDANT:	CASE NUMBER:
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3.  **Supervised visitation.** Until  further order of the court  other (*specify*):  
 the  petitioner  respondent will have supervised visitation with the minor children according to the schedule set forth on page 1. **(You must attach form FL-341(A).)**
4.  **Transportation for visitation**
- a.  Transportation **to** the visits will be provided by the  petitioner  respondent  
 other (*specify*):
- b.  Transportation **from** the visits will be provided by the  petitioner  respondent  
 other (*specify*):
- c.  Drop-off of the children will be at (*address*):
- d.  Pick-up of the children will be at (*address*):
- e.  The children will be driven only by a licensed and insured driver. The car or truck must have legal child restraint devices.
- f.  During the exchanges, the parent driving the children will wait in the car and the other parent will wait in his or her home while the children go between the car and the home.
- g.  Other (*specify*):
5.  **Travel with children.** The  petitioner  respondent  other (*name*):  
**must** have written permission from the other parent or a court order to take the children out of
- a.  the state of California.
- b.  the following counties (*specify*):
- c.  other places (*specify*):
6.  **Child abduction prevention.** There is a risk that one of the parents will take the children out of California without the other parent's permission. Form FL-341(B) is attached and must be obeyed.
7.  **Holiday schedule.** The children will spend holiday time as listed in the attached  form FL-341(C)  
 other (*specify*):
8.  **Additional custody provisions.** The parents will follow the additional custody provisions listed in the attached  form FL-341(D)  other (*specify*):
9.  **Joint legal custody.** The parents will share joint legal custody as listed in the attached  form FL-341(E)  
 other (*specify*):
10.  **Other** (*specify*):
11. **Jurisdiction.** This court has jurisdiction to make child custody orders in this case under the Uniform Child Custody Jurisdiction and Enforcement Act (part 3 of the California Family Code, commencing with section 3400).
12. **Notice and opportunity to be heard.** The responding party was given notice and an opportunity to be heard, as provided by the laws of the State of California.
13. **Country of habitual residence.** The country of habitual residence of the child or children in this case is  
 the United States  other (*specify*):
14. **Penalties for violating this order.** If you violate this order, you may be subject to civil or criminal penalties, or both.

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**CHILD ABDUCTION PREVENTION ORDER ATTACHMENT**

TO  **Child Custody and Visitation Order Attachment (form FL-341(A))**  **Other (specify):**

1. **The court finds there is a risk that** *(specify name of parent):* **will take the child without permission because that parent** *(check all that apply):*
- a.  has violated—or threatened to violate—a custody or visitation order in the past.
  - b.  does not have strong ties to California.
  - c.  has done things that make it easy for him or her to take the children away without any permission, such as *(check all that apply):*
    - quit a job.  sold his or her home.
    - closed a bank account.  ended a lease.
    - sold or gotten rid of assets.  hidden or destroyed documents.
    - applied for a passport, birth certificate, or school or medical records.
    - Other *(specify):*
  - d.  has a history of *(check all that apply):*
    - domestic violence.
    - child abuse.
    - not cooperating with the other parent in parenting.
  - e.  has a criminal record.
  - f.  has family or emotional ties to another country, state, or foreign country.
- (NOTE: If item "f" is checked, at least one other factor must be checked, too.)**

**THE COURT ORDERS, to prevent the parent in item 1 from taking the children without permission:**

- 2.  **Supervised visitation.** Terms of visitation are *(check one):*  
 as specified on attached form FL-341(A)  as follows:
  
- 3.  **The parent in item 1 must post a bond for \$** \_\_\_\_\_ . The terms of the bond are *(specify):*
  
- 4.  **The parent in item 1 must not move from the following locations with the children** without permission in writing from the other parent or a court order:  
 Current residence  Current school district *(specify):*  
 This county  Other *(specify):*
  
- 5.  **The parent in item 1 must not travel with the children out of** *(check all that apply):*  
 this county.  the United States.  
 California.  other *(specify):*
  
- 6.  **The parent in item 1 must register this order** in the state of *(specify):* \_\_\_\_\_ before the children can travel to that state for visits.
  
- 7.  **The parent in item 1 must not apply for a passport or any other document,** such as a visa or birth certificate, that can be used for travel, and must turn in the following documents *(specify):*

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8.  **The parent in item 1 must give the other parent the following *before* traveling with the children:**
- The children's travel itinerary
  - Copies of round-trip airline tickets
  - Addresses and telephone numbers where the children can be reached at all times
  - An open airline ticket for the other parent in case the children are not returned
  - Other (*specify*):
9.  **The parent in item 1 must notify the embassy or consulate** of (*specify country*): \_\_\_\_\_ of this order and provide the court with proof of that notification within (*specify number*): \_\_\_\_\_ days.
10.  **The parent in item 1 must get a custody and visitation order** equivalent to the most recent U.S. order before the children may travel to that country for visits. The court recognizes that foreign orders may be changed or enforced according to the laws of that country.
11.  **Enforcing the order.** The court authorizes any law enforcement officer to enforce this order. In this county, contact the Child Abduction Unit of the Office of the District Attorney at (*phone number and address*): \_\_\_\_\_
12.  **Other** (*specify*): \_\_\_\_\_
13. This order is valid in other states and in any country that has signed the Hague Convention on Child Abduction.

**NOTICE TO AUTHORITIES IN OTHER STATES AND COUNTRIES**

This court has jurisdiction to make child custody orders under California's Uniform Child Custody Jurisdiction and Enforcement Act (California Fam. Code, § 3400 et seq.) and the Hague Convention on Civil Aspects of International Child Abduction (42 U.S.C. § 11601 et seq.). If jurisdiction is based on other factors, they are listed in item 12 above.

Date: \_\_\_\_\_

\_\_\_\_\_  
JUDICIAL OFFICER

PETITIONER:  RESPONDENT:	CASE NUMBER:
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**CHILDREN'S HOLIDAY SCHEDULE ATTACHMENT**

TO  Petition or Application for Order  Findings and Order After Hearing or Judgment  
 Stipulation and Order for Custody and/or Visitation of Children

1. **Holiday parenting.** The following table shows the holiday parenting schedules. Write "Pet" or "Resp" to specify each parent's years—odd, even, or both ("every year")—and under "Time" specify the starting and ending days and times.

Holiday	Time (from when to when) <i>(Unless otherwise noted, all single-day holidays start at a.m. and end at p.m.)</i>	Every Year <i>Petitioner/ Respondent</i>	Even Years <i>Petitioner/ Respondent</i>	Odd Years <i>Petitioner/ Respondent</i>
January 1 (New Year's Day)				
Martin Luther King's Birthday (weekend)				
Lincoln's Birthday				
President's Day (weekend)				
Spring Break, first half				
Spring Break, second half				
Mother's Day				
Memorial Day (weekend)				
Father's Day				
July 4th				
Labor Day (weekend)				
Columbus Day (weekend)				
Halloween				
Veteran's Day (weekend)				
Thanksgiving Day				
Thanksgiving weekend				
Winter Break, first half				
Winter Break, second half				
New Year's Eve				
Child's birthday				
Mother's birthday				
Father's birthday				
Breaks for year-round schools				
Summer Break, first half				
Summer Break, second half				
Other (specify):				

Any three-day weekend not specified above will be spent with the parent who would normally have that weekend.  
 Other (specify):

2. **Vacations.** The  petitioner  respondent may take a vacation of up to (specify number):  days  weeks with the children the following number of times per year (specify): . They must notify the other parent in writing of their vacation plans a minimum of (specify number): days in advance and provide the other parent with a basic itinerary that includes dates of leaving and returning, destinations, flight information, and telephone numbers for emergency purposes.  
 The other parent has (specify number): days to respond if there is a problem with the schedule.

a.  This vacation may be outside California.  
 b.  Any vacation outside  California  the United States requires prior written consent of the other parent or a court order.  
 c.  Other (specify):

PETITIONER:  RESPONDENT:	CASE NUMBER:
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**ADDITIONAL PROVISIONS—PHYSICAL CUSTODY ATTACHMENT**

TO  **Petition or Application for Order**  **Findings and Order After Hearing or Judgment**  
 **Stipulation and Order for Custody and/or Visitation of Children**

1.  **Notification of parent's current address.** Each parent must notify the other parent of his or her current address and telephone number within (*specify number*): \_\_\_\_\_ days of any change in his or her
  - a. address for  residence  mailing  work.
  - b. telephone/message number at  home  work  the children's schools.

Neither parent may use such information for the purpose of harassing, annoying, or disturbing the peace of the other or invading the other's privacy. If a parent has an address with the State of California's Safe at Home confidential address program, no residence or work address is needed.
  
2.  **Notification of proposed move of child.** Each parent must notify the other parent (*specify number*): \_\_\_\_\_ days prior to any planned change in residence of the children. The notification must state, to the extent known, the planned address of the children, including the county and state of the new residence. The notification must be sent by certified mail, return receipt requested.
  
3.  **Child care**
  - a.  The children must not be left alone without age-appropriate supervision.
  - b.  The parents must let each other know the name, address, and phone number of the children's regular child-care providers.
  
4.  **Right of first option of child care.** In the event either parent requires child care for (*specify number*): \_\_\_\_\_ hours or more while the children are in his or her custody, the other parent must be given first opportunity, with as much prior notice as possible, to care for the children before other arrangements are made. Unless specifically agreed or ordered by the court, this order does not include regular child care needed when a parent is working.
  
5.  **Canceled parenting time**
  - a.  If the noncustodial parent fails to arrive at the appointed time and fails to notify the custodial parent that he or she will be late, then the custodial parent need wait for only (*specify number*): \_\_\_\_\_ minutes before considering the visitation canceled.
  - b.  In the event a noncustodial parent is unable to exercise visitation on a given occasion, he or she must notify the custodial parent at the earliest possible opportunity.
  - c.  The custodial parent must give the noncustodial parent as much notice as possible if the children are ill and unable to participate in scheduled time with the other parent.  A doctor's excuse is required.
  
6.  **Phone contact between parents and children**
  - a.  The children may have telephone access to the parents  and the parents may have telephone access to the children at reasonable times, for reasonable durations.
  - b.  The scheduled phone contact between parents and the children is (*specify*): \_\_\_\_\_
  - c.  Neither parent nor any other third party may listen to or monitor the calls.
  
7.  **No negative comments.** Neither parent will make or allow others to make negative comments about the other parent or the other parent's past or present relationships, family, or friends within hearing distance of the children.
  
8.  **No use of children as messengers.** The parents will communicate directly with each other on matters concerning the children and may not use the children as messengers between them.
  
9.  **Alcohol or substance abuse.** The  petitioner  respondent may not consume alcoholic beverages, narcotics, or restricted dangerous drugs (except by prescription) within (*specify number*): \_\_\_\_\_ hours prior to or during periods of time with the children  and may not permit any third party to do so in the presence of the children.
  
10.  **No exposure to cigarette smoke.** The children will not be exposed to secondhand cigarette smoke while in the home or car of either parent.

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11.  **No interference with schedule of other parent without that parent's consent.** Neither parent will schedule activities for the children during the other parent's scheduled parenting time without the other parent's prior agreement.
12.  **Third-party contact**
- a.  The children will have no contact with *(specify name)*:
- b.  The children must not be left alone in the presence of *(specify name)*:
13.  **Children's clothing and belongings**
- a.  Each parent will maintain clothing for the children so that the children do not have to make the exchanges with additional clothing.
- b.  The children will be returned to the other parent with the clothing and other belongings they had when they arrived.
14.  **Log book.** The parents will maintain a "log book" and make sure that the book is sent with the children between their two homes. Using businesslike notes (no personal comments), parents will record information related to the health, education, and welfare issues that arise during the time the children are with them.
15.  **Terms and conditions of order may be changed.** The terms and conditions of this order may be added to or changed as the needs of the children and parents change. Such changes will be in writing, dated and signed by both parents; each parent will retain a copy. If the parents want a change to be a court order, it must be filed with the court in the form of a court document.
16.  **Other** *(specify)*:

PETITIONER:  RESPONDENT:	CASE NUMBER:
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**JOINT LEGAL CUSTODY ATTACHMENT**

TO  **Petition or Application for Order**     **Findings and Order After Hearing or Judgment**  
 **Stipulation and Order for Custody and/or Visitation of Children**

1. The parents will have joint legal custody of the minor children.
2. In exercising joint legal custody, the parents will share in the responsibility and confer in good faith on matters concerning the health, education, and welfare of the children. The parents must confer in making decisions on the following matters:
  - a.  Enrollment in or leaving a particular private or public school or daycare center
  - b.  Participation in particular religious activities or institutions
  - c.  Beginning or ending of psychiatric, psychological, or other mental health counseling or therapy
  - d.  Selection of a doctor, dentist, or other health professional (except in emergency situations)
  - e.  Participation in extracurricular activities
  - f.  Out-of-country or out-of-state travel
  - g.  Other (*specify*):

In all other matters in exercising joint legal custody, the parents may act alone, as long as the action does not conflict with any orders concerning the physical custody of the children.

3. If a parent does not obtain the required consent of the other parent to the decisions checked in item 2:
  - a. He or she may be subject to civil or criminal penalties.
  - b. The court may change the legal and physical custody of the minor children.
  - c.  Other consequences (*specify*):
4.  **Special decision-making designation**
  - a. The  petitioner  respondent will be responsible for making decisions regarding the following issues (*specify*):
  - b.  Each parent will have access to the children's school, medical, and dental records and the right to consult with professionals who are providing services to the children.
5.  **Health-care notification**
  - a.  Each parent must notify the other of the name and address of each health practitioner who examines or treats the children; such notification must be made within (*specify number*):    days of the commencement of the first such treatment or examination.
  - b.  Each parent is authorized to take any and all actions necessary to protect the health and welfare of the children, including but not limited to consent to emergency surgical procedures or treatment. The parent authorizing such emergency treatment must notify the other parent as soon as possible of the emergency situation and of all procedures or treatment administered to the children.
  - c.  Both parents are required to administer any prescribed medications for the children.
6.  **School notification.** Each parent will be designated as a person the children's school will contact in the event of an emergency.
7.  **Name.** Neither parent will change the last name of the children or have a different name used on the children's medical, school, or other records without the written consent of the other parent.
8.  Other (*specify*):

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

TO  Findings and Order After Hearing  Judgment  Other (specify):

THE COURT FINDS

- A printout of a computer calculation of the parties' financial circumstances is attached for all required items not filled out below.
- Net income.** The parties' monthly income and deductions are as follows (complete a, b, or both):

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

3. Other factors regarding spousal or partner support

- The parties were married for (specify numbers): \_\_\_\_\_ years \_\_\_\_\_ months.
- The parties were registered as domestic partners or the equivalent on (date): \_\_\_\_\_
- The Family Code section 4320 factors were considered, as listed in Attachment 3c.
- The marital standard of living was (describe): \_\_\_\_\_

See Attachment 3d.

e.  Other (specify): \_\_\_\_\_

THE COURT ORDERS

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

payable on the (specify): \_\_\_\_\_ day of each month.

Other (specify): \_\_\_\_\_

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



PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT:	CASE NUMBER:
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5.  The parties must promptly inform each other of any change of employment, including the employer's name, address, and telephone number.
6.  **NOTICE:** It is the goal of this state that each party must make reasonable good faith efforts to become self-supporting as provided for in Family Code section 4320. The failure to make reasonable good faith efforts may be one of the factors considered by the court as a basis for modifying or terminating support.
7.  This order is for family support. Both parties must complete and file with the court a *Child Support Case Registry Form* (form FL-191) within 10 days of the date of this order. The parents must notify the court of any change of information submitted within 10 days of the change by filing an updated form. Form FL-192, *Notice of Rights and Responsibilities and Information Sheet on Changing a Child Support Order*, is attached.
8.  The issue of spousal or partner support for the  petitioner  respondent is reserved for a later determination.
9.  The court terminates jurisdiction over the issue of spousal or partner support for the  petitioner  respondent.
10.  Other (*specify*):

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

**THIS IS A COURT ORDER**

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

**THE COURT ORDERS**

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

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

Property Given to

See Attachment 2.

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

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

See Attachment 3.

4.  These are temporary orders only. The court will make final orders at the time of judgment.

5.  Other (specify):

6. This form  does  does not contain the locations of, or identifying information about, the assets and debts listed.

NOTE: If the form does contain such information, you may ask the court to seal this document by completing and submitting an *Ex Parte Application and Order to Seal Financial Forms* (form FL-316).

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

**1. Division of community property assets**

- a.  There are no community property assets.
- b.  The court finds that the net value of the community estate is less than \$5,000 and that the  petitioner  respondent cannot be found. Under Family Code section 2604, the entire community estate is awarded to the  petitioner  respondent.
- c.  The petitioner will receive the following assets: *(Attach additional page if necessary.)*
  
- d.  The respondent will receive the following assets: *(Attach additional page if necessary.)*
  
- e. The  petitioner  respondent will be responsible for preparing and filing a *Qualified Domestic Relations Order (QDRO)* to divide the following plan or retirement account(s) *(specify)*:  
  
 The fee for preparation of the QDRO shall be shared as follows *(specify)*:
  
- f.  Other orders:
  
- g.  Each spouse will receive the assets listed above as his or her sole and separate property. The parties must execute any and all documents required to carry out this division.
- h. The court reserves jurisdiction to divide any community assets not listed here and enforce the terms of this order.

**2. Division of community property debts**

- a.  There are no community debts.
- b.  All community debts have been paid by the  petitioner  respondent. The  petitioner  respondent must reimburse the other party: \$  
 The payment plan is as follows:
  
- c.  The petitioner will be responsible for the following debts: *(Attach additional page if necessary.)*
  
- d.  The respondent will be responsible for the following debts: *(Attach additional page if necessary.)*

PETITIONER:	CASE NUMBER:
RESPONDENT:	

e.  Other orders:

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

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

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

4. **Separate property**

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

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

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

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

7.  Other orders (*specify*):

8. This form  does  does not contain the locations of, or identifying information about, the assets and debts listed.

NOTE: If the form does contain such information, you may ask the court to seal this document by completing and submitting an *Ex Parte Application and Order to Seal Financial Forms* (form FL-316).

ATTORNEY OR PARTY WITHOUT ATTORNEY <i>(Name, State Bar number, and address):</i>  TELEPHONE NO.: _____ FAX NO. <i>(Optional):</i> _____ E-MAIL ADDRESS <i>(Optional):</i> _____ ATTORNEY FOR <i>(Name):</i> _____	FOR COURT USE ONLY  <h2 style="margin: 0;">DRAFT 8 9/21/04 kc</h2>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT:	
<b>EARNINGS ASSIGNMENT ORDER FOR SPOUSAL OR PARTNER SUPPORT</b> <input type="checkbox"/> <b>Modification</b>	CASE NUMBER:

**TO THE PAYOR: This is a court order. You must withhold a portion of the earnings of** *(specify obligor's name and birthdate):*  
**and pay as directed below.** *(An explanation of this order is printed on page 2 of this form.)*

**THE COURT ORDERS**

1. You must pay part of the earnings of the employee or other person who has been ordered to pay support, as follows:
  - a.  \$ \_\_\_\_\_ per month current **spousal or partner support**
  - b.  \$ \_\_\_\_\_ per month **spousal or partner support arrearages**
  - c. **Total deductions per month:**  \$ \_\_\_\_\_
2.  The payments ordered under item 1a must be paid to *(name, address):*
3.  The payments ordered under item 1b must be paid to *(name, address):*
4. The payments ordered under item 1 must continue until further written notice from the payee or the court.
5.  This order modifies an existing order. **The amount you must withhold may have changed.** The existing order continues in effect until this modification is effective.
6. This order affects all earnings that are payable beginning as soon as possible but not later than 10 days after you receive it.
7. You must give the obligor a copy of this order and the blank *Request for Hearing Regarding Earnings Assignment* (form FL-450) within 10 days.
8.  Other *(specify):*
9. For the purposes of this order, spousal or partner support arrearages are set at: \$ \_\_\_\_\_ as of *(date):*

Date: \_\_\_\_\_

\_\_\_\_\_  
JUDICIAL OFFICER

# INSTRUCTIONS FOR EARNINGS ASSIGNMENT ORDER

## 1. DEFINITION OF IMPORTANT WORDS IN THE EARNINGS ASSIGNMENT ORDER

### a. Earnings:

- (1) Wages, salary, bonuses, vacation pay, retirement pay, and commissions paid by an employer;
- (2) Payments for services of independent contractors;
- (3) Dividends, interest, rents, royalties, and residuals;
- (4) Patent rights and mineral or other natural resource rights;
- (5) Any payments due as a result of written or oral contracts for services or sales, regardless of title;
- (6) Payments due for workers' compensation temporary benefits, or payments from a disability or health insurance policy or program; and
- (7) Any other payments or credits due, regardless of source.

### b. Earnings assignment order: a court order issued in every court case in which one person is ordered to pay for the support of another person. This order has priority over any other orders such as garnishments or earnings withholding orders.

Earnings should not be withheld for any other order until the amounts necessary to satisfy this order have been withheld in full. However, an *Order/Notice to Withhold Income for Child Support* for child support or family support has priority over this order for spousal or partner support.

### c. Obligor: any person ordered by a court to pay support. The obligor is named before item 1 in the order.

### d. Oblige: the person or governmental agency to whom the support is to be paid.

### e. Payor: the person or entity, including an employer, that pays earnings to an obligor.

## 2. INFORMATION FOR ALL PAYORS. Withhold money from the earnings payable to the obligor as soon as possible but no later than 10 days after you receive the *Earnings Assignment Order for Spousal or Partner Support*. Send the withheld money to the payee(s) named in items 2 and 3 of the order within 10 days of the pay date. You may deduct \$1 from the obligor's earnings for each payment you make.

When sending the withheld earnings to the payee, state the date on which the earnings were withheld. You may combine amounts withheld for two or more obligors in a single payment to each payee, and identify what portion of that payment is for each obligor.

**You will be liable for any amount you fail to withhold and can be cited for contempt of court.**

## 3. SPECIAL INSTRUCTIONS FOR PAYORS WHO ARE EMPLOYERS

### a. State and federal laws limit the amount you can withhold and pay as directed by this order. This limitation applies only to earnings defined above in item 1a(1) and are usually half the obligor's disposable earnings.

**Disposable earnings are different from gross pay or take-home pay.** Disposable earnings are earnings left after subtracting the money that state or federal law requires an employer to withhold. Generally these required deductions are (1) federal income tax, (2) social

security, (3) state income tax, (4) state disability insurance, and (5) payments to public employees' retirement systems.

After the obligor's disposable earnings are known, withhold the amount required by the order, **but never withhold more than 50 percent of the disposable earnings unless the court order specifies a higher percentage.** Federal law prohibits withholding more than 65 percent of disposable earnings of an employee in any case.

**If the obligor has more than one assignment for support, add together the amounts of support due for all the assignments. If 50 percent of the obligor's net disposable earnings will not pay in full all of the assignments for support, prorate it first among all of the current support assignments in the same proportion that each assignment bears to the total current support owed. Apply any remainder to the assignments for arrearage support in the same proportion that each assignment bears to the total arrearage owed. If you have any questions, please contact the office or person who sent this form to you. This office or person's name appears in the upper left-hand corner of the order.**

- b. If the employee's pay period differs from the period specified in the order, prorate the amount ordered withheld so that part of it is withheld from each of the obligor's paychecks.
- c. If the obligor stops working for you, notify the office that sent you this form of that, no later than the date of the next payment, by first-class mail. Give the obligor's last known address and, if known, the name and address of any new employer.
- d. California law prohibits you from firing, refusing to hire, or taking any disciplinary action against any employee ordered to pay support through an earnings assignment. Such action can lead to a \$500 civil penalty per employee.

**4. INFORMATION FOR ALL OBLIGORS.** You should have received a *Request for Hearing Regarding Earnings Assignment* (form FL-450) with this *Earnings Assignment Order for Spousal or Partner Support*. If not, you may get one from either the court clerk or the family law facilitator. If you want the court to stop or modify your earnings assignment, you must file (by hand delivery or mail) an original copy of the form with the court clerk within 10 days of the date you received this order. Keep a copy of the form for your records.

If you think your support order is wrong, you can ask for a modification of the order or, in some cases, you can have the order set aside and have a new order issued. You can talk to an attorney or get information from the family law facilitator about this.

**5. SPECIAL INFORMATION FOR THE OBLIGOR WHO IS AN EMPLOYEE.** State law requires you to notify the payees named in items 2 and 3 of the order if you change your employment. You must provide the name and address of your new employer.

ATTORNEY OR PARTY WITHOUT ATTORNEY <i>(Name, State Bar number, and address):</i>  TELEPHONE NO.: _____ FAX NO. <i>(Optional)</i> : _____ E-MAIL ADDRESS <i>(Optional)</i> : _____ ATTORNEY FOR <i>(Name)</i> : _____	<p style="text-align: center;"><i>FOR COURT USE ONLY</i></p> <p style="text-align: center;"><b>DRAFT 10</b></p> <p style="text-align: center;"><b>9/21/04</b></p> <p style="text-align: center;"><b>kc</b></p>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b>  STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT:	
<b>REQUEST FOR HEARING REGARDING EARNINGS ASSIGNMENT</b>	CASE NUMBER:

**NOTICE: Complete and file this form with the court clerk to request a hearing *only* if you object to the *Order/Notice to Withhold Income for Child Support* (form FL-195/OMB0970-0154) or *Earnings Assignment Order for Spousal or Partner Support* (form FL-435). This form may not be used to modify your current child support amount. (See page 2 of form FL-192, *Information Sheet on Changing a Child Support Order*.) Page 3 of this form is instructional only and does not need to be delivered to the court.**

1. A hearing on this application will be held as follows *(see instructions for getting a hearing date on page 3)*:

a. 

Date:	Time:	<input type="checkbox"/>	Dept.:	<input type="checkbox"/>	Div.:	<input type="checkbox"/>	Room:
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b. The address of the court is:  same as noted above  other *(specify)*:

2.  I request that service of the *Earnings Assignment Order for Spousal or Partner Support* (form FL-435) or *Order/Notice to Withhold Income for Child Support* (form FL-195/OMB0970-0154) be quashed (set aside) because
- a.  I am not the obligor named in the earnings assignment.
  - b.  There is good cause to recall the earnings assignment because **all** of the following conditions exist:
    - (1) Recalling the earnings assignment would be in the best interest of the children for whom I am ordered to pay support *(state reasons)*:
  
    - (2) I have paid court-ordered support fully and on time for the last 12 months without either an earnings assignment or another mandatory collection process.
    - (3) I do not owe any arrearage (back support).
    - (4) Service of the earnings assignment would cause extraordinary hardship for me, as follows *(state reasons; you must prove these reasons at any hearing on this application by clear and convincing evidence)*:
  - c.  The other parent and I have a written agreement that allows the support order to be paid by an alternative method. A copy of the agreement is attached. **(NOTE: If the support obligation is paid to the local child support agency, this agreement must be signed by a representative of that agency.)**

PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT:	CASE NUMBER:
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3.  I request that the earnings assignment be modified because
- a.  the total amount of arrearages claimed as owing is incorrect. *(Check one or more of the following reasons.)*
- (1)  I did not receive credit for all of the payments I have made. *(Check (a), (b), or both.)*
- (a)  I have attached my statement of the payment history, which includes a monthly breakdown of amounts ordered and amounts paid.
- (b)  I made the following payments that were not credited *(for each payment, specify the date, the amount, and the name of the person or agency paid):*
- (2)  Child support was terminated *(specify name of child, child's date of birth, date of termination, and reason support was terminated):*
- (3)  Other *(specify):*
- b.  the monthly payment specified in the earnings assignment is more than half of my total net income each month from all sources.
- c.  the monthly arrearage payment stated in the earnings assignment creates an undue hardship because *(describe the hardship and state the amount you are able to pay on your arrearage):*

**(NOTE: If you want to change the amount of money being deducted for arrearage because it creates a hardship, please attach a completed *Financial Statement (Simplified)* (form FL-155) or *Income and Expense Declaration* (form FL-150).)**

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 OF PERSON REQUESTING HEARING)



\_\_\_\_\_  
 (SIGNATURE OF PERSON REQUESTING HEARING)

**CLERK'S CERTIFICATE OF MAILING**

I certify that I am not a party to this action and that a true copy of the *Request for Hearing Regarding Earnings Assignment* (form FL-450) was mailed, with postage fully prepaid, in a sealed envelope addressed as shown below, and that the request was mailed at *(place):* \_\_\_\_\_ on *(date):* \_\_\_\_\_

Date: \_\_\_\_\_ Clerk, by \_\_\_\_\_, Deputy




# INFORMATION SHEET AND INSTRUCTIONS FOR REQUEST FOR HEARING REGARDING EARNINGS ASSIGNMENT

(Do not deliver this information sheet to the court clerk.)

Please follow these instructions to complete the *Request for Hearing Regarding Earnings Assignment* (form FL-450) if you do not have an attorney representing you. Your attorney, if you have one, should complete this form. You must file the completed *Request for Hearing* form and its attachments with the court clerk **within 10 days** after the date your employer gave you a copy of *Earnings Assignment Order for Spousal or Partner Support* (form FL-435) or an *Order/Notice to Withhold Income for Child Support* (form FL-195/OMB0970-0154). The address of the court clerk is the same as the one shown for the superior court on the earnings assignment order. You may have to pay a filing fee. If you cannot afford to pay the filing fee, the court may waive it, but you will have to fill out some forms first. For more information about the filing fee and waiver of the filing fee, contact the court clerk or the family law facilitator in your county.

(TYPE OR PRINT IN INK)

**Front page, first box, top of form, left side:** Print your name, address, and telephone number in this box if they are not already there.

- Item 1. a–b.** You must contact the court clerk's office and ask that a hearing date be set for this motion. The court clerk will give you the information you need to complete this section.
- Item 2.** Check this box if you want the court to stop the local child support agency or the other parent from collecting any support from your earnings. If you check this box, you must check the box for either a, b, or c beneath it.
- a. Check this box if you are not the person required to pay support in the earnings assignment.
  - b. Check this box if you believe that there is "good cause" to recall the earnings assignment. **Note:** The court must find that **all** of the conditions listed in item 2b exist in order for good cause to apply.
  - c. Check this box if you and the other parent have a written agreement that allows you to pay the support another way. **You must attach a copy of the agreement**, which must be signed by both the other parent and a representative of the local child support agency if payments are made to a county office.
- Item 3.** Check this box if you want to change the earnings assignment. If you check this box, you must check the box for either a, b, or c beneath it.
- a. Check this box if the total arrearages listed in item 9 on the earnings assignment order are wrong. If you check this box, you must check one or more of (1), (2), and (3). You must attach the original of your statement of arrearages. Keep one copy for yourself.
    - (1) Check this box if you believe the amount of arrearages listed on the earnings assignment order does not give you credit for all the payments you have made. If you check this box, you must check one or both of the boxes beneath it.
      - (a) Check this box if you are attaching your own statement of arrearages. This statement must include a monthly listing of what you were ordered to pay and what you actually paid.
      - (b) Check this box if you wish to list any payments that you believe were not included in the arrearages amount. For each payment you must list the date you paid it, the amount paid, and the person or agency (such as the local child support agency) to whom you made the payment. Bring to the hearing proof of any payment that is in dispute.
    - (2) Check this box if the child support for any of the children in the case has been terminated (ended). If you check this box, you must list the following information for each child:
      - The name and birthdate of each child.
      - The date the child support order was terminated.
      - The reason child support was terminated.
    - (3) Check this box if there is another reason you believe the amount of arrearages is incorrect. You must explain the reasons in detail.
  - b. Check this box if the total monthly payment shown in item 1 of the earnings assignment order is more than half of your monthly net income.
  - c. Check this box if the total monthly payment shown in item 1 of the earnings assignment order causes you a serious hardship. You must write the reasons for the hardship in this space.

You must date this *Request for Hearing* form, print your name, and sign the form under penalty of perjury. You must also complete the certificate of mailing at the bottom of page 2 of the form by printing the name and address of the other parties in brackets and providing a stamped envelope addressed to each of the parties. When you sign this *Request for Hearing* form, you are stating that the information you have provided is true and correct. After you file the request, the court clerk will notify you by mail of the date, time, and location of the hearing.

**You must file your request within 10 days of receiving the *Earnings Assignment Order for Spousal or Partner Support* or the *Order/Notice to Withhold Income for Child Support* from your employer. You may file your request in person at the clerk's office or mail it to the clerk. In either event, it must be received by the clerk within the 10-day period.**

If you need additional assistance with this form, contact an attorney or the family law facilitator in your county. Your family law facilitator can help you, for free, with any questions you have about the above information. For more information on finding a lawyer or family law facilitator, see the California Courts Online Self-Help Center at [www.courtinfo.ca.gov/selfhelp/](http://www.courtinfo.ca.gov/selfhelp/).

**NOTICE: Use form FL-450 to request a hearing only if you object to the *Order/Notice to Withhold Income for Child Support* (form FL-195/OMB0970-0154) or *Earnings Assignment Order for Spousal or Partner Support* (form FL-435). This form will not modify your current support amount. (See page 2 of form FL-192, *Information Sheet on Changing a Child Support Order*.)**

**SPR04-25**

**Family Law: Domestic Partnership Dissolution, Legal Separation and Annulment**

**(adopt new Cal. Rules of Court, rule 5.28; amend rule 5.102; adopt forms FL-103 and FL-123; revise forms FL-110, FL-115, FL-117, FL-145, FL-150, FL-165, FL-170, FL-180, FL-190, FL-310, FL-311, FL-341, FL-341(B), FL-341(C), FL-341(D), FL-341(E), FL-343, FL-344, FL-345, FL-435, and FL-450)**

	<b>Commentator</b>	<b>Position</b>	<b>Comment on behalf of group?</b>	<b>Comment</b>	<b>Committee Response</b>
1.	Kevin Lane Assistant Clerk/Administrator Court of Appeal, Fourth Appellate District	AM	N	On the form FL-103, section 6(f), the term spousal support is used. Shouldn't it read "partner or spousal support" as indicated in the Discussion section. Same in form FL-123.	Agree to modify text.
2.	Robert Marmor Attorney (CFLS) Healdsburg	AM	N	There appears to be a typographical error on the draft Petition-Domestic Partnership (FL-103) and on the draft Response-Domestic Partnership (FL-123). Each form provides that the Petitioner or Respondent may request the court to terminate jurisdiction to award SPOUSAL SUPPORT (to the other part). The reference should be to PARTNER SUPPORT.	Agree to modify text.
3.	Christine Copeland Staff Attorney Family Law Facilitator's Office Superior Court of Santa Clara County	AM	N	<ol style="list-style-type: none"> <li>1. FL-103. Is there a residency requirement before the petition (or response) can be filed in a particular county?</li> <li>2. Looking at the "physical incapacity" item under nullity on petition/response, this may not necessarily translate to lesbian same sex partnership... just a curiosity given how far behind the law is on this stuff given</li> </ol>	<ol style="list-style-type: none"> <li>1. Agree. The form will be revised to follow Family Code 299(d)'s exception to the residency requirements for persons who registered as domestic partners in the state of California, but will add a question regarding residency for those persons who registered outside the state of California to conform to the procedures for dissolution of marriage.</li> <li>2. This may be an issue that has to be determined by the courts. However, the standard set out in Stepanek v. Stepanek (14 Cal. Rptr. 793) indicates that procreation is not the standard,</li> </ol>

**SPR04-25**

**Family Law: Domestic Partnership Dissolution, Legal Separation and Annulment**

**(adopt new Cal. Rules of Court, rule 5.28; amend rule 5.102; adopt forms FL-103 and FL-123; revise forms FL-110, FL-115, FL-117, FL-145, FL-150, FL-165, FL-170, FL-180, FL-190, FL-310, FL-311, FL-341, FL-341(B), FL-341(C), FL-341(D), FL-341(E), FL-343, FL-344, FL-345, FL-435, and FL-450)**

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				<p>antiquated notions of marriage for procreation and incapacity of male to get a female pregnant...</p> <p>3. Shouldn't it be made clear that "domestic partnership" means same sex; otherwise, heterosexual couples are going to be filing these actions!</p> <p>4. FL-123 – see comments, above.</p> <p>5. FL-110 – our Spanish court interpreter says that the Spanish translation on the summons is incorrect/bad, and the term "domestic partnership" is missing altogether (the form translates marital relationship only, but does not mention "pareja homosexual" or "pareja del mismo sexo" – same-sex partners.</p>	<p>rather consummation. Thus, it appears that this may well be a ground for annulment of domestic partnership. Additionally, domestic partners may be heterosexual in certain situations, see Family Code section 297 (b)(5)(B), and this standard would certainly be applicable for them.</p> <p>3. As noted above, Family Code section 297(b)(5)(B) provides that heterosexual couples may be domestic partners in some situations.</p> <p>4. See responses above.</p> <p>5. The forms were not sent to translation prior to the circulation in case the language of the form changed, in order to save costs. As noted above, same-sex partners would not be an accurate translation of domestic partnership.</p>
4.	Sandra Mason Director of Civil Operations Superior Court of San Luis	A	N	Agree	No response required.

SPR04-25

Family Law: Domestic Partnership Dissolution, Legal Separation and Annulment

(adopt new Cal. Rules of Court, rule 5.28; amend rule 5.102; adopt forms FL-103 and FL-123; revise forms FL-110, FL-115, FL-117, FL-145, FL-150, FL-165, FL-170, FL-180, FL-190, FL-310, FL-311, FL-341, FL-341(B), FL-341(C), FL-341(D), FL-341(E), FL-343, FL-344, FL-345, FL-435, and FL-450)

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
	Obispo County				
5.	Kim Hubbard President Orange County Bar Association	AM	Y	The proposed Petition—Domestic Partnership (FL-103) and Response—Domestic Partnership (FL-123) are fine. The changes in the other forms to blend them with marriages and domestic partnerships should be abolished in favor of a distinct set of forms for marriages and a distinct set of forms for marital partnership dissolutions. It is a fact in California that many couples attempt to process their own marital terminations without using attorneys and this will probably also be true for persons wishing to dissolve their domestic partnerships. The forms are already confusing, and an attempt to blend the marriage and domestic partnership forms would make them even <i>more</i> confusing. Keep the existing forms as they are and develop a distinct and separate set of forms for persons wishing to terminate their domestic partnerships.	The difficulty with developing an entirely new set of forms is that it would potentially require developing at least twenty new forms for relatively small changes. All family law forms are potentially appropriate in domestic partner cases. There is a real concern about being able to ensure consistency and making sure that both sets of forms are up to date.
6.	Hon. Rebecca Wightman Commissioner, Superior Court of San Francisco County	AM	N	FL-117, <i>Notice of Acknowledgment and Receipt</i> At the very bottom of the form, where it specifies a date and signature line for the litigant to fill in, I strongly encourage the addition of a small place below the signature line, in which the litigant can fill in a daytime phone number.  A request for a daytime phone # is already often requested by agencies, such as IRS, etc. when	Agree. Will make suggested changes to form.

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	<b>Commentator</b>	<b>Position</b>	<b>Comment on behalf of group?</b>	<b>Comment</b>	<b>Committee Response</b>
				dealing with customers and makes sense if you are trying to reach out to that person. Often times a litigant believes they have "answered" the summons merely by signing and sending the NAR form back, notwithstanding any written explanations to the contrary. At least by having a current phone number, the option would be there to reach out to that litigant as appropriate.	
7.	Ed Sherman Nolo Press, Occidental	AM	N	<p>1. AB 205 (Fam. Code 299) says domestic partners don't need residency because they consented to California jurisdiction when they registered. However, domestic partnerships created elsewhere have not consented to California jurisdiction, so there is no basis for jurisdiction unless residency is established as with marriages. Therefore, this information needs to be collected on the form. I suggest a new item 2 on FL-103 and 123 for domestic partnerships created in other states with fields for entry of residency info, which would give all following items the same numbering as with FL-100 and FL-120.</p> <p>2. Item 19 on FL-170 continues the same problem found on FL-103 and 123, where residency has been left out for all domestic partnership dissolutions when it is necessary to dissolve those created outside California. It should read:</p>	<p>1. Agree. The form will be revised to follow Family Code 299(d)'s exception to the residency requirements for persons who registered as domestic partners in the state of California, but will add a question regarding residency for those persons who registered outside the state of California to conform to the procedures for dissolution of marriage.</p> <p>2. Agree. Will add this provision.</p>

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				<p>“If this is a dissolution of marriage or domestic partnership created in another state, the petitioner and/or the respondent has been a resident of this county for at least three months and of the state of California for at least six months continuously and immediately preceding the date of the filing of the petition for dissolution of marriage.”</p> <p>3. Do you think a judge would want them to attach something to show theirs was substantially equivalent to a California domestic partnership?</p> <p>4. It looks like you are adding the use of attachments on Petitions and Responses to request child visitation, but it looks to me like FL-311 and FL-341 duplicate one another, both being requests for visitation. They have only slight differences, but are substantially the same. Why offer them both?</p> <p>5. It looks like people are REQUIRED to describe their requested visitation with at least one of the listed attachments. If I am mistaken in this, it should be made more clear that attaching the forms is optional. If you do mean to require at least one, this is a <b>very bad idea</b>. People</p>	<p>3. Since we do not require marriage certificates or other evidence of marital status, the committee does not believe that it is appropriate to require a different procedure for domestic partners.</p> <p>4. Agree. FL-341 is an order and will be deleted.</p> <p>5. The check box will be added to allow parents to solely note that they want visitation or to provide a more detailed schedule. Many self-help centers use one or more of the forms to allow litigants to set out a specific schedule</p>

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	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				<p>should not be <b>forced</b> to refine and define visitation in more than the most general terms at such an early stage. Honestly, I like it much better the way it has always been before. There's a lot of value in keeping things general. It is enough to know that visitation is in play. It takes time to think this one over and work it out. Forcing early definition of visitation can only stimulate stress and conflict, and there's no need to do it so early (as it was never required in the past at this point). I hope you can eliminate the use of the visitation attachments, or at least make it clearly optional, so only parties with some need for early definition need use the visitation forms.</p> <p>There's another kind of confusion in that items 7(a) and (b) on FL-100 have check boxes for custody requests, then comes item 7(c) which asks for visitation requests on forms that also contain requests for custody. Are users supposed to make custody requests twice? Or should they avoid filling out the custody portions of the custody and visitation forms? What happens if requests at items 7(a) and (b) are different from requests for custody on attached form FL-311 or FL-341?</p>	<p>so that they can obtain a default judgment with specific terms for visitation. Whether parents want to suggest specific visitation may depend upon the length of the separation, relationship of the non-custodial parent with the children, participation of the respondent in the dissolution, and other factors. Making these optional forms known to self-represented litigants may help address a broader range of circumstances.</p> <p>6. Since the custody forms are optional and contain much more information than is on the form, the committee does not suggest that these be changed. If the requests are different from the request for custody on Form FL-311.</p>

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Family Law: Privacy Notices

(approve new form FL-316; revise forms FL-100, FL-103, FL-120, FL-123, FL-142, FL-150, FL-160, FL-344, and FL-345)

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
1.	Monica Ackerman Legal Advocate Divorce Assistance and Mediation Hayward	AM	N	<p>1. The addition of forms to dissolve domestic partnerships is great!</p> <p>2. The Petition, however, is still not entirely clear as to how and by whom the earnings assignment may be issued, without further notice.</p> <p>3. Are forms 311, 312, new? and will there be a form to attach to judgment declaring paternity of children born prior to marriage?</p>	<p>1. No response required.</p> <p>2. This procedure varies, and the primary goal of this notice is to warn the obligor that it may happen, and now to alert the requestor that they need to file additional papers to ask the court for support.</p> <p>3. FL 311 and 312 became effective in 2003. The committee will consider developing a form regarding paternity of children born prior to marriage.</p>
2.	Grace Andres Court Services Program Manager Superior Court of Solano County	AM	N	<p>1. I think the notice regarding the right to redact should be further clarified. Most self-represented litigants would have difficulty understanding exactly what redact means. If we phrase the explanation as "cross-out", I don't believe they would completely remove the information. A possible suggestion would be to use "black-out" in place of "cross-out".</p> <p>2. The discussion regarding FL-142 indicates a warning is being added to the form that it should not be filed with the Court. I could not find the warning on the Draft document provided for review.</p>	<p>1. Agree that using the term "black-out" rather than "cross-out" may be clearer and will make that change.</p> <p>2. That line has been added.</p>
3.	Louise Bayles-Fighmaster Family Law Facilitator Superior Court of Sonoma County	AM	N	<p>FL-100:</p> <p>1. The third box from the top should say "Marriage of" not "Domestic Partnership of" as this is the marriage petition. Form FL-103 is the Domestic Partnership form.</p>	<p>1. That typographical error has been corrected.</p>



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	<b>Commentator</b>	<b>Position</b>	<b>Comment on behalf of group?</b>	<b>Comment</b>	<b>Committee Response</b>
				<p>2. Item 3.d. – the attachment of the Voluntary Declaration of Paternity should not be required. First, these did not exist before 1995. Second they are hard to access through the Department of Child Support Services. Third, a declaration that one has been executed raised a rebuttable presumption of paternity that the respondent must overcome responsively. Therefore, checked box that one has been executed should eliminate the problem of having to produce one.</p> <p>3. Item 4 – More space is needed to list the separate property. It looks like the spacing could be squeezed between some of the items to add about two more lines.</p> <p>4. Item 5.b. – More space is needed. As a person who works exclusively with pro per litigants and who prepares many default judgments, it is important to list the property in the petition so that respondent is on notices regarding the property. Declarations of Disclosure can be difficult to serve on this transient population. Listing the assets in the petition assures actual notice in the event that service of the DOD is ineffective. Space can be added as set forth below.</p> <p>5. Item 7.c. – Space can be added here by using</p>	<p>2. The Voluntary Declaration of Paternity does not have to be attached, but if it is available it is very helpful.</p> <p>3. Will provide more space.</p> <p>4. Will provide more space.</p> <p>5. Will make this change.</p>

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				<p>the same format proposed for form FL-120, item 10.c. The box at the beginning can be removed and there will be room on one line for the rest of the language.</p> <p>6. Item 7.d. – This can also be reduced to one line. See form FL-103, 7.d.</p> <p>7. Signature lines/space – This area could be smaller, especially the area designated for petitioner to sign. This area is larger than the area above where the attorney for the petitioner signs.</p> <p>8. Box at bottom – that box can easily be reduced by one line by rewording the language. I suggest: “NOTICE: Dissolution or legal separation may automatically cancel the rights of a spouse under the other spouse’s will, trust, retirement plan(s), power of attorney, pay on death account(s), survivorship rights to property owned in joint tenancy, etc. It does not automatically cancel the right of a spouse as beneficiary of the other spouse’s life insurance policy. You should review these matters, and any credit cards/accounts, insurance policies, retirement plans, and credit reports to see if they should be changed or if you should take other actions. Some changes require the agreement of your spouse or a court order. (See Family Code sections 231-235).”</p>	<p>6. Will make this change.</p> <p>7. Will make this change.</p> <p>8. A number of the proposed changes have been incorporated to shorten this notice.</p>

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				<p>FL-103:</p> <ol style="list-style-type: none"> <li>1. Item 4. – there needs to be more space here. I don't see how any assets at all can be listed in the current format. There should be at least two lines.</li> <li>2. Item 5.b. – see comments regarding 5.b. for Form FL-100.</li> <li>3. Item 7.c. – see comments regarding 7.c. for Form FL-100.</li> <li>4. Signature lines/spaces – see comments for Form FL-100.</li> <li>5. Box at bottom – same comments. See suggested revision below.</li> </ol> <p>“NOTICE: Dissolution or legal separation may automatically cancel the rights of a domestic partner under the other partner’s will, trust, retirement plan(s), power of attorney, pay on death account(s), survivorship rights to property owned in joint tenancy, etc. It does not automatically cancel the right of a domestic partner as beneficiary of the other partner’s life insurance policy. You should review these matters, and any credit cards/accounts, insurance policies, retirement plans, and credit reports to see if they should be changed or if you should take other actions. Some changes require the</p>	<ol style="list-style-type: none"> <li>1. Agree to amend form to make these changes.</li> <li>2. Agree to amend form to make this change.</li> <li>3. Agree to amend form to make this change.</li> <li>4. Agree to amend form to make this change.</li> <li>5. A number of the proposed changes have been incorporated to shorten this notice.</li> </ol>

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	<b>Commentator</b>	<b>Position</b>	<b>Comment on behalf of group?</b>	<b>Comment</b>	<b>Committee Response</b>
				<p>agreement of your partner or a court order. (See Family Code sections 231-235).”</p> <p>FL-120:</p> <ol style="list-style-type: none"> <li>1. Item 3.d. – see comments regarding 3.d. for form FL-100</li> <li>2. Item 4. – adding at least one more line would be helpful</li> <li>3. Item 5.b – see comments regarding 5.b. for form FL-100.</li> <li>4. Item 11 – Should be consistent with Petition, Form FL-100 which begins “Child Support – “. These words should be added to the Response.</li> <li>5. Signature lines/spaces – See comments regarding Form FL-100.</li> </ol> <p>FL-123:</p> <ol style="list-style-type: none"> <li>1. Item 10.c – see comments regarding 7.c. for Form FL-100. The information can be easily put on one line by a minor adjustment as suggested above.</li> <li>2. Item 11. – see comments regarding 11. for form FL-120. The words “CHILD SUPPORT” should be added.</li> <li>3. Signature lines/spaces – see comments</li> </ol>	<ol style="list-style-type: none"> <li>1. Will make this change.</li> <li>2. Will make this change.</li> <li>3. Will make this change.</li> <li>4. Will make this change.</li> <li>5. Will make this change.</li> <li>1. Will make this change.</li> <li>2. Will make this change.</li> <li>3. Will make this change.</li> </ol>

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	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				<p>regarding form FL-100, etc.</p> <p>FL-142:</p> <ol style="list-style-type: none"> <li>1. There is no warning on this form regarding not filing the form with the court. The information sent with the proposed forms stated that there would be a warning on this form (See page 3, “thus, a warning is being added to the form that it should not be filed with the court”)</li> <li>2. In addition, item 28. on page four of the form gives the litigant the option of checking whether or not the form contains identifying information. This language should only be on the Property Declaration, Form FL-160.</li> </ol> <p>FL-150:</p> <ol style="list-style-type: none"> <li>1. Box under item 1. – The language is not clear. It seems to give the option of attaching one pay stub from the prior two months. I suggest the same language as currently exists at the top of page 2. of this form: i.e. “Attach copies of your pay stubs for the last two months here (cross out social security numbers)”</li> <li>2. Item 3.a – I propose the following change:  “[ ] I last filed taxes for tax year: in (month): (year): “ (all on one line)</li> </ol>	<ol style="list-style-type: none"> <li>1. This warning has been added.</li> <li>2. Will delete this question based upon the earlier warning.</li> <li>1. Agree to amend form to make this change.</li> <li>2. Will amend form to simply ask what the last tax year for which they filed taxes.</li> </ol>

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	<b>Commentator</b>	<b>Position</b>	<b>Comment on behalf of group?</b>	<b>Comment</b>	<b>Committee Response</b>
				<p>FL-160:</p> <ol style="list-style-type: none"> <li>1. Item 1 – The Real Estate section is too large. More room is needed elsewhere and could be added by reducing the number of lines here.</li> <li>2. Item 4. – Add lines here. The parties often have several vehicles. They are much more likely to use additional space here than all the space currently provided in the Real Estate section.</li> <li>3. Item 9. – add lines here. The parties often have two or three retirement account/plans per party.</li> </ol>	<ol style="list-style-type: none"> <li>1. Agree to amend form to make this change.</li> <li>2. Agree to amend form to make this change.</li> <li>3. Agree to amend form to make this change.</li> </ol>
4.	<p>Judy Bogen Attorney at Law Hersh Mannis Kipper et al. Beverly Hills</p>	AM	N	<p>1. Regarding the Schedule of Assets and Debts. I am very concerned about allowing a party the right to delete identifying information on this form. The other party has the right to know the identifying information. Attorneys use the information provided especially when it is attached to discovery, to obtain further discovery from banks and other third parties. This form is primarily used as the attachment to the Family Law form interrogatories and as part of the declarations of disclosure, both preliminary and file. As such, the Schedule of Assets and Debts is usually (and in my experience, never) not filed with the Court. In fact, I cannot think of one circumstance where we have filed the actual Schedule of Assets and Debts except as part of a motion to compel discovery. Therefore, by allowing a party to delete the identifying information, you are allowing a party not to disclose pertinent information needed</p>	<p>1. Agree to amend form to add a warning that it is not to be filed with the court in order to protect the identifying information.</p>

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	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				<p>for discovery to the other party. I do not believe this was the intention of the form. Therefore, perhaps you could change number 28 to state:                      “This form is being filed with the Court and ... etc.”                      or something that says, if you not filing this form with the Court, you must completely fill out the form, including the identifying information.                      However, we still have a problem where the form is going to have to be filed as part of a motion. The individual would have to have filed an ex parte application to seal in order to protect against this.</p> <p>2. I have the same comments regarding the property declaration. The form should be changed to state “if the form is filed with the Court ...” It should not allow parties who use the form between themselves to take out the identifying information.</p> <p>3. With regard to the form ‘Ex Parte Application to Seal Financial Forms’ I believe this form also needs some changes. In all of my cases, there are going to be many more than six pleadings. Therefore, we need language at the end of paragraph 2 which includes an attachment that lists additional pleadings and perhaps a form which is an attachment.</p> <p>4. The statute does not provide for paragraph 3 – therefore, I do not believe that this paragraph should be included. I suppose it does not matter because we are supposed to serve all documents. However, if a party goes into Court ex parte without notice on a</p>	<p>2. This form is really designed to be filed with the court. If the parties want identifying information, they should be able to receive it by using the Schedule of Assets and Debts.</p> <p>3. Agree to amend form to add a box to allow an attachment for additional pleadings.</p> <p>4. Family Code section 2024.6 (e) specifically provides that the party making the request that the document be sealed “shall serve a copy of the pleading on the other party to the proceeding and file a</p>

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				<p>financial issue (i.e. to freeze a bank account) which happens all of the time, the party will not have served the pleading on the other side. Therefore, technically, under your language on the form, it would not qualify as a pleading which could be sealed. I believe therefore, that the language of the statute only states that the application to seal the file must have been served on the other party, not the pleadings.</p> <p>5. The statute provides that any future pleadings containing identifying information are also subject to the seal. Therefore, an additional paragraph needs to be included which states that “this order shall apply to any future pleadings filed in this matter which contain identifying information pertaining to the party.” In addition, the form needs to state in bold that on any future pleading, it must state “in bold capital letters, that the pleading lists and identifies financial information and is therefore subject to this application and Order.” It would require an attorney to go into court each time he/she files an Order to Show Cause to re-seal that pleading; that does not make any sense. Since the application requires “the court” i.e. a judge to sign the application, this means that I as an attorney would have to appear in Court each time I wanted to file a future pleading where there was financial information. I do not believe that is the interpretation of the statute. It would not make sense that judges would have to sign these applications on each pleading being filed with the</p>	<p>proof of service with the request to seal the pleading.” If a party is not served with the document to be sealed, how will they know what it says? The parties need to have the information to proceed with their case. The protection from review is from third parties.</p> <p>5. While requesting blanket sealing of any document with an identification that it contains location or identifying information may indeed be simpler for attorneys, the difficulty is that it poses a great burden upon clerks to determine whether a document truly contains identifying information or not. The form is quite simple and an appearance is not required, thus it does not seem to pose an undue burden upon a litigant wishing to have a portion of their file sealed to specifically request the documents to be sealed. If the request were automatic upon the allegation of one of the parties that there was confidential information without judicial review, it seems likely that there would be disputes between parties about whether the information should have been sealed</p>



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				<p>Court. I believe that as a practical matter, the Courts will sign a blanket order to seal present and future pleadings with the endorsement; otherwise, it is a logistical nightmare for attorneys. In addition, if one party wanted to “use” the statute to his/her advantage, the party would then file a pleading with financial information even if the other party had already brought an ex parte application to seal, and then the pleading would become public for a period of time until the other party then brought an application to seal. This again makes no sense.</p> <p>6. You indicated that you are changing the petition and response because the parties need to exchange disclosure statements before they can enter into an agreement. However, we routinely use this when the parties have a prenuptial or post-nuptial agreement which they have entered into. Therefore, this is not misleading. Therefore, I believe that the box needs to stay.</p>	<p>or not.</p> <p>6. Because there are a relatively small number of pre and postnuptial agreements, and this leads to real peril for self-represented litigants who are unaware of disclosure requirements, it seems that it would be safest to make this an item to be entered rather than a box to be checked.</p>
5.	Tony Brodie Deputy Executive Officer Superior Court of Ventura County	AM	N	Form FL-150 (income and expense declaration) on items 2a, it would be very helpful to obtain the date of birth next to the age. The date of birth is necessary info to be able to match up other cases and cross reference for purposes of domestic violence or criminal cases.	The committee is concerned that this would increase the possibility of identity theft.
6.	Christine Copeland Family Law Facilitator Superior Court of Santa Clara County	A	N	<p>1. Form FL-142 is not filed with court, so is redaction comment necessary (item 28) (conversely, form FL-160 could be filed and a Request to Enter Default so comment in item 16 is needed)</p> <p>2. Would it be easier to have all FL Judgments</p>	<p>1. Agree to change form to remove Item 28 from FL-142.</p> <p>2. Ideally, parties and attorneys will</p>

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				sealed (self-executing seal unless court orders unsealed)?	prepare judgments without identifying information.
7.	Hon. Richard H. DuBois Superior Court of San Mateo County	A	N	I have only one comment regarding the income and expense declaration. I think attaching pay check stubs to the first page of the form will make it difficult to review in a quick manner the information on page one (as we do on the bench). Because many of the pay check stubs are a full page in size, it will cover up the entire first page. I would suggest the language remain where it is but change wording to ATTACH AT THE END OF THIS FORM one copy of pay stubs.....	This requirement has been on the form since January 1, 2004 and apparently has not posed a problem. Since the pay stub is a critical piece of information, the hope is that it is more likely to be affixed if this form follows the model of the federal form 1040 which requires W-2 forms to be affixed to the front of the return.
8.	Mari Frank Attorney/Mediator Mari J. Frank, Esq. & Associates Laguna Niguel	A	N	As a privacy consultant and family law attorney/mediator, I am very pleased with the proposed changes. Also, I appreciate the changes that allow the financial documents to be sealed. I suggest that you also allow sensitive marital settlement agreements to be sealed to protect financial agreements.	Parties preparing marital settlement agreements may put the notices on those agreements which are not prepared on Judicial Council forms.
9.	Teresa Gary Family Law Facilitator Superior Court of Kern County	AM	N	1. FL-316 – Add “Other Parent:” below Petitioner: Respondent:  2. #4: My proof of service of ex parte “application” is attached. 3. FL-100 – Change “Domestic Partnership Of” to “Marriage of:” 4. FL-103, #6: Does this apply? See FC 299 FL-123, #9: Does this apply? See FC 299	1. FC 2024.6 only refers to dissolution, legal separation and nullity of marriage, not governmental child support matters.  2. Will make that correction.  3. Will correct that typographical error. 4. FC 299 seems to indicate that domestic partners should generally be treated the same as married persons for the purposes of

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	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
					dissolving their relationships. Hence, the basis for dissolution, legal separation and annulment should apply.
10.	Candace Goldman Family Law Facilitator Superior Court of Alameda County	A	N	Although I have some problems with the actual forms, adding the redaction notice is fine. I wonder, however, if each form shouldn't also include the notice of ability to seal records? Or is this a space problem?	Only certain types of information may be sealed. Those forms that are likely to have that information carry the warning. An additional notice that explains sealing procedures will be added.
11.	JoAnn Johnson Facilitator Superior Court of Ventura County	AM	N	Agree but with this question to be considered. Domestic partnerships – “children of this relationship born prior to or during this domestic partnership”. Are children born prior to the domestic partnership being registered included as children of the relationship? In marriage actions this equals establishing paternity – can't do that with domestic partnership.	It appears that the intent of AB 207 is to treat children of domestic partners the same as children of marriages and thus establish parentage.
12.	Debra Lamb Family Law Manager Superior Court of Sonoma County	A	N	1. Will Judgments for Dissolution (FL180) be modified to include a statement that “This form ___ does or ___ does not contain identifying information on the assets and debts listed?” Asset and debt information appears in marital settlement agreements and in attachments to default judgments.  2. Family Code section 2024.6 provides that nothing sealed pursuant to the section may be unsealed except upon petition to the court and good cause shown. Will the Judicial Council be creating a Judicial Council petition to request that a document be unsealed?	1. The committee agrees that this form should be amended to add this language.  2. The committee agrees that it would be very useful to prepare a form to request that a document be unsealed and will circulate such a proposed form for July 1, 2005.

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**Family Law: Privacy Notices**

**(approve new form FL-316; revise forms FL-100, FL-103, FL-120, FL-123, FL-142, FL-150, FL-160, FL-344, and FL-345)**

	<b>Commentator</b>	<b>Position</b>	<b>Comment on behalf of group?</b>	<b>Comment</b>	<b>Committee Response</b>
				<p>3. Once a document is sealed, can the clerk provide a copy of the document to the parties upon request and with evidence of proper identification? Does this party have to complete a petition to obtain a copy of a sealed document?</p> <p>4. Should the clerk be charging an ex parte motion fee for the petition to seal documents?</p> <p>5. I assume if a party requests that a marital settlement agreement be sealed, if it is attached to a judgment, the judgment and marital settlement agreement will both be sealed.</p>	<p>3. It appears from the language of the statute that parties are not exempted from the requirement of formally petitioning the court that a document be unsealed.</p> <p>4. This will be deferred to the fees working committee. At this point, it appears that the practice for charging motions on ex parte applications may vary from county to county.</p> <p>5. It would certainly be easier for clerks to seal an entire document (such as a judgment with marital settlement agreement attached), rather than only a portion of a judgment.</p>
13.	Diana Landman Civil/Family Law Court Manager Superior Court of San Joaquin County	A	N	I agree with the proposed changes on these family law forms, but I think there was an error on the PETITION-MARRIAGE (FL-100). In the heading shouldn't it say: "Marriage of" instead of "Domestic Partnership of" Petition – Domestic Partnership (FL-103) seems to be correct in this area.	This typographical error has been corrected.
14.	Stephen V. Love Executive Officer Superior Court of San Diego County	AM	N	1. FL-100, Petition-Marriage, in the caption beneath the court address the words "Domestic Partnership of....Petitioner....Respondent" appear where "Marriage of" previously existed. Should Domestic Partnership be deleted?	1. This typographical error has been corrected.

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	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				<p>2. Item 8, which reads "...to pay child support must pay..." should be changed to read "...to pay support must pay..." Legal interest automatically accrues as to all California judgments from the date of the Judgment; there is no differentiation between child or spousal support.</p> <p>3. FL-103, Petition-Domestic Partnership, item 8, which reads "...to pay child support must pay..." should be changed to read "...to pay support must pay..." Legal interest automatically accrues as to all California judgments from the date of the Judgment; there is no differentiation between child or spousal support.</p> <p>4. FL-120, Response-Marriage, item 11, which reads "...to pay child support must pay..." should be changed to read "...to pay support must pay..." Legal interest automatically accrues as to all California judgments from the date of the Judgment; there is no differentiation between child or spousal support.</p> <p>5. FL-123, Response-Marriage, item 11, which reads "...to pay child support must pay..." should be changed to read "...to pay support must pay..." Legal interest automatically accrues as to all California judgments from the date of the Judgment; there is no differentiation between child or spousal support.</p>	<p>2. This has been changed as suggested to avoid confusion.</p> <p>3. This has been changed as suggested to avoid confusion.</p> <p>4. This has been changed as suggested to avoid confusion.</p> <p>5. This has been changed as suggested to avoid confusion.</p>

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**(approve new form FL-316; revise forms FL-100, FL-103, FL-120, FL-123, FL-142, FL-150, FL-160, FL-344, and FL-345)**

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				<p>FL316</p> <p>6. Item #2. There's a possibility that the number of documents requested to be sealed could exceed six. Could we add a check box below 2f to say "continued on attachment 2"?</p> <p>7. Also, the spacing is tight. Could it be expanded to give the litigant more room to write? (possibly with lines/make a table?).</p> <p>8. Lastly, the court may or may not order all the listed documents sealed. In the Order section, maybe there can be a check box for all documents ordered sealed and another check box for the court ordering only some of the documents listed sealed as listed below then the court could list which ones are sealed.</p> <p>9. Item #3. Add a "yes" "no" check box and a "reason" with line after "no."</p> <p>10. Item #4. Same as #3.</p>	<p>6. This line has been added.</p> <p>7. Will try to provide additional spacing</p> <p>8. Have revised order to provide for checkboxes for documents to be sealed.</p> <p>9. The statute requires that any document submitted to the court for sealing be served on the other party, thus, it does not seem appropriate to have a “no” option.</p> <p>10. The statute requires that notice be given to the other party of the request to seal the documents. Thus, it does not seem appropriate to have a “no” option.</p>
15.	Merry Mayes Supervising Legal Clerk I Superior Court of Stanislaus County	AM	N	1. FL 316 – Add a proof of service to the back of Ex Parte Application to Seal Financial Records. #4 indicates a proof of service is attached – Why not make it easier?	1. The difficulty is that courts vary significantly in their ex parte notice requirement, and thus it is difficult to develop a common proof of

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(approve new form FL-316; revise forms FL-100, FL-103, FL-120, FL-123, FL-142, FL-150, FL-160, FL-344, and FL-345)

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				<p>2. FL-100 – This should read “Marriage of” instead of “Domestic Partnership of”</p> <p>3. FL-142, FL-160 – Are these forms going to be used in Dom. Partnership cases? If yes, modify caption area: “Marriage/domestic partnership of”</p>	<p>service.</p> <p>2. Will correct this typographical error.</p> <p>3. Will take out reference to marriage.</p>
16.	Nancy McGie Family Law Facilitator Superior Courts of Colusa and Glenn Counties	A	N	No comment	No response required
17.	Melinda Morgado Court Services Administrator Superior Court of Contra Costa County	AM	N	<p>1. It appears that the "redaction" option is limited to Social Security Numbers and the "sealing" procedure applies to sealing any identifying information about the assets and debts of the parties. In other words, parties don't need an order to redact Social Security Numbers, but they do need an order for sealing anything beyond that SSN, is that correct?</p> <p>2. All of the draft forms have effective dates of January 1, 2005. The language of AB 782 states, in part, forms to be revised no later than July 1, 2005. The discussion also speaks, in part, of immediate implementation of certain segments. Additionally, one paragraph speaks of adoption of certain forms in Oct. 2004. To avoid confusion, once adopted, it would be very helpful to specifically outline in detail the effective date of each segment of the legislation AND which related forms are effective in conjunction therewith.</p>	<p>That is correct.</p> <p>All forms will be submitted to the Judicial Council in October 2004 for adoption as of January 1, 2005. While the statute provided that the forms could be modified by July 1, 2005, the Rules and Procedures Committee of the Judicial Council proposed this special comment cycle so that all form changes could be made as of January 1, 2005.</p>

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**Family Law: Privacy Notices**

**(approve new form FL-316; revise forms FL-100, FL-103, FL-120, FL-123, FL-142, FL-150, FL-160, FL-344, and FL-345)**

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				<p>3. Forms FL100, FL120, FL103 and FL123 contain the new language, “You may redact (cross out) social security numbers from any written material filed with the court in this case other than a form used to collect child or spousal support.” The reference to “a form used to collect child or spousal support” is too vague and will generate many questions. Parties (and clerks) may interpret that as any pleading that requests spousal/child support, such as the petition or a motion. Perhaps the word “enforce” should be used in lieu of, or in conjunction with “use to collect” or adding words at the end of the sentence, “as defined in Family Code Section 2024.5(b)” would clarify that.</p> <p>4. On page 3, paragraph 4, the last sentence of the discussion states that, a warning is being added to the form that it should not be filed with the court. It appears that the “form” being referenced is FL142, Schedule of Assets and Debts. However, in looking at the draft you provided of FL142, I could not locate the warning language. Is it contained on a different form?</p> <p>5. Again, parties may not understand what qualifies as “identifying information” on the forms that now ask the question whether the document does or does not contain identifying information on the assets and debts listed. Perhaps a reference to FC 2024.6 (C) would be helpful in that regard.</p>	<p>3. The only forms that have social security numbers on them are federal forms used for collecting child and spousal support and an abstract of judgment.</p> <p>4. That warning was inadvertently removed from the forms circulated for comment and has been corrected.</p> <p>5. The term “location or” will be added to the sentence regarding identifying information. The statute does not provide a great amount of clarity about what is intended.</p>



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	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				<p>Regarding the Ex Parte Application process:</p> <p>6. The form FL 316 does not contain a box for the judge to “deny” the application.</p> <p>7. When a party presents an ex parte application to seal multiple documents, it will be time consuming and cause an undue burden on the clerical staff to have to try and immediately locate the originals of each and every document listed, in order to present them to the judge for review and determination. It would be more efficient to require the party to attach a copy of each of the documents listed to the ex parte application. If the court determines that any or all of the documents should be sealed, the clerical staff will then locate the original documents and seal them. The clerk will remove copies from the application before placing it in the file.</p> <p>8. If a party does not choose to redact social security numbers from documents at the time presented, will they be allowed access to the file to make redactions later?</p> <p>9. Is the court obligated to locate all documents in a file that may contain financial information if the party requests a blanket removal of financial information?</p> <p>10. FC 2024.6(f) allows a party to use any document or information contained in a sealed</p>	<p>6. Will amend order to make this a checkbox for judges to allow them to deny an order.</p> <p>7. Agree to amend form to require parties to provide copies of documents to be lodged with the <i>Ex Parte Application and Order to Seal Financial Form</i>.</p> <p>8. It appears that they will have access to the file to make those changes.</p> <p>9. The committee does not believe that a blanket request is appropriate as it is burdensome and more than a ministerial duty for clerks.</p> <p>10. It appears that the statute does not exempt parties from the</p>

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	<b>Commentator</b>	<b>Position</b>	<b>Comment on behalf of group?</b>	<b>Comment</b>	<b>Committee Response</b>
				pleading. Therefore, is the clerk authorized to “unseal” the documents without court order and release them to either party upon request?	requirement to petition the court to unseal documents.
18.	Suzanne Morlock Family Law Facilitator Superior Court of Butte County	A	N	<p>1. Many of the litigants we assist will be filing uncontested (not true default) dissolution cases. I believe the proposed changes to the petition will make it significantly easier for parties to complete the judgment paperwork.</p> <p>2. I am relieved to see the ex parte application to seal financial forms.</p> <p>3. The changes to FL-150 item 7 should be very helpful.</p>	<p>1. No response required.</p> <p>2. No response required.</p> <p>3. No response required.</p>
19.	Sharon Ngim Program Developer and Staff Liaison to the Standing Committee on the Delivery of Legal Services and the Indigent Defense Guidelines Working Group, State Bar of California	A	N	These new forms will assist the parties in maintaining the confidentiality of personal information by permitting them to redact their social security numbers and request that any forms containing such information be placed under seal. This addresses the Committee’s concerns regarding the inclusion of social security numbers previously required by Family Code Section 2024.5, and Judicial Council Form FL-102.	No response required.
20.	Leigh Parsons Supervising Attorney Superior Court of Santa Clara County	AM	N	<p>FL-100:</p> <p>1. Item 2.b –Suggestion: Change this to say “Time from date of marriage to date of separation” or “Total time married, up until separation” Why: People often read the item as currently written to mean the amount of time they’ve been separated.</p> <p>2. Item 4 – Suggestion: instead of “[ ] in attachment 4” put “[ ] in form FL-160”</p>	<p>1. Agree to amend the form to say “time from date of marriage to date of separation”</p> <p>2. Will add FL-160 as an option.</p>

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	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				<p>3. Item 5 – Suggestion: instead of “[ ] in attachment 5b” put “[ ] in form FL-160”                      Why: Two advantages – In potential default situation it is clear who is to get what if party chooses to specify on form FL-160. Also, may prompt people to enter all their assets because the form has categories on it. Our Self-Service Center sometimes calls itself the “Amendment Clinic” because people come in everyday who have put nothing down for property and now want the Court to give them half of the community property. We have to help them amend their Petition to include property. No sense having them make up their own attachment when the FL-160 works better!</p> <p>4. Item 7c – Love the change. Again, also great for default situations.</p> <p>5. Form FL-345: Item 1c, 1d, 2c, 2d – I find it awkward to squeeze the information into the ½ line given. Some property ends up taking 2-3 of those lines. It would be better to make the lines full-length and then put the one item after the other instead of beside one another.</p>	<p>3. Will add FL-160 as an option.</p> <p>4. No response required.</p> <p>5. Agree to amend form to make the change requested.</p>
21.	Fern Salka Attorney CFLS Los Angeles	AM	N	Form FL-150 (Income and Expense Declaration) at 16: It provides for confirmation of the information and fee arrangement, then signatures by the attorney. As the attorney, I can only confirm the arrangement not the source. Remove words “information and”.	Will make that change.
22.	Ed Sherman Nolo Press Occidental	AM	N	Nothing wrong with the privacy portions, but on the Petition and Response forms for married and	There is limited space for a variety of options and parties who are not

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	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
	Santa Cruz			<p>partnered couples, it would be most helpful take this opportunity to add something we've needed for years: add a line to those items where SP or CP is described that says:</p> <p>“To be determined by written agreement of the parties.”</p> <p>This is a very common addition that people are now required to add where the form asks for a list of property. It would be more elegant to provide a line that provides this common option.</p>	able to reach a written agreement then have to file an amended Petition or Response.
23.	Amy Silva Family Law/Probate Operations Superior Court of Orange County	AM		<p><b>1. FL-316, “Ex Parte Application to Seal Financial Forms”, Item No. 3:</b> We are anticipating many Ex Parte Applications To Seal Financial Forms asking to seal documents that have already been filed in existing family law cases, with some files containing many financial forms, going back many years. For the convenience of judicial officers when reviewing such applications, especially with multiple documents, and to save the Court the time it would take to locate all the financial forms within a case, we would suggest adding to No. 3, the italicized and underlined portion: “3. I have provided copies of all these documents to the other party in this case, <i>and will lodge these documents with the court at the time of filing this Application. Upon ruling this Application, the lodged documents may be disposed of.</i> Since the documents are already in the file, once ruled on, the court would no longer need the lodged copies.</p>	1. Agree to amend form to request that copies of documents be lodged with the court using similar language to that which has been suggested.

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	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				<p>2. The general new statement being added to financial forms, “This form [ ] does [ ] does not contain identifying information on the assets and debts listed.” The new statute, AB782, Chapter 45 does not define “identifying information”, however, to many litigants, in addition to an account number or the name and location of the institution, this could mean even their name. With no statutory definition of “identifying”, in order to avoid having large numbers of meritless Ex Parte Applications to Seal, could the new proposed statement include some examples. If this is possible, a second sentence could be added to the statement: “Examples of identifying information include account number(s), location of the account, bank or routing number, _____.”</p> <p>3. If a party checks the “...[ ] <b>DOES</b> .... Contain identifying information...”, that party especially if self-represented will not know that the document can be ordered sealed. We suggest adding after the new proposed statement: “If the form does contain identifying information, you may request the court to seal this document by completing and submitting Form FL-316, “Ex Parte Application to Seal Financial Forms.”</p> <p>4. Family Code 2024.6(a) says: “...a pleading that...provides the <b>location</b> or identifying information on the assets and liabilities...” Suggest adding the word “<b>location</b>” to the new proposed</p>	<p>2. In the absence of statutory definitions, the committee does not believe that it should provide examples.</p> <p>3. Agree that this information would be of assistance to litigants.</p> <p>4. Will add “location” to the statement.</p>

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	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				statement, so it would read: “This form [ ] does [ ] does not contain <b>location</b> or identifying information on the assets and debts listed.”	
24.	Michael Wells Family Law Facilitator Superior Court of Siskiyou County	AM	N	Petition item 7(c) and Response 9(c) seem redundant of other forms (FL-341, etc.) and processes unless it is geared to catch true defaults (no response – no motions – no MSA). Parties usually can’t anticipate final custody/ visitation. Judgment orders at the petition stage.	These options are aimed to assist in true defaults which are reportedly very common. They are also somewhat clearer than the current options.

## Assembly Bill No. 205

### CHAPTER 421

An act to amend Sections 297, 298, and 298.5 of, to add Sections 297.5, 299.2, and 299.3 to, to repeal Section 299.5 of, and to repeal and add Section 299 of, the Family Code, to amend Section 14771 of the Government Code, and to amend Section 3 of Chapter 447 of the Statutes of 2002, relating to domestic partnerships.

[Approved by Governor September 19, 2003. Filed with Secretary of State September 22, 2003.]

#### LEGISLATIVE COUNSEL'S DIGEST

AB 205, Goldberg. Domestic partners.

Existing law provides for the issuance of a marriage license and specifies the rights and obligations of married persons.

Existing law also provides for the establishment and the termination of domestic partnerships. Existing law requires the Secretary of State to prepare and distribute forms for creating and terminating domestic partnerships. Existing law specifies the requirements for completing the form necessary to create a domestic partnership and provides that a violation of this provision is a misdemeanor.

This bill would enact the California Domestic Partner Rights and Responsibilities Act of 2003. The bill would modify the procedure and the accompanying form for terminating domestic partnerships, and require additional duties of the Secretary of State in relation, as specified. The bill would also revise the requirements for entering into a domestic partnership to require each person to consent to the jurisdiction of the superior courts of this state for the purpose of a proceeding to obtain a judgment of dissolution or nullity of the domestic partnership. The bill would revise the provision described above making it a misdemeanor to violate the provision specifying the requirements for completing the form necessary to create a domestic partnership. The bill would instead specifically provide that filing an intentionally and materially false Declaration of Domestic Partnership would be punishable as a misdemeanor, thereby creating a new crime. By creating a new crime, this bill would impose a state-mandated local program.

This bill would extend the rights and duties of marriage to persons registered as domestic partners on and after January 1, 2005. The bill would provide that the superior courts shall have jurisdiction over all proceedings governing the dissolution of domestic partnerships, nullity of domestic partnerships, and legal separation of partners in domestic

partnerships. These proceedings would follow the same procedures as the equivalent proceedings with respect to marriage. The bill would provide that a legal union validly formed in another jurisdiction that is substantially equivalent to a domestic partnership would be recognized as a valid domestic partnership in this state. The bill would require the Secretary of State to send a letter on 3 separate, specified occasions to the mailing address of registered domestic partners informing them of these changes, as specified. The bill would also require the Director of General Services, through the forms management center, to provide notice to state agencies, among others, that in reviewing and revising all public-use forms that refer to or use the terms spouse, husband, wife, father, mother, marriage, or marital status, that appropriate references to domestic partner, parent, or domestic partnership be included. The bill would also make related and conforming changes. The bill would further make specified provisions operative on January 1, 2005. The bill would impose a state-mandated local program by adding to the duties of county clerks.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

*The people of the State of California do enact as follows:*

SECTION 1. (a) This act is intended to help California move closer to fulfilling the promises of inalienable rights, liberty, and equality contained in Sections 1 and 7 of Article 1 of the California Constitution by providing all caring and committed couples, regardless of their gender or sexual orientation, the opportunity to obtain essential rights, protections, and benefits and to assume corresponding responsibilities, obligations, and duties and to further the state's interests in promoting stable and lasting family relationships, and protecting Californians from the economic and social consequences of abandonment, separation, the death of loved ones, and other life crises.





(b) The Legislature hereby finds and declares that despite longstanding social and economic discrimination, many lesbian, gay, and bisexual Californians have formed lasting, committed, and caring relationships with persons of the same sex. These couples share lives together, participate in their communities together, and many raise children and care for other dependent family members together. Many of these couples have sought to protect each other and their family members by registering as domestic partners with the State of California and, as a result, have received certain basic legal rights. Expanding the rights and creating responsibilities of registered domestic partners would further California's interests in promoting family relationships and protecting family members during life crises, and would reduce discrimination on the bases of sex and sexual orientation in a manner consistent with the requirements of the California Constitution.

(c) This act is not intended to repeal or adversely affect any other ways in which relationships between adults may be recognized or given effect in California, or the legal consequences of those relationships, including, among other things, civil marriage, enforcement of palimony agreements, enforcement of powers of attorney, appointment of conservators or guardians, and petitions for second parent or limited consent adoption.

SEC. 2. This act shall be known and may be cited as "The California Domestic Partner Rights and Responsibilities Act of 2003."

SEC. 3. Section 297 of the Family Code is amended to read:

297. (a) Domestic partners are two adults who have chosen to share one another's lives in an intimate and committed relationship of mutual caring.

(b) A domestic partnership shall be established in California when both persons file a Declaration of Domestic Partnership with the Secretary of State pursuant to this division, and, at the time of filing, all of the following requirements are met:

(1) Both persons have a common residence.

(2) Neither person is married to someone else or is a member of another domestic partnership with someone else that has not been terminated, dissolved, or adjudged a nullity.

(3) The two persons are not related by blood in a way that would prevent them from being married to each other in this state.

(4) Both persons are at least 18 years of age.

(5) Either of the following:

(A) Both persons are members of the same sex.

(B) One or both of the persons meet the eligibility criteria under Title II of the Social Security Act as defined in 42 U.S.C. Section 402(a) for old-age insurance benefits or Title XVI of the Social Security Act as



defined in 42 U.S.C. Section 1381 for aged individuals. Notwithstanding any other provision of this section, persons of opposite sexes may not constitute a domestic partnership unless one or both of the persons are over the age of 62.

(6) Both persons are capable of consenting to the domestic partnership.

(c) “Have a common residence” means that both domestic partners share the same residence. It is not necessary that the legal right to possess the common residence be in both of their names. Two people have a common residence even if one or both have additional residences. Domestic partners do not cease to have a common residence if one leaves the common residence but intends to return.

SEC. 4. Section 297.5 is added to the Family Code, to read:

297.5. (a) Registered domestic partners shall have the same rights, protections, and benefits, and shall be subject to the same responsibilities, obligations, and duties under law, whether they derive from statutes, administrative regulations, court rules, government policies, common law, or any other provisions or sources of law, as are granted to and imposed upon spouses.

(b) Former registered domestic partners shall have the same rights, protections, and benefits, and shall be subject to the same responsibilities, obligations, and duties under law, whether they derive from statutes, administrative regulations, court rules, government policies, common law, or any other provisions or sources of law, as are granted to and imposed upon former spouses.

(c) A surviving registered domestic partner, following the death of the other partner, shall have the same rights, protections, and benefits, and shall be subject to the same responsibilities, obligations, and duties under law, whether they derive from statutes, administrative regulations, court rules, government policies, common law, or any other provisions or sources of law, as are granted to and imposed upon a widow or a widower.

(d) The rights and obligations of registered domestic partners with respect to a child of either of them shall be the same as those of spouses. The rights and obligations of former or surviving registered domestic partners with respect to a child of either of them shall be the same as those of former or surviving spouses.

(e) To the extent that provisions of California law adopt, refer to, or rely upon, provisions of federal law in a way that otherwise would cause registered domestic partners to be treated differently than spouses, registered domestic partners shall be treated by California law as if federal law recognized a domestic partnership in the same manner as California law.



(f) Registered domestic partners shall have the same rights regarding nondiscrimination as those provided to spouses.

(g) Notwithstanding this section, in filing their state income tax returns, domestic partners shall use the same filing status as is used on their federal income tax returns, or that would have been used had they filed federal income tax returns. Earned income may not be treated as community property for state income tax purposes.

(h) No public agency in this state may discriminate against any person or couple on the ground that the person is a registered domestic partner rather than a spouse or that the couple are registered domestic partners rather than spouses, except that nothing in this section applies to modify eligibility for long-term care plans pursuant to Chapter 15 (commencing with Section 21660) of Part 3 of Division 5 of Title 2 of the Government Code.

(i) This act does not preclude any state or local agency from exercising its regulatory authority to implement statutes providing rights to, or imposing responsibilities upon, domestic partners.

(j) This section does not amend or modify any provision of the California Constitution or any provision of any statute that was adopted by initiative.

(k) This section does not amend or modify federal laws or the benefits, protections, and responsibilities provided by those laws.

(l) Where necessary to implement the rights of domestic partners under this act, gender-specific terms referring to spouses shall be construed to include domestic partners.

SEC. 5. Section 298 of the Family Code is amended to read:

298. (a) The Secretary of State shall prepare forms entitled “Declaration of Domestic Partnership” and “Notice of Termination of Domestic Partnership” to meet the requirements of this division. These forms shall require the signature and seal of an acknowledgment by a notary public to be binding and valid.

(b) (1) The Secretary of State shall distribute these forms to each county clerk. These forms shall be available to the public at the office of the Secretary of State and each county clerk.

(2) The Secretary of State shall, by regulation, establish fees for the actual costs of processing each of these forms, and the cost for preparing and sending the mailings and notices required pursuant to Section 299.3, and shall charge these fees to persons filing the forms.

(c) The Declaration of Domestic Partnership shall require each person who wants to become a domestic partner to (1) state that he or she meets the requirements of Section 297 at the time the form is signed, (2) provide a mailing address, (3) state that he or she consents to the jurisdiction of the Superior Courts of California for the purpose of a



proceeding to obtain a judgment of dissolution or nullity of the domestic partnership or for legal separation of partners in the domestic partnership, or for any other proceeding related to the partners' rights and obligations, even if one or both partners ceases to be a resident of, or to maintain a domicile in, this state, (4) sign the form with a declaration that representations made therein are true, correct, and contain no material omissions of fact to the best knowledge and belief of the applicant, and (5) have a notary public acknowledge his or her signature. Both partners' signatures shall be affixed to one Declaration of Domestic Partnership form, which form shall then be transmitted to the Secretary of State according to the instructions provided on the form. Filing an intentionally and materially false Declaration of Domestic Partnership shall be punishable as a misdemeanor.

SEC. 6. Section 298.5 of the Family Code is amended to read:

298.5. (a) Two persons desiring to become domestic partners may complete and file a Declaration of Domestic Partnership with the Secretary of State.

(b) The Secretary of State shall register the Declaration of Domestic Partnership in a registry for those partnerships, and shall return a copy of the registered form and a Certificate of Registered Domestic Partnership to the domestic partners at the mailing address provided by the domestic partners.

(c) No person who has filed a Declaration of Domestic Partnership may file a new Declaration of Domestic Partnership or enter a civil marriage with someone other than their registered domestic partner unless the most recent domestic partnership has been terminated or a final judgment of dissolution or nullity of the most recent domestic partnership has been entered. This prohibition does not apply if the previous domestic partnership ended because one of the partners died.

SEC. 7. Section 299 of the Family Code is repealed.

SEC. 8. Section 299 is added to the Family Code, to read:

299. (a) A domestic partnership may be terminated without filing a proceeding for dissolution of domestic partnership by the filing of a Notice of Termination of Domestic Partnership with the Secretary of State pursuant to this section, provided that all of the following conditions exist at the time of the filing:

(1) The Notice of Termination of Domestic Partnership is signed by both domestic partners.

(2) There are no children of the relationship of the parties born before or after registration of the domestic partnership or adopted by the parties after registration of the domestic partnership, and neither of the domestic partners, to their knowledge, is pregnant.

(3) The domestic partnership is not more than five years in duration.



(4) Neither party has any interest in real property wherever situated, with the exception of the lease of a residence occupied by either party which satisfies the following requirements:

(A) The lease does not include an option to purchase.

(B) The lease terminates within one year from the date of filing of the Notice of Termination of Domestic Partnership.

(5) There are no unpaid obligations in excess of the amount described in paragraph (6) of subdivision (a) of Section 2400, as adjusted by subdivision (b) of Section 2400, incurred by either or both of the parties after registration of the domestic partnership, excluding the amount of any unpaid obligation with respect to an automobile.

(6) The total fair market value of community property assets, excluding all encumbrances and automobiles, including any deferred compensation or retirement plan, is less than the amount described in paragraph (7) of subdivision (a) of Section 2400, as adjusted by subdivision (b) of Section 2400, and neither party has separate property assets, excluding all encumbrances and automobiles, in excess of that amount.

(7) The parties have executed an agreement setting forth the division of assets and the assumption of liabilities of the community property, and have executed any documents, title certificates, bills of sale, or other evidence of transfer necessary to effectuate the agreement.

(8) The parties waive any rights to support by the other domestic partner.

(9) The parties have read and understand a brochure prepared by the Secretary of State describing the requirements, nature, and effect of terminating a domestic partnership.

(10) Both parties desire that the domestic partnership be terminated.

(b) The domestic partnership shall be terminated effective six months after the date of filing of the Notice of Termination of Domestic Partnership with the Secretary of State pursuant to this section, provided that neither party has, before that date, filed with the Secretary of State a notice of revocation of the termination of domestic partnership, in the form and content as shall be prescribed by the Secretary of State, and sent to the other party a copy of the notice of revocation by first-class mail, postage prepaid, at the other party's last known address. The effect of termination of a domestic partnership pursuant to this section shall be the same as, and shall be treated for all purposes as, the entry of a judgment of dissolution of a domestic partnership.

(c) The termination of a domestic partnership pursuant to subdivision (b) does not prejudice nor bar the rights of either of the parties to institute an action in the superior court to set aside the termination for fraud, duress, mistake, or any other ground recognized at law or in equity. A



court may set aside the termination of domestic partnership and declare the termination of the domestic partnership null and void upon proof that the parties did not meet the requirements of subdivision (a) at the time of the filing of the Notice of Termination of Domestic Partnership with the Secretary of State.

(d) The superior courts shall have jurisdiction over all proceedings relating to the dissolution of domestic partnerships, nullity of domestic partnerships, and legal separation of partners in a domestic partnership. The dissolution of a domestic partnership, nullity of a domestic partnership, and legal separation of partners in a domestic partnership shall follow the same procedures, and the partners shall possess the same rights, protections, and benefits, and be subject to the same responsibilities, obligations, and duties, as apply to the dissolution of marriage, nullity of marriage, and legal separation of spouses in a marriage, respectively, except as provided in subdivision (a), and except that, in accordance with the consent acknowledged by domestic partners in the Declaration of Domestic Partnership form, proceedings for dissolution, nullity, or legal separation of a domestic partnership registered in this state may be filed in the superior courts of this state even if neither domestic partner is a resident of, or maintains a domicile in, the state at the time the proceedings are filed.

SEC. 9. Section 299.2 is added to the Family Code, to read:

299.2. A legal union of two persons of the same sex, other than a marriage, that was validly formed in another jurisdiction, and that is substantially equivalent to a domestic partnership as defined in this part, shall be recognized as a valid domestic partnership in this state regardless of whether it bears the name domestic partnership.

SEC. 10. Section 299.3 is added to the Family Code, to read:

299.3. (a) On or before June 30, 2004, and again on or before December 1, 2004, and again on or before January 31, 2005, the Secretary of State shall send the following letter to the mailing address on file of each registered domestic partner who registered more than one month prior to each of those dates:

“Dear Registered Domestic Partner:

This letter is being sent to all persons who have registered with the Secretary of State as a domestic partner.

Effective January 1, 2005, California’s law related to the rights and responsibilities of registered domestic partners will change (or, if you are receiving this letter after that date, the law has changed, as of January 1, 2005). With this new legislation, for purposes of California law, domestic partners will have a great many new rights and responsibilities,



including laws governing community property, those governing property transfer, those regarding duties of mutual financial support and mutual responsibilities for certain debts to third parties, and many others. The way domestic partnerships are terminated is also changing. After January 1, 2005, under certain circumstances, it will be necessary to participate in a dissolution proceeding in court to end a domestic partnership.

Domestic partners who do not wish to be subject to these new rights and responsibilities MUST terminate their domestic partnership before January 1, 2005. Under the law in effect until January 1, 2005, your domestic partnership is automatically terminated if you or your partner marry or die while you are registered as domestic partners. It is also terminated if you send to your partner or your partner sends to you, by certified mail, a notice terminating the domestic partnership, or if you and your partner no longer share a common residence. In all cases, you are required to file a Notice of Termination of Domestic Partnership.

If you do not terminate your domestic partnership before January 1, 2005, as provided above, you will be subject to these new rights and responsibilities and, under certain circumstances, you will only be able to terminate your domestic partnership, other than as a result of domestic partner’s death, by the filing of a court action.

If you have any questions about any of these changes, please consult an attorney. If you cannot find an attorney in your locale, please contact your county bar association for a referral.

Sincerely,

The Secretary of State”

(b) From January 1, 2004, to December 31, 2004, inclusive, the Secretary of State shall provide the following notice with all requests for the Declaration of Domestic Partnership form. The Secretary of State also shall attach the Notice to the Declaration of Domestic Partnership form that is provided to the general public on the Secretary of State’s Web site:

“NOTICE TO POTENTIAL DOMESTIC PARTNER REGISTRANTS

As of January 1, 2005, California’s law of domestic partnership will change.

Beginning at that time, for purposes of California law, domestic partners will have a great many new rights and responsibilities,



including laws governing community property, those governing property transfer, those regarding duties of mutual financial support and mutual responsibilities for certain debts to third parties, and many others. The way domestic partnerships are terminated will also change. Unlike current law, which allows partners to end their partnership simply by filing a “Termination of Domestic Partnership” form with the Secretary of State, after January 1, 2005, it will be necessary under certain circumstances to participate in a dissolution proceeding in court to end a domestic partnership.

If you have questions about these changes, please consult an attorney. If you cannot find an attorney in your area, please contact your county bar association for a referral.”

SEC. 11. Section 299.5 of the Family Code is repealed.

SEC. 12. Section 14771 of the Government Code is amended to read:

14771. (a) The director, through the forms management center, shall do all of the following:

(1) Establish a State Forms Management Program for all state agencies, and provide assistance in establishing internal forms management capabilities.

(2) Study, develop, coordinate and initiate forms of interagency and common administrative usage, and establish basic state design and specification criteria to effect the standardization of public-use forms.

(3) Provide assistance to state agencies for economical forms design and forms art work composition and establish and supervise control procedures to prevent the undue creation and reproduction of public-use forms.

(4) Provide assistance, training, and instruction in forms management techniques to state agencies, forms management representatives, and departmental forms coordinators, and provide direct administrative and forms management assistance to new state organizations as they are created.

(5) Maintain a central cross index of public-use forms to facilitate the standardization of these forms, to eliminate redundant forms, and to provide a central source of information on the usage and availability of forms.

(6) Utilize appropriate procurement techniques to take advantage of competitive bidding, consolidated orders, and contract procurement of forms, and work directly with the Office of State Publishing toward more efficient, economical and timely procurement, receipt, storage, and distribution of state forms.





(7) Coordinate the forms management program with the existing state archives and records management program to ensure timely disposition of outdated forms and related records.

(8) Conduct periodic evaluations of the effectiveness of the overall forms management program and the forms management practices of the individual state agencies, and maintain records which indicate net dollar savings which have been realized through centralized forms management.

(9) Develop and promulgate rules and standards to implement the overall purposes of this section.

(10) Create and maintain by July 1, 1986, a complete and comprehensive inventory of public-use forms in current use by the state.

(11) Establish and maintain, by July 1, 1986, an index of all public-use forms in current use by the state.

(12) Assign, by January 1, 1987, a control number to all public-use forms in current use by the state.

(13) Establish a goal to reduce the existing burden of state collections of public information by 30 percent by July 1, 1987, and to reduce that burden by an additional 15 percent by July 1, 1988.

(14) Provide notice to state agencies, forms management representatives, and departmental forms coordinators, that in the usual course of reviewing and revising all public-use forms that refer to or use the terms spouse, husband, wife, father, mother, marriage, or marital status, that appropriate references to domestic partner, parent, or domestic partnership are to be included.

(15) Delegate implementing authority to state agencies where the delegation will result in the most timely and economical method of accomplishing the responsibilities set forth in this section.

The director, through the forms management center, may require any agency to revise any public-use form which the director determines is inefficient.

(b) Due to the need for tax forms to be available to the public on a timely basis, all tax forms, including returns, schedules, notices, and instructions prepared by the Franchise Tax Board for public use in connection with its administration of the Personal Income Tax Law, Senior Citizens Property Tax Assistance and Postponement Law, Bank and Corporation Tax Law, and the Political Reform Act of 1974 and the State Board of Equalization's administration of county assessment standards, state-assessed property, timber tax, sales and use tax, hazardous substances tax, alcoholic beverage tax, cigarette tax, motor vehicle fuel license tax, use fuel tax, energy resources surcharge, emergency telephone users surcharge, insurance tax, and universal



telephone service tax shall be exempt from subdivision (a), and, instead, each board shall do all of the following:

(1) Establish a goal to standardize, consolidate, simplify, efficiently manage, and, where possible, reduce the number of tax forms.

(2) Create and maintain, by July 1, 1986, a complete and comprehensive inventory of tax forms in current use by the board.

(3) Establish and maintain, by July 1, 1986, an index of all tax forms in current use by the board.

(4) Report to the Legislature, by January 1, 1987, on its progress to improve the effectiveness and efficiency of all tax forms.

(c) The director, through the forms management center, shall develop and maintain, by December 31, 1995, an ongoing master inventory of all nontax reporting forms required of businesses by state agencies, including a schedule for notifying each state agency of the impending expiration of certain report review requirements pursuant to subdivision (b) of Section 14775.

SEC. 13. Section 3 of Chapter 447 of the Statutes of 2002 is amended to read:

Sec. 3. On or before March 1, 2003, the Secretary of State shall send the following letter to the mailing address on file of each registered domestic partner who registered prior to January 1, 2003:

“Dear Registered Domestic Partner:

This letter is being sent to all persons who have registered with the Secretary of State as a domestic partner.

As of July 1, 2003, California’s law of intestate succession will change. The intestate succession law specifies what happens to a person’s property when that person dies without a will, trust, or other estate plan.

Under existing law, if a domestic partner dies without a will, trust, or other estate plan, a surviving domestic partner cannot inherit any of the deceased partner’s separate property. Instead, surviving relatives, including, for example, children, brothers, sisters, nieces, nephews, or parents may inherit the deceased partner’s separate property.

Under the law to take effect July 1, 2003, if a domestic partner dies without a will, trust, or other estate plan, the surviving domestic partner will inherit the deceased partner’s separate property in the same manner as a surviving spouse. This change will mean that the surviving domestic partner would inherit a third, a half, or all of the deceased partner’s separate property, depending on whether the deceased domestic partner has surviving children or other relatives. This change does not affect any community or quasi-community property that the deceased partner may have had.



This change in the intestate succession law will not affect you if you have a will, trust, or other estate plan.

If you do not have a will, trust, or other estate plan and you do not wish to have your domestic partner inherit your separate property in the manner provided by the revised law, you may prepare a will, trust, or other estate plan, or terminate your domestic partnership.

Under existing law, your domestic partnership is automatically terminated if you or your partner married or died while you were registered as domestic partners. It is also terminated by you sending your partner or your partner sending to you by certified mail a notice terminating the domestic partnership, or by you and your partner no longer sharing a common residence. In all cases, you are required to file a Notice of Termination of Domestic Partnership with the Secretary of State in order to establish the actual date of termination of the domestic partnership. You can obtain a Notice of Termination of Domestic Partnership from the Secretary of State’s office.

If your domestic partnership has terminated because you sent your partner or your partner sent to you a notice of termination of your domestic partnership, you must immediately file a Notice of Termination of Domestic Partnership. If you do not file that notice, your former domestic partner may inherit under the new law. However, if your domestic partnership has terminated because you or your partner married or you and your partner no longer share a common residence, neither you nor your former partner may inherit from the other under this new law.

If you have any questions about this change, please consult an estate planning attorney. If you cannot find an estate planning attorney in your locale, please contact your county bar association for a referral.

Sincerely,

The Secretary of State”

SEC. 14. The provisions of Sections 3, 4, 5, 6, 7, 8, 9, and 11 of this act shall become operative on January 1, 2005.

SEC. 15. This act shall be construed liberally in order to secure to eligible couples who register as domestic partners the full range of legal rights, protections and benefits, as well as all of the responsibilities, obligations, and duties to each other, to their children, to third parties and to the state, as the laws of California extend to and impose upon spouses.

SEC. 16. The provisions of this act are severable. If any provision of this act is held to be invalid, or if any application thereof to any person



or circumstance is held to be invalid, the invalidity shall not affect other provisions or applications that may be given effect without the invalid provision or application.

SEC. 17. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district because in that regard this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

However, notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains other costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund.



## Assembly Bill No. 782

### CHAPTER 45

An act to repeal and add Section 2024.5 of, and to add Section 2024.6 to, the Family Code, relating to court records, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 7, 2004. Filed with  
Secretary of State June 7, 2004.]

#### LEGISLATIVE COUNSEL'S DIGEST

AB 782, Kehoe. Court records: family law.

Existing law generally recognizes court records as public records, unless a specific exception applies. Under existing law, one exception with respect to dissolution matters allows social security numbers of persons involved to be kept in the confidential portion of court files.

This bill would establish procedures for keeping the location or identifying information about the assets and liabilities of the parties in a dissolution matter sealed. The bill would require a related Judicial Council form to be revised no later than July 1, 2005, in accordance with those procedures and would make other related changes. The bill would also repeal the provision described above which allows social security numbers to be kept in a confidential portion of the court files. The bill would instead authorize a petitioner or respondent to redact social security numbers from pleadings, attachments, documents, or other material filed with the court, except as specified.

The bill would declare that it is to take effect immediately as an urgency statute.

*The people of the State of California do enact as follows:*

SECTION 1. Section 2024.5 of the Family Code is repealed.

SEC. 2. Section 2024.5 is added to the Family Code, to read:

2024.5. (a) Except as provided in subdivision (b), the petitioner or respondent may redact any social security number from any pleading, attachment, document, or other written material filed with the court pursuant to a petition for dissolution of marriage, nullity of marriage, or legal separation. The Judicial Council form used to file such a petition, or a response to such a petition, shall contain a notice that the parties may redact any social security numbers from those pleadings, attachments, documents, or other material filed with the court.



(b) An abstract of support judgment, the form required pursuant to subdivision (b) of Section 4014, or any similar form created for the purpose of collecting child or spousal support payments may not be redacted pursuant to subdivision (a).

SEC. 3. Section 2024.6 is added to the Family Code, to read:

2024.6. (a) Upon request by a party to a petition for dissolution of marriage, nullity of marriage, or legal separation, the court shall order a pleading that lists the parties' financial assets and liabilities and provides the location or identifying information about those assets and liabilities sealed. The request may be made by ex parte application. Nothing sealed pursuant to this section may be unsealed except upon petition to the court and good cause shown.

(b) Commencing not later than July 1, 2005, the Judicial Council form used to declare assets and liabilities of the parties in a proceeding for dissolution of marriage, nullity of marriage, or legal separation of the parties shall require the party filing the form to state whether the declaration contains identifying information on the assets and liabilities listed therein. If the party making the request uses a pleading other than the Judicial Council form, the pleading shall exhibit a notice on the front page, in bold capital letters, that the pleading lists and identifies financial information and is therefore subject to this section.

(c) For purposes of this section, "pleading" means a document that sets forth or declares the parties' assets and liabilities, income and expenses, a marital settlement agreement that lists and identifies the parties' assets and liabilities, or any document filed with the court incidental to the declaration or agreement that lists and identifies financial information.

(e) The party making the request to seal a pleading pursuant to subdivision (a) shall serve a copy of the pleading on the other party to the proceeding and file a proof of service with the request to seal the pleading.

(f) Nothing in this section precludes a party to a proceeding described in this section from using any document or information contained in a sealed pleading in any manner that is not otherwise prohibited by law.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

It is necessary that this act take effect immediately as an urgency statute because the records that this act seeks to protect may disclose identifying information and location of assets and liabilities, thereby subjecting the affected parties and their children, as well as their assets

and liabilities, to criminal activity, violations of privacy, and other potential harm.

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