

JUDICIAL COUNCIL OF CALIFORNIA
ADMINISTRATIVE OFFICE OF THE COURTS
455 Golden Gate Avenue
San Francisco, California 94102-3688

Report

TO: Members of the Judicial Council

FROM: Family and Juvenile Law Advisory Committee
Hon. Jerilyn L. Borack and Hon. Susan D. Huguenor, Cochairs
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DATE: October 2, 2008

SUBJECT: Family Law: Miscellaneous Forms (revise forms FL-105/GC-120 and FL-315; adopt forms FL-105(A)/GC-120(A), and FL-347; and approve forms FL-318-INFO, FL-348, FL-910 and FL-915) (Action Required)

Issue Statement

This proposal includes new and revised family law forms to promote compliance with statutory mandates and facilitate judicial consistency in family law proceedings. Particular changes relate to the Uniform Child Custody Jurisdiction and Enforcement Act, recent amendments to Family Code sections 302 and 303 regarding the marriage of minors, and Family Code section 2337 concerning separate trials to terminate status of a marriage or domestic partnership.¹

Recommendation

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective January 1, 2008:

1. Revise Judicial Council form *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)* (FL-105/GC-120) to promote compliance with the UCCJEA and make the form easier for parties to complete;
2. Revise *Application or Response to Application for Separate Trial* (form FL-315) to make the form consistent with recent amendments to Family Code section 2337;
3. Adopt *Attachment to Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)* (form FL-105(A)/GC-120(A)) to promote a uniform

¹ When the proposal was circulated for comment, proposed form FL-351 *Cover Sheet for Family Law Stipulations and Orders* was included. In light of the comments received, the Family and Juvenile Law Advisory Committee determined to continue to work with staff from the California Case Management System (CCMS) on the needs for the system and recirculate the proposed form based upon that feedback.

method of presenting complete information about children involved in a family law or guardianship case;

4. Adopt *Bifurcation of Status of Marriage or Domestic Partnership—Attachment* (form FL-347) to comply with recent changes to Family Code section 2337;
5. Approve *Retirement Plan Joinder—Information Sheet* (form FL-318-INFO) to help parties comply with the requirements of Family Code section 2337 regarding joining pension plans;
6. Approve *Pension Benefits—Attachment to Judgment* (form FL-348) to comply with recent changes to Family Code section 2337;
7. Approve *Request of Minor to Marry* (form FL-910) to help parties and the court comply with recent changes to Family Code sections 302 and 303; and
8. Approve *Order on Request of Minor to Marry (Family Law)* (form FL-915) to help parties and the court comply with recent changes to Family Code sections 302 and 303.

The proposed revised and new forms are attached at pages 8 through 20.

Rationale for Recommendation

Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) forms

To help parties comply with the requirements of the UCCJEA in their family law or guardianship cases, the Judicial Council adopted the *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)* (form FL-105/GC-120). The form includes all the information the parties must provide about the children involved in the legal action, including their names, ages, birthdates, and addresses for the preceding five years and the names of the persons with whom the children have been living. Form FL-105/GC-120 provides space for the parties to list this information for two children. For additional children, item 3c currently requires parties to create an attachment 3c and provide all requested information for each additional child.

The proposed revisions to this form include (1) expanding the case title caption to include a heading in cases where a third party is involved in the family law action (specifically, the case title would be expanded to read “Petitioner,” “Respondent,” and “Other Party”); (2) adding a caption for guardianship cases and providing space for the name of the minor child because this form was also adopted for use in guardianship cases; (3) adding a reference to a new proposed attachment (further described below) to list information about additional children; and (4) changing the form from optional to mandatory use to promote consistency in the filed pleadings relating to child custody.

The proposed revisions to the form also include changes to promote compliance with the UCCJEA and to make the forms easier for the parties to complete. For example, because Family Code section 3429(a) requires that parties list the places where each child has lived during the past five years, the committee revised the form to allow parties to state the city and state of the child's residence instead of the full address. If useful in a case, the judicial officer could ask the parties to provide complete addresses.

In addition, item 2 was revised to clarify that, in cases where domestic violence is alleged, the address of the child residing with the party alleging domestic violence is also confidential under Family Code section 3429. Further, in item 3, the committee included check boxes to indicate that the address of the party alleging domestic violence is confidential.

The committee also modified items 4 and 5 of form FL-105/GC-120 by (1) reformatting the combined questions and creating a chart to facilitate completing and reading the item, (2) using the term "Family" instead of "Divorce" in the "Proceeding" column, (3) adding juvenile proceedings to the types of proceedings about which parties should inform the court (maintaining the confidential nature of juvenile and adoption proceedings by listing them in a separate chart and restricting the collection of data to case number and the court name state, location), and (4) adding a column in item 5 for a party to provide the expiration date of any domestic violence restraining orders.

The *Attachment to Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)* (form FL-105(A)/GC-120(A)) would serve as the attachment referenced in item 3c on the current form. In the absence of an attachment approved by the Judicial Council, parties or their attorneys have used an attachment created by electronic legal forms vendors. Alternatively, parties have created their own attachments on legal pleading or other paper. The proposed new form would help standardize the manner in which the information about additional children is presented to the court. The proposed new form would also promote the presentation of complete information about the children involved in a family law or guardianship case.

Forms relating to a separate trial to terminate marital status or domestic partnership Assembly Bill 861 (Stats. 2006, ch. 141), which became effective January 1, 2008, amended Family Code section 2337, regarding the bifurcation of the status of marriage or domestic partnership from other issues in a dissolution, to require that all pension plans be joined before the termination of marital status and that the court make orders regarding the distribution of those pension funds. Optional conditions were also added to Family Code section 2337 to protect the nonmoving spouse or domestic partner as a result of the termination of the marriage or domestic partnership.

The recent amendments to Family Code section 2337 require that the *Application for Separate Trial* (form FL-315) be revised. This form has been expanded to note the requirements of the statute and renamed *Application or Response to Application for*

Separate Trial. It includes a notice to the moving party about the orders that the court must make regarding retirement plan benefits. The form would also serve as a response to the application for separate trial and include other orders that may be made as conditions to terminating the parties' marital status or domestic partnership. The check boxes in this form allow either party to specify the conditions that preserve claims in retirement benefit plans, health insurance and other assets that he or she wants the court to include in the judgment granting a dissolution.

Proposed new *Retirement Plan Joinder—Information Sheet* (form FL-318-INFO) was developed to help litigants determine whether their retirement benefit plans must be joined before filing for a separate trial to terminate marital status or the domestic partnership. The information sheet is a table that lists types of retirement plans, provides examples of such plans, and then states whether the plan requires a joinder.

Given the large number of specific conditions that are identified in Family Code section 2337 for bifurcation of the status of marriage or domestic partnership, a new form, *Bifurcation of Status of Marriage or Domestic Partnership—Attachment* (form FL-347), was developed as a check box attachment to the order after hearing to assist the judge in determining which of the provisions should be ordered in these matters.

Pension Benefits—Attachment to Judgment (form FL-348) sets out the orders that a court must make upon severance of the status of marriage or domestic partnership. The language in Family Code section 2337(d)(2)(C) provides for a provisional division of the pension benefits acquired by the parties during the course of the marriage or domestic partnership. It is, in effect, a temporary qualified domestic relations order. This is to be attached to the status-only judgment and then served on the plan administrator. It can also be attached to a judgment to allow the parties time to prepare a qualified domestic relations order.

Forms regarding the marriage of minors

Assembly Bill 1102 (Stats. 2006, ch. 816), which became effective January 1, 2008, amended Family Code sections 302 and 303 to require the initiation of a case and court order when a minor or minors request the court's permission to marry. While there was previously a requirement for a court order permitting a minor to marry, the Assembly Bill clarifies outdated and unclear language of these statutes to reflect current procedures for issuance and registration of marriage licenses to minors. No Judicial Council forms have been available to assist minors in preparing the necessary paperwork or to assist the courts in establishing such a case file. The *Request of Minor to Marry* (form FL-910) and *Order on Request of Minor to Marry* (form FL-915) were developed to serve this purpose.

Alternative Actions Considered

Proposed revised and new forms FL-315, FL-347, FL-348, FL-910, and FL-915 are necessary to bring the forms into compliance with governing law. No alternative actions were considered regarding these forms. Regarding proposed new form FL-105(A)/GC-120(A), the committee considered expanding form FL-105/GC-120 to three pages and

creating space for information on up to five children. However, the committee recommends keeping the form to two pages because a large number of cases involve parties with one to two children. The committee believes that the proposed attachment FL-105(A)/GC-120(A) is a reasonable compromise that will serve the needs of parties with a greater than average number of children in their households.

Comments From Interested Parties

The invitation to comment was circulated from April 21, 2008, through June 20, 2008, to the standard mailing list for family and juvenile law proposals, as well as to the regular rules and forms mailing list. Included on the lists were judges, court administrators, attorneys, mediators, social workers, and other family law professionals, such as family court services directors, managers, supervisors, and staff, family law facilitators, self-help attorneys, legal services attorneys, and attorneys specializing in the area of pensions and qualified domestic relations orders.

The comments are summarized in the attached chart at pages 21–37. Twenty-three individuals and organizations submitted comments on this proposal. Of these, six commentators supported adoption of the proposal as circulated. Fifteen commentators expressed that they would agree with the proposal if modified. Two commentators disagreed with the proposal.

Substantive, technical, and grammatical changes have been made in response to the suggestions that were received relating to the proposed forms. These substantive suggestions and the committee's responses are summarized below.

Forms relating to the Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)

Regarding the *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)* (form FL-105/GC-120), one commentator suggested changes to the title caption on page 1 to clarify that the parties should complete only one title caption (not both) depending on whether the case is a family law case or a guardianship case. Another commentator proposed alternate language for item c, which indicates that the party is attaching another form to list additional children. Another commentator proposed combining items 4 and 5 into one question to create additional space in the form. These changes have been made.

One commentator proposed that this form be expanded to three pages so that the second page has space to allow parties to list more than two children. The committee recommends maintaining the form as a two-page form. The committee believes that the current format of the UCCJEA declaration is sufficient to serve the needs of the majority of parties in family court and that a uniform attachment is helpful in those cases where parties have more than two children.

Regarding the *Attachment to Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)* (form 105(A)/GC-120(A)), one commentator specifically supported the adoption of this attachment because, “many families have more children than the FL-105/GC-120 allows for and a uniform attachment is helpful.” Another commentator stated that this attachment would not be needed if space were added to the original form to provide information for more children. As previously stated, the committee recommends the adoption of the proposed attachment instead of expanding the original form.

Forms relating to a separate trial to terminate marital status or domestic partnership
Many commentators noted the need to make the forms gender neutral and reflect domestic partnerships as well as marriages. Those changes have been made.

A group of attorneys who participated in drafting Assembly Bill 861 made a number of extremely helpful suggestions regarding its intent and compliance with federal statutes. These included removing specific provisions that were intended to apply only to very rare cases and instead referring persons to the specific code sections to allow them to craft their request and order specifically when those sections are appropriate to the situation. Additionally, they noted that Family Code section 2337 is intended to allow the court to apply the protective provisions enumerated in the statute to either the moving or responding party in appropriate cases. Hence that option was added to forms FL-315 and FL-347.

Because the provisions of the statute can apply to either party, the committee also accepted the recommendation to make FL-315, *Application for Separate Trial*, and FL-316, *Response to Separate Trial*, one form, renaming FL-315 as *Application or Response to Application for Separate Trial*.

Another commentator noted that although form FL-348 meets the requirements of a temporary domestic relations order under Family Code section 2337 and may be appropriate for some final orders, parties should be able to draft proposed specific final orders regarding the distribution of their pension plans. Accordingly, the committee recommends that the form be made optional rather than mandatory so that parties are free to choose to use the form as a final order if it is accepted by the pension plan, or to draft a more tailored domestic relations order.

Forms regarding the marriage of minors

Commentators pointed out that courts have a wide variety of ways of handling the pre-marital counseling for minors wishing to marry and noted that the referral to family court services in proposed form FL-910, *Request of Minor to Marry*, would not be appropriate in all counties. Indeed, Family Code section 304 requires the judicial officer to make the determination whether such counseling is necessary. In response, a notice was added to the application for marriage advising the minors that the court might determine that premarital counseling may be required. Form FL-915, the *Order on Request of Minor to*

Marry, was also modified to include referrals to premarital counseling and to request proof of completion of that counseling. It also includes an option for the court to set the matter for hearing.

In response to comments, the forms were also made gender neutral to reflect the recent California Supreme Court decision in *In re Marriage Cases* (2008) 23 Cal.4th 757, providing that same-sex couples may marry.

Implementation Requirements and Costs

Implementation of the forms will require courts to train clerks and incur standard reproduction costs.

Attachments

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): <hr/> TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY DRAFT 18 10/02/08 xyz Not approved by the Judicial Council
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER: _____ <i>(This section applies only to family law cases.)</i> RESPONDENT: _____ OTHER PARTY: _____	
_____ <i>(This section applies only to guardianship cases.)</i> GUARDIANSHIP OF (Name): _____ Minor	CASE NUMBER: _____
DECLARATION UNDER UNIFORM CHILD CUSTODY JURISDICTION AND ENFORCEMENT ACT (UCCJEA)	

1. I am a party to this proceeding to determine custody of a child.
2. My present address and the present address of each child residing with me is confidential under Family Code section 3429 as I have indicated in item 3.
3. There are *(specify number)*: _____ minor children who are subject to this proceeding, as follows:
(Insert the information requested below. The residence information must be given for the last FIVE years.)

a. Child's name	Place of birth	Date of birth	Sex
Period of residence to present	Address <input type="checkbox"/> Confidential	Person child lived with <i>(name and complete current address)</i> <input type="checkbox"/> Confidential	Relationship
to	Child's residence <i>(City, State)</i>	Person child lived with <i>(name and complete current address)</i>	
to	Child's residence <i>(City, State)</i>	Person child lived with <i>(name and complete current address)</i>	
to	Child's residence <i>(City, State)</i>	Person child lived with <i>(name and complete current address)</i>	

b. Child's name	Place of birth	Date of birth	Sex
<input type="checkbox"/> Residence information is the same as given above for child a. <i>(If NOT the same, provide the information below.)</i>			
Period of residence to present	Address <input type="checkbox"/> Confidential	Person child lived with <i>(name and complete current address)</i> <input type="checkbox"/> Confidential	Relationship
to	Child's residence <i>(City, State)</i>	Person child lived with <i>(name and complete current address)</i>	
to	Child's residence <i>(City, State)</i>	Person child lived with <i>(name and complete current address)</i>	
to	Child's residence <i>(City, State)</i>	Person child lived with <i>(name and complete current address)</i>	

- c. Additional residence information for a child listed in item a or b is continued on attachment 3c.
- d. Additional children are listed on form FL-105(A)/GC-120(A). *(Provide all requested information for additional children.)*

SHORT TITLE: _____	CASE NUMBER: _____
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4. Do you have information about, or have you participated as a party or as a witness or in some other capacity in, another court case or custody or visitation proceeding, in California or elsewhere, concerning a child subject to this proceeding?
 Yes No (If yes, attach a copy of the orders (if you have one) and provide the following information):

Proceeding	Case number	Court (name, state, location)	Court order or judgment (date)	Name of each child	Your connection to the case	Case status
a. <input type="checkbox"/> Family						
b. <input type="checkbox"/> Guardianship						
c. <input type="checkbox"/> Other						

Proceeding	Case Number	Court (name, state, location)
d. <input type="checkbox"/> Juvenile Delinquency/ Juvenile Dependency		
e. <input type="checkbox"/> Adoption		

5. One or more domestic violence restraining/protective orders are now in effect. (Attach a copy of the orders if you have one and provide the following information):

Court	County	State	Case number (if known)	Orders expire (date)
a. <input type="checkbox"/> Criminal				
b. <input type="checkbox"/> Family				
c. <input type="checkbox"/> Juvenile Delinquency/ Juvenile Dependency				
d. <input type="checkbox"/> Other				

6. Do you know of any person who is not a party to this proceeding who has physical custody or claims to have custody of or visitation rights with any child in this case? Yes No (If yes, provide the following information):

a. Name and address of person <input type="checkbox"/> Has physical custody <input type="checkbox"/> Claims custody rights <input type="checkbox"/> Claims visitation rights Name of each child	b. Name and address of person <input type="checkbox"/> Has physical custody <input type="checkbox"/> Claims custody rights <input type="checkbox"/> Claims visitation rights Name of each child	c. Name and address of person <input type="checkbox"/> Has physical custody <input type="checkbox"/> Claims custody rights <input type="checkbox"/> Claims visitation rights Name of each child
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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)

7. Number of pages attached: _____

NOTICE TO DECLARANT: You have a continuing duty to inform this court if you obtain any information about a custody proceeding in a California court or any other court concerning a child subject to this proceeding.

PETITIONER:	CASE NUMBER:
RESPONDENT:	

APPLICATION FOR SEPARATE TRIAL OR RESPONSE TO APPLICATION FOR SEPARATE TRIAL

Attachment to **Notice of Motion (form FL-301)** **Responsive Declaration to Order to Show Cause or Notice of Motion (form FL-320)**

1. I am the petitioner respondent, and request oppose the request that the court sever (bifurcate) and grant an early and separate trial on the following issue or issues:

a. Permanent custody and visitation of the children of the marriage

b. Date of separation of the parties

c. Alternate valuation date for property

d. Validity of agreement entered into before or during the marriage or domestic partnership

e. Dissolution of the status of the marriage or domestic partnership

(1) I will serve with this application or response my preliminary *Declaration of Disclosure* (form FL-140) and completed *Schedule of Assets and Debts* (form FL-142) and *Income and Expense Declaration* (FL-150) unless they have been previously served or the parties have stipulated in writing to defer service.

(2) All pension or retirement plans in which the community has an interest are listed below or on attachment 1e(2):

(3) All pension or retirement plans listed in 1e(2) have been joined as a party to this proceeding, unless joinder is precluded or made unnecessary as a matter of law. (*See Retirement Plan Joinder—Information Sheet* (form FL-318-INFO) to determine if a joinder is required.)

(4) I understand that the court may make the orders specified or requested on pages 2 and 3 if the motion is granted to bifurcate the status of the marriage and the marriage is ended.

(5) I request that the court make the orders indicated on pages 2 and 3 and any attachments.

NOTE: A request for an early termination of your marital or partnership status may have a significant impact on your rights or responsibilities in your case. If you do not understand this form, you should speak with an attorney.

f. Other (specify):

2. a. I request that the court conduct this separate trial on the hearing date.

b. I will, at the hearing, ask the court to set a date for this separate trial.

3. The reasons in support of this request are (specify):

Memorandum attached. Supporting declarations attached.

PETITIONER: _____ RESPONDENT: _____	CASE NUMBER: _____
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4. Conditions relating to bifurcation of the status of the marriage or partnership:
- a. I understand that the court must enter an order to preserve the claims of each spouse or domestic partner in all retirement plan benefits upon entry of judgment granting a dissolution of the status of the marriage or domestic partnership.
 - b. I request that the court order the following as a condition of granting the bifurcation and ending the marriage upon an early and separate trial:

Division of property

(1) The petitioner respondent and his or her estate must indemnify and hold me harmless from any taxes, reassessments, interest, and penalties that I have to pay in connection with the division of the community estate that I would not have had to pay if we were still married or in a domestic partnership at the time the division was made.

Health insurance

(2) Until a judgment has been entered and filed on the remaining issues, the petitioner respondent must maintain all existing health and medical insurance coverage for me and any minor children as named dependents as long as he or she is eligible to do so. If at any time during this period, he or she is not eligible to maintain that coverage, he or she must, at his or her sole expense, provide and maintain health and medical insurance coverage that is comparable to the existing health and medical insurance coverage to the extent it is available.

To the extent that coverage is not available, the petitioner respondent must be responsible to pay, and demonstrate to the court's satisfaction the ability to pay, for health and medical care for me and the minor children to the extent that care would have been covered by the existing insurance coverage but for the dissolution of marital status or domestic partnership, and must otherwise indemnify and hold me harmless from any adverse consequences resulting from the loss or reduction of the existing coverage.

Probate homestead

(3) Until a judgment has been entered and filed on all remaining issues, the petitioner respondent must indemnify and hold me harmless from any adverse consequences if the bifurcation results in a termination of my right to a probate homestead in the residence in which I am residing at the time the severance is granted.

Probate family allowance

(4) Until a judgment has been entered and filed on all remaining issues, the petitioner respondent must indemnify and hold me harmless from any adverse consequences if the bifurcation results in the loss of my right to a probate family allowance as the surviving spouse or surviving domestic partner.

Retirement benefits

(5) Until a judgment has been entered and filed on all remaining issues, the petitioner respondent must indemnify and hold me harmless from any adverse consequences if the bifurcation results in the loss of my rights with respect to any retirement, survivor, or deferred compensation benefits under any plan, fund, or arrangement, or to any elections or options associated those benefits, to the extent that I would have been entitled to those benefits or elections as the spouse or surviving spouse or the domestic partner or surviving domestic partner.

Social security benefits

(6) The petitioner respondent must indemnify and hold me harmless from any adverse consequences if the bifurcation results in the loss of rights to social security benefits or elections to the extent that I would have been entitled to those benefits or elections as the surviving spouse or surviving domestic partner.

PETITIONER: RESPONDENT:	CASE NUMBER:
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Beneficiary designation—nonprobate transfer

(7) The petitioner respondent must maintain the beneficiary designation specified for each Nonprobate Transfer Asset (Probate Code section 5000) identified on the attached list in the percentage indicated. (See attachment 7 (not a form) which lists each asset and proposed percentage.) This designation must stay in effect until judgment has been entered with respect to the community ownership of that asset and until my interest in it has been distributed to me.

Individual Retirement Accounts

(8) To preserve the ability of the nonowner to defer the distribution of an Individual Retirement Account or (IRA) Annuity upon the death of the owner, the court should make the attached orders assigning and transferring the community interest of petitioner respondent in each listed IRA to that party. (See attachment 8 (not a form) which lists names of IRAs, account numbers and amount to be awarded.)

Enforcement of community property rights

(9) Because it will be difficult to enforce either of our community property rights if one of us dies before the division and distribution or compliance with any court-ordered payment of any community property interest, the court should make the attached order to provide enforcement security for petitioner respondent. (See attachment 9 (not a form) which specifies the security interest to be ordered as provided by Family Code section 2337(c)(9).)

Other conditions that are just and equitable

(10) The court makes the following additional orders:

5. Number of pages attached after this page: _____

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: 	CASE NUMBER:
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**ATTACHMENT TO
DECLARATION UNDER UNIFORM CHILD CUSTODY JURISDICTION AND ENFORCEMENT ACT (UCCJEA)**

<input type="text"/> Child's name <input type="checkbox"/> Residence information is the same as given on form FL-105/GC-120 for child a. (If NOT the same, provide the information below.)	Place of birth	Date of birth	Sex
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Period of residence to present	Present address <input type="checkbox"/> Confidential	Person child lived with (name and complete current address) <input type="checkbox"/> Confidential	Relationship
to	Child's residence (City, State)	Person child lived with (name and complete current address)	
to	Child's residence (City, State)	Person child lived with (name and complete current address)	
to	Child's residence (City, State)	Person child lived with (name and complete current address)	

<input type="text"/> Child's name <input type="checkbox"/> Residence information is the same as given on form FL-105/GC-120 for child a. (If NOT the same, provide the information below.)	Place of birth	Date of birth	Sex
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Period of residence to present	Address <input type="checkbox"/> Confidential	Person child lived with (name and complete current address) <input type="checkbox"/> Confidential	Relationship
to	Child's residence (City, State)	Person child lived with (name and complete current address)	
to	Child's residence (City, State)	Person child lived with (name and complete current address)	
to	Child's residence (City, State)	Person child lived with (name and complete current address)	

<input type="text"/> Child's name <input type="checkbox"/> Residence information is the same as given on form FL-105/GC-120 for child a. (If NOT the same, provide the information below.)	Place of birth	Date of birth	Sex
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Period of residence to present	Address <input type="checkbox"/> Confidential	Person child lived with (name and complete current address) <input type="checkbox"/> Confidential	Relationship
to	Child's residence (City, State)	Person child lived with (name and complete current address)	
to	Child's residence (City, State)	Person child lived with (name and complete current address)	
to	Child's residence (City, State)	Person child lived with (name and complete current address)	

PETITIONER:	CASE NUMBER:
RESPONDENT:	

BIFURCATION OF STATUS OF MARRIAGE OR DOMESTIC PARTNERSHIP

ATTACHMENT TO JUDGMENT (FL-180) FINDINGS AND ORDER AFTER HEARING (FL-340)

The court grants the motion of petitioner respondent to bifurcate and grant a separate trial on the issue of the dissolution of the status of the marriage or domestic partnership with petitioner respondent, apart from other issues.

Date marital or domestic partnership status ends (specify):

THE COURT FINDS

1. A preliminary declaration of disclosure with a completed schedule of assets and debts and income and expense declaration has been served on the nonmoving party, or the parties have stipulated in writing to defer service of the preliminary declaration of disclosure until a later time.
2. Each retirement or pension plan of the parties has been joined as a party to the proceeding for dissolution unless joinder is precluded or made unnecessary by applicable law.

THE COURT ORDERS:

3. a. To preserve the claims of each party in all retirement plan benefits on entry of judgment granting a dissolution of the status of the marriage or domestic partnership, the court makes one of the following orders for each retirement plan in which either party is a participant:
 - (1) A final domestic relations order or qualified domestic relations order under Family Code section 2610 disposing of each party's interest in retirement plan benefits, including survivor and death benefits.
 - (2) An interim order preserving the nonemployee party's right to retirement plan benefits, including survivor and death benefits, pending entry of judgment on all remaining issues.
 - (3) A provisional order on *Pension Benefits—Attachment to Judgment* (form FL-348) incorporated as an attachment to the judgment of dissolution of the status of marriage or domestic partnership (*Judgment (Family Law)* form FL-180). This order provisionally awards to each party a one-half interest in all retirement benefits attributable to employment during the marriage or domestic partnership.

b. Name of plan	type of order attached 3a(1) 3a(2) 3a(3)
	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>

See attachment 3b for additional plans

- c. The moving party must promptly serve on the retirement or pension plan administrator a copy of any order entered under item a and b above and a copy of the judgment granting a dissolution of the status of the marriage or domestic partnership (form FL-180)
4. Jurisdiction is reserved for later determination of all other pending issues in this case.
5. The court makes the following additional orders as conditions for granting the severance on the issue of dissolution of the status of marriage or domestic partnership. In the case of the moving party's death, the order continues to be binding on that moving party's estate and will be enforceable against any asset, including the proceeds thereof, to the same extent that these obligations would have been enforceable before the person's death.

Division of property

- a. The petitioner respondent must indemnify and hold the other party harmless from any taxes, reassessments, interest, and penalties payable by the other party in connection with the division of the community estate that would not have been payable if the parties were still married or domestic partners at the time the division was made.

PETITIONER: RESPONDENT:	CASE NUMBER:
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Health insurance

5. b. Until a judgment has been entered and filed on all remaining issues, the petitioner respondent must maintain all existing health and medical insurance coverage for the other party, and that party must also maintain any minor children as named dependents, as long as that party is eligible to do so. If at any time during this period the petitioner respondent is not eligible to maintain that coverage, that party must, at his or her sole expense, provide and maintain health and medical insurance coverage that is comparable to the existing health and medical insurance coverage to the extent it is available.

If that coverage is not available, the petitioner respondent is responsible for paying the health and medical care for the other party and the minor children to the extent that care would have been covered by the existing insurance coverage but for the dissolution of marital status or domestic partnership, and will otherwise indemnify and hold the other party harmless from any adverse consequences resulting from the loss or reduction of the existing coverage. "Health and medical insurance coverage" includes any coverage under any group or individual health or other medical plan, fund, policy, or program.

Probate homestead

c. Until a judgment has been entered and filed on all remaining issues, the petitioner respondent must indemnify and hold the other party harmless from any adverse consequences to the other party if the bifurcation results in a termination of the other party's right to a probate homestead in the residence in which the other party resides at the time the severance is granted.

Probate family allowance

d. Until a judgment has been entered and filed on all remaining issues, the petitioner respondent must indemnify and hold the other party harmless from any adverse consequences to the other party if the bifurcation results in the loss of the rights of the other party to a probate family allowance as the surviving spouse or surviving domestic partner.

Retirement benefits

e. Except for any retirement plan, fund or arrangement identified in any order issued and attached as set out in paragraph 3, until a judgment has been entered on all remaining issues, the petitioner respondent must indemnify and hold the other party harmless from any adverse consequences to the other party if the bifurcation results in the loss of the other party's rights with respect to any retirement, survivor, or deferred compensation benefits under any plan, fund, or arrangement, or to any elections or options associated therewith, to the extent that the other party would have been entitled to those benefits or elections as the spouse or surviving spouse or the domestic partner or surviving domestic partner of the moving party.

Social security benefits

f. The moving party must indemnify and hold the other party harmless from any adverse consequences if the bifurcation results in the loss of rights to social security benefits or elections to the extent the other party would have been entitled to those benefits or elections as the surviving spouse or surviving domestic partner of the moving party.

Beneficiary designation— Nonprobate transfer

g. Attachment 5(g), Order re: Beneficiary Designation for Non-Probate Transfer Assets, will remain in effect for each covered asset until the division of any community interest therein has been completed.

Individual Retirement Account

h. Attachment 5(h), Order re: Division of IRA Under Internal Revenue Code section 408(d)(6), has been issued to preserve the ability of petitioner respondent to defer distribution of his or her community interest on the death of the IRA owner.

PETITIONER:	CASE NUMBER:
RESPONDENT:	

Enforcement of community property rights

5. i. Good cause exists to make additional orders as set out in Family Code section 2337(c)(9). See attachment 5i.

Other conditions that are just and equitable

j. Other:

6. Number of attachments: _____

WARNING: JUDGMENT (Family Law) (form FL-180) (status only) must be completed in addition to this form for the status of the marriage or domestic partnership to be ended.

PETITIONER/PLAINTIFF:	CASE NUMBER:
RESPONDENT/DEFENDANT:	

PENSION BENEFITS—ATTACHMENT TO JUDGMENT
(Attach to form FL-180)

This order concerns the division of retirement and survivor benefits between the following two parties:

Name of petitioner: _____ Name of respondent: _____
Address of petitioner: _____ Address of respondent: _____

Date of marriage or registration of domestic partnership: _____ Date of separation: _____

TO THE EMPLOYER/PLAN ADMINISTRATOR OF EACH PLAN IDENTIFIED BELOW:

Each party identified above is provisionally awarded without prejudice, and subject to adjustment by a later domestic relations order, a separate interest equal to one-half of all benefits accrued or to be accrued under any retirement plan in which one party has accrued a benefit, including but not limited to the plans listed below, as a result of employment of the other party during the marriage or domestic partnership and before the date of separation. In addition, pending further notice, the plan must, as allowed by law, or as allowed by the terms of the plan in the case of a governmental plan, continue to treat the parties as married persons or domestic partners for purposes of any survivor rights and benefits available under the plan to the extent necessary to provide for payment to the surviving spouse or domestic partner of an amount equal to that separate interest or of all of the survivor benefits if at the time of death of the participant there is no other eligible recipient of the survivor benefit.

TO THE PARTIES:

Each party must provide the information and take the required actions listed below to protect the other party's interest in retirement benefits:

1. List below (or on a page attached) the name and address of each employer for which you or the other party work or worked where either of you participated in a retirement plan during the marriage and before your separation. Include the name (or a description if you do not have the name) of each of these plans.

See Attached

2. For each plan you listed under item 1, promptly deliver a copy of this order to the plan's administrator. You can deliver a copy of this order in person or by mail. Provide a proof of service to the court and the other party.
If you do not know the plan's administrator, deliver a copy to
 - the employer or plan sponsor, or, if unknown,
 - the trustee or custodian of any assets of the plan.
3. Each party who is a participant in a plan listed under item 1 must join that plan as a party to this case when joinder is required by law. (See Retirement Plan Joinder—Information Sheet [*form FL-318-INFO*].)
4. If you are not the party who participated in a plan listed in item 1 and are concerned that you have not received proof that notice of your interest has been delivered to that plan, you are encouraged to deliver a copy of this order to the appropriate plan administrator as described in item 2. You also have a right to join any plan that requires joinder in the event that no joinder documents have been filed with the court or served on the plan's administrator.
5. Each party must promptly let each plan representative know of any change in that party's mailing address until all benefits due that party under the plan have been paid.

Clerk stamps date here when form is filed.

**DRAFT 13
09/05/08 xyz
Not approved by the
Judicial Council**

Fill in court name and street address:

Superior Court of California, County of

Clerk fills in case number when form is filed.

Case Number:

1 Minor Requesting Permission to Marry

Date of birth: _____
Name: _____
Street address: _____
City: _____ State: _____ Zip: _____
Telephone number: _____

2 Person Whom Minor Requests Permission to Marry

Date of birth: _____
Name: _____
Street address: _____
City: _____ State: _____ Zip: _____
Telephone number: _____

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

Name: _____
Telephone number: _____ E-mail: _____
Address: _____
State Bar number: _____

4 Written Permission

You must attach permission to marry in writing from the parent or guardian of each person under 18. Describe the permissions attached to this form. *(Check all that apply):*

- a. Permission from **1**'s *(check one)*: mother father guardian
 Other *(explain)*: _____
- b. Permission from **2**'s *(check one)*: mother father guardian
 Other *(explain)*: _____

5 Premarital Counseling

The judge may require you to go to premarital counseling to learn about the social, economic, and personal responsibilities of marriage.

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

Date: _____

▶ _____
Person 1 signs here

Date: _____

▶ _____
Person 2 signs here

Clerk stamps date here when form is filed.

**DRAFT 11
10/06/08 mc
Not approved by the
Judicial Council**

Fill in court name and street address:

Superior Court of California, County of

Fill in case number if known:

Case Number:

1 Minor Requesting Permission to Marry

Date of birth: _____
Name: _____
Street address: _____
City: _____ State: _____ Zip: _____
Telephone number: _____

2 Person Minor Requests Permission to Marry

Date of birth: _____
Name: _____
Street address: _____
City: _____ State: _____ Zip: _____
Telephone number: _____

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

Name: _____
Address: _____
Telephone number: _____ E-mail: _____
State Bar number: _____

4 The court has considered the *Request of Minor to Marry* filed by the people listed in **1** and **2** above and other evidence provided in this case.

5 The court makes the following orders:

- a. This couple may get married if they meet all other requirements to get a marriage license.
- b. This couple must go to premarital counseling to learn about the social, economic, and personal responsibilities of marriage.
- c. This couple may not get married at this time. The court finds that the person or persons under 18 are not able to consent to marriage.
- d. The court is considering whether it is in the best interest of the person or persons under 18 to marry at this time. The matter is scheduled for a hearing on

Hearing Date

→ Date: _____ Time: _____ a.m. p.m.

Dept./Rm. or Address: _____

- e. The couple must show a certificate of completion of premarital counseling before permission is granted.
- f. Other:

Date: _____



Judge (or Judicial Officer)

This is a Court Order.

RETIREMENT PLAN JOINDER—INFORMATION SHEET

Type of Retirement Plan	Examples	Joinder Required
Governmental plan of a state, county, public school or university, or other public agency	California Public Employees' Retirement System (CalPERS), California State Teachers' Retirement System (CalSTRS), and University of California Retirement System (UCRS) (includes both qualified plans and nonqualified plans, such as Int. Rev. Code, § 457(b) or (f) deferral plans or Int. Rev. Code, § 403(b) Tax Sheltered Annuity (TSA)	Yes
Federal government plan	Federal government plans including all military branches, Civil Service Retirement System (CSRS), Federal Employees Retirement System (FERS), Foreign Service Pension System (FSPS)	No
Funded plan (whether or not qualified) covering employees working for private-industry employer (includes collectively bargained plans)	Int. Rev. Code, § 401(k) plan, defined benefit pension plan (traditional or cash balance), profit-sharing plan, money purchase or target benefit pension plan, Employee Stock Ownership Plan (ESOP), Tax Sheltered Annuity (TSA)	No (ERISA covered)
Unfunded nonqualified plan covering employees working for private-industry or tax-exempt employer (other than excess benefit plans)	Supplemental executive retirement plan, Int. Rev. Code, § 457(f) deferral plan, Stock Appreciation Right (SAR) or phantom stock plan, severance plan	No (ERISA covered)
Plan (qualified or nonqualified) covering only business owners and spouses or employees of a church	Int. Rev. Code, § 401(k) plan, defined benefit pension plan (traditional or cash balance), profit-sharing plan, money purchase or target benefit pension plan, Keogh, Tax Sheltered Annuity (TSA)	Yes
Individual Retirement Account or annuity	Individual Retirement Account (IRA), Roth IRA	No (not true retirement plans; Qualified Domestic Relations Orders (QDROs) do not apply). May be divided by judgment or order
All others		Generally yes

For domestic partnerships and same-sex marriages, please consult an attorney as federal laws apply and rules may vary.

SPR08-38

Family Law: Miscellaneous Forms (revise forms FL-105/GC-120 and FL-315; adopt forms FL-105(A)/GC-120(3A), FL-347, FL-348, FL-910, and FL-915; and approve form FL-318-INFO)

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

List of All Commentators, Overall Positions on the Proposal, and General Comments				
	Commentator	Position	Comment	Committee Response
1.	Candi Sue Albert	N	*Concerns raised regarding statute requiring notification of other parent if moving from state of California with child.	Not within advisory committee's purview.
2.	Grace Andres Court Services Program Manger Superior Court of Solano County	AM	See comments on specific provisions below.	
3.	James Crawford Crawford Law Office, P.A.	AM	See comments on specific provisions below.	
4.	Erin Dabbs Staff Attorney Harriett Buhai Center for Family Law Los Angeles	AM	See comments on specific provisions below.	
5.	JoAnn Johnson Family Law Facilitator Superior Court of Ventura County	AM	See comments on specific provisions below.	
6.	Cheryl Kanatzar Deputy Executive Officer Superior Court of Ventura County	A	No specific comment.	No response required.
7.	Kern County Family Law Courts	AM	See comments on specific provisions below.	
8.	Los Angeles County Bar Association Family Law Section Hon. John Chemeleski Trial Court Commissioner	N	See comments on specific provisions below.	
9.	Michael J. Low Attorney, Contra Costa County	AM	See comments on specific provisions below.	
10.	Hon. Linda A. McFadden Presiding Juvenile Judge Superior Court of Stanislaus County	AM	See comments on specific provisions below.	
11.	Patti Morua-Widdows Court Program Manager Superior Court of Ventura County	AM	See comments on specific provisions below.	

SPR08-38

Family Law: Miscellaneous Forms (revise forms FL-105/GC-120 and FL-315; adopt forms FL-105(A)/GC-120(3A), FL-347, FL-348, FL-910, and FL-915; and approve form FL-318-INFO)

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

List of All Commentators, Overall Positions on the Proposal, and General Comments				
	Commentator	Position	Comment	Committee Response
12.	Deuse Motter Family Law Facilitator Superior Court of Santa Barbara County	A	No specific comment.	No response required.
13.	Orange County Bar Association Cathrine Castaldi President	A	No specific comment.	No response required.
14.	Rebecca Prater Staff Attorney Office of the Family Law Facilitator Superior Court of San Diego County	AM	See comments on specific provisions below.	
15.	State Bar of California Standing Committee on the Delivery of Legal Services Sharon Ngim Staff Liaison to the Standing Committee on the Delivery of Legal Services	AM	See comments on specific provisions below.	
16.	Superior Court of Fresno County Patty Wallace Rixman Director of Court Operations	AM	See comments on specific provisions below.	
17.	Superior Court of Los Angeles County	A	No specific comment.	No response required.
18.	Superior Court of Marin County Kim Turner Executive Officer	AM	See comments on specific provisions below.	
19.	Superior Court of Orange County Linda Daeley Manager--Family Law Unit	AM	See comments on specific provisions below.	
20.	Superior Court of Sacramento County Research and Evaluation Division Robert Turner ASO II	AM	See comments on specific provisions below.	
21.	Superior Court of San Bernardino County Debra Meyers Director of Staff Counsel Services and	A	See comments on specific provisions below.	

SPR08-38

Family Law: Miscellaneous Forms (revise forms FL-105/GC-120 and FL-315; adopt forms FL-105(A)/GC-120(3A), FL-347, FL-348, FL-910, and FL-915; and approve form FL-318-INFO)

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

List of All Commentators, Overall Positions on the Proposal, and General Comments				
	Commentator	Position	Comment	Committee Response
	Self-Help Division			
22.	Superior Court of San Diego County Michael M. Roddy Executive Officer	AM	See comments on specific provisions below.	
23.	Superior Court of Tulare County Deanna Jasso Court Operations Analyst	A	No specific comment.	No response required.

Note: When the proposal was circulated for comment, proposed form FL-351 *Cover Sheet for Family Law Stipulations and Orders* was included. In light of the comments received, the Family and Juvenile Law Advisory Committee determined to continue to work with staff from the California Case Management System (CCMS) on the needs for the system and recirculate the proposed form based upon that feedback.

SPR08-38

Family Law: Miscellaneous Forms (revise forms FL-105/GC-120 and FL-315; adopt forms FL-105(A)/GC-120(3A), FL-347, FL-348, FL-910, and FL-915; and approve form FL-318-INFO)

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

Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) (form FL-105/GC-120)		
Commentator	Comment	Committee Response
<p>Los Angeles County Bar Association Family Law Section Hon. John Chemeleski Trial Court Commissioner</p>	<p>*Existing FL-105 should be rewritten as follows:</p> <p>There should be sufficient space on the first page to list the names, places, and dates of birth of at least six or more children—that would cover the vast majority of all cases.</p> <p>The number of children could not be determined from the existing and proposed forms if the new third page were misplaced.</p> <p>The bottom of the first page should then have space to list the residence address for the oldest child followed by option boxes to state whether those addresses apply to any of the other children.</p> <p>The top of the second page should then have space to list addresses for children who do not have the same information as the oldest child.</p> <p>Existing paragraphs 4 and 5 could be combined into one.</p>	<p>The committee believes that the current format of the first page of the UCCJEA declaration, which provides space to list information about two children) is sufficient to serve the needs of the majority of parties in family court and that a uniform attachment is helpful in those cases where parties have more than two children.</p> <p>The number of children subject to the proceeding is currently requested at item 3 on this form. However, to address the concern raised by the commentator that the number of children could not be determined, the committee modified item 3 to state: “There are (<i>specify number</i>): minor children who are subject to this proceeding, as follows:”</p> <p>The committee believes that the current format of the first page of the UCCJEA declaration, which provides space to list information about two children) is sufficient to serve the needs of the majority of parties in family court and that a uniform attachment is helpful in those cases where parties have more than two children.</p> <p>Same response as above.</p> <p>Modified as proposed with additional changes including reformatting the combined questions in chart form and adding juvenile proceedings to the types of proceedings about which parties should inform the court (maintaining the confidential nature of juvenile and adoption proceedings by listing them in a separate chart</p>

SPR08-38

Family Law: Miscellaneous Forms (revise forms FL-105/GC-120 and FL-315; adopt forms FL-105(A)/GC-120(3A), FL-347, FL-348, FL-910, and FL-915; and approve form FL-318-INFO)

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

Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) (form FL-105/GC-120)		
Commentator	Comment	Committee Response
		and restricting the collection of data to case number and the court name state, location).
Kern County Family Law Courts	Suggest modify form FL-105 #3c to read only: “Additional children are listed on FL-105(3C)/GC-120(3C), (Provide all requested information for additional children).”	Modified as proposed. The form was renamed FL-105(A)/GC-120(A) to be consistent with the Judicial Council forms numbering structure.

Attachment to Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) (form FL-105(A)/GC-120(A)		
Commentator	Comment	Committee Response
Los Angeles County Bar Association Family Law Section Hon. John Chemeleski Trial Court Commissioner	*It appears to be unnecessary to add this form as the existing FL-105 should be rewritten to provide sufficient space for families with more than two children.	The committee recommends maintaining this form as a two-page form and adopting the proposed attachment to serve the needs of families with more than two children of the relationship.
State Bar of California Standing Committee on the Delivery of Legal Services Sharon Ngim Staff Liaison to the Standing Committee on the Delivery of Legal Services	SCDLS specifically supports the adoption of Attachment 3 to FL-105/GC-120. Many of these families have more children than the form allows for and a uniform attachment is helpful.	No response required.

SPR08-38

Family Law: Miscellaneous Forms (revise forms FL-105/GC-120 and FL-315; adopt forms FL-105(A)/GC-120(3A), FL-347, FL-348, FL-910, and FL-915; and approve form FL-318-INFO)

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

Application or Response to Application for Separate Trial (form FL-315) Note: Comments regarding forms FL-315 and FL-316 are combined (below).		
Commentator	Comment	Committee Response
James Crawford Crawford Law Office, P.A.	<p>*The legislative intent was for the court to have the authority to allow the protective provisions in Family Code section 2337 to apply to either the person seeking the bifurcation or the other person. Change language to allow the orders to be requested and made against either party.</p> <p>Provisions regarding non-probate transfers in Family Code section 2337 (b)(7) are extremely complicated and anticipated to be rare. Suggest that these should be drafted separately. Same concerns regarding the undertakings provided in Family Code section 2337(b)(9).</p>	<p>Modified as proposed.</p> <p>Modified to note the provisions and indicate that parties may add their own (non-form) attachments.</p>
Kern County Family Law Courts	Suggest making whatever revisions necessary for forms FL-315 & FL-316 to be one unified form, usable by both parties.	Modified as proposed.
Superior Court of Sacramento County Research and Evaluation Division Robert Turner ASO II	<p>On the FL-316 form the signature line at the bottom of page 1 gives the impression that that is all of the form to be read/completed. However, item 9 is on page 2 and may easily be overlooked by one or both parties. Moving the signature block to the bottom of page 2, instead of page 1 could solve this.</p> <p>In item 9. B. (8), the word “the” should be removed from the middle of the first sentence, right before the words “Individual Retirement Account.”</p>	<p>Modified in form FL-315 to make the provisions currently on page 2 and 3 an attachment, which will make it clear that they are part of the application or response.</p> <p>Modified to remove this section given the rarity and complexity of this procedure and replace it with notice of provision rather than suggesting that the procedure is simple or common.</p>

SPR08-38

Family Law: Miscellaneous Forms (revise forms FL-105/GC-120 and FL-315; adopt forms FL-105(A)/GC-120(3A), FL-347, FL-348, FL-910, and FL-915; and approve form FL-318-INFO)

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

<p>Rebecca Prater Staff Attorney Office of the Family Law Facilitator Superior Court of San Diego County</p>	<p>The paragraph numbering on FL-315 and FL 316 should be consistent. FL-315 has items numbered 1 through 8 on page 1, and page 2 begins again with items numbered 1 through 9. FL-316 has paragraphs 1 through 8 on the first page, but begins page 2 with item 9 with sub-categories A and B (1) through (8).</p> <p>Throughout; modify language as necessary to include dissolution of domestic partnership, i.e. spouse or partner.</p> <p>Page 1, item 5; The use of only the term “marital settlement agreement” is confusing. “Validity of prenuptial/premarital agreement signed before marriage, post-nuptial agreement or marital settlement agreement signed during marriage or domestic partnership” or similar language would more accurately describe the issue.</p> <p>Pages 2 and 3; The language is stilted and confusing. The conditions the court may impose when granting a request to terminate marital status should either be translated into plain language, or should reflect the specific wording of FC 2337. For example: “Until judgment has been entered on all remaining issues and has become final,” used throughout FC 2337, means what exactly? When would a judgment on remaining issues not be final when entered? The six month waiting period has long passed. If the goal is plain language, something like “Until a judgment has been entered and filed on the remaining issues” makes more sense.</p> <p>Re: Form FL-316 The first line is awkwardly spaced. Perhaps the check boxes should come after the words agree and disagree, or there should be a blank line between this paragraph and the next.</p> <p>Page 1, item 1(a): Should be amended to state “I will serve with this application <u>response</u> my preliminary”</p>	<p>The merging of forms FL-315 and FL-316 into one unified form, as indicated in the response to Kern County Family Law Courts, resolves the issues presented in this comment.</p> <p>Modified to the extent that the law provides similar benefits for domestic partnerships.</p> <p>Modified to state, “agreement entered into before or during the marriage or domestic partnership.”</p> <p>The committee followed the statutory language in the form; however, the committee modified the form as proposed.</p> <p>The merging of forms FL-315 and FL-316 into one unified form resolves the issue presented in this comment.</p> <p>Modified to substitute the words “application or response” in the combined format.</p>
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SPR08-38

Family Law: Miscellaneous Forms (revise forms FL-105/GC-120 and FL-315; adopt forms FL-105(A)/GC-120(3A), FL-347, FL-348, FL-910, and FL-915; and approve form FL-318-INFO)

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

<p>Superior Court of San Diego County Michael M. Roddy Executive Officer</p>	<p>Form FL-315</p> <p>The paragraph numbering on FL-315 and FL 316 should be consistent. FL-315 has items numbered 1 through 8 on page 1, and page 2 begins again with items numbered 1 through 9.</p> <p>FL-316 has paragraphs 1 through 8 on the first page, but begins page 2 with item 9 with sub-categories A and B (1) through (8).</p> <p>The language throughout the form should be modified as necessary to include dissolution of domestic partnership, i.e. spouse or partner.</p> <p>Page 1, item 5: The use of only the term “marital settlement agreement” is confusing. “Validity of prenuptial/premarital agreement signed before marriage, post-nuptial agreement or marital settlement agreement signed during marriage or domestic partnership” or similar language would more accurately describe the issue.</p> <p>Form FL-316</p> <p>The first line on this form is awkwardly spaced. Perhaps the check boxes should come after the words agree and disagree, or there should be a blank line between this paragraph and the next.</p> <p>The language throughout the form should be modified as necessary to include dissolution of domestic partnership, i.e. spouse or partner.</p> <p>Page 1, item 1(a): Should be amended to state “I will serve with this application <u>response</u> my preliminary”</p>	<p>See response to Rebecca Prater (above).</p> <p>See response to Rebecca Prater (above).</p> <p>See response to Rebecca Prater (above).</p> <p>See response to Rebecca Prater (above).</p> <p>See response to Rebecca Prater (above).</p> <p>See response to Rebecca Prater (above).</p> <p>See response to Rebecca Prater (above).</p> <p>See response to Rebecca Prater (above).</p>
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SPR08-38

Family Law: Miscellaneous Forms (revise forms FL-105/GC-120 and FL-315; adopt forms FL-105(A)/GC-120(3A), FL-347, FL-348, FL-910, and FL-915; and approve form FL-318-INFO)

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

	<p>Page 1, item 5: The use of only the term “marital settlement agreement” is confusing. “Validity of prenuptial/premarital agreement signed before marriage, post-nuptial agreement or marital settlement agreement signed during marriage or domestic partnership” or similar language would more accurately describe the issue</p>	<p>See response to Rebecca Prater (above).</p>
<p>Superior Court of Ventura County Joann Johnson Family Law Facilitator</p>	<p>Proposed Forms FL-315, FL-316, FL-347, FL-348:</p> <p>These are very complicated forms regarding a complicated issue that can have a significant impact on the rights of the parties. It is unlikely any self-represented litigant would understand the terminology contained in the forms. I suggest inserting, in bold type, an advisement such as the following:</p> <p>NOTE: Requesting an early termination of your marital status may have a significant impact on your rights or responsibilities in your case. If you do not understand this form, you should speak with an attorney or your Family Law Facilitator. The Family Law Facilitator cannot give you legal advice but may be able to explain the form to you.</p> <p>As a suggestion, I also think the Judicial Officers should inquire of the parties as to whether or not they understand the orders they are requesting or have discussed the matter with an attorney prior to filing the request. My experience is they rarely do and rarely secure their rights or understand the potential liabilities they may incur by an early termination of status. Perhaps some language could be inserted into the Findings and Order to state that the court has inquired of the parties and finds that the party has made a knowledgeable and informed request.</p>	<p>Modified to include warning language to consult with an attorney.</p> <p>The committee believes that this is an excellent practice suggestion for local courts to implement, but the committee does not believe it should be part of the Findings and Order After Hearing.</p>

SPR08-38

Family Law: Miscellaneous Forms (revise forms FL-105/GC-120 and FL-315; adopt forms FL-105(A)/GC-120(3A), FL-347, FL-348, FL-910, and FL-915; and approve form FL-318-INFO)

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

<p>Superior Court of Fresno County Patty Wallace-Rixman Director of Court Operations</p>	<p>This is another good step toward ensuring consistency throughout the state in requiring SRL’s and attorneys. These forms are user-friendly, allow for a more thorough review when accepted at the counter for filing, and provide judges with more defined and complete information on the issues before the court.</p> <p>Specifically, the form for separate trial on terminating status gives litigants/attorneys a vehicle to get to court on this one issue when other attendant issues such child custody, visitation, support, property, etc., perhaps are not as easily resolved and require further discovery and/or court appearances.</p> <p>Question: does the form relating to separate trials on terminating marital status serve as the judgment? If so, it appears to negate the requirement for the parties to then file the status-only judgment documents after hearing because it affects the judgment at the hearing and attaches to the order after hearing. It does not say “effective upon filing” and does provide a termination date.</p> <p>It would be nice if there were also a similar form for stipulations to bifurcate.</p>	<p>No response required.</p> <p>No response required.</p> <p>No, this form does not serve as a judgment. The form has been amended to note that a judgment form FL-180 must also be prepared.</p> <p>The committee may consider preparing such a form in the future.</p>
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<p align="center">Retirement Plan Joinder—Information Sheet (form FL-318-INFO)</p>		
<p align="center">Commentator</p>	<p align="center">Comment</p>	<p align="center">Committee Response</p>
<p>James Crawford Crawford Law Office, P.A.</p>	<p>Add warning that this information sheet may not be accurate for domestic partners or married persons who are the same sex due to federal law.</p> <p>Add (other than excess benefit plans) to the end of the left-hand box “Unfunded Non-Qualified Plan covering employees working for private industry employer.”</p>	<p>Modified as proposed.</p> <p>Modified as proposed.</p>

SPR08-38

Family Law: Miscellaneous Forms (revise forms FL-105/GC-120 and FL-315; adopt forms FL-105(A)/GC-120(3A), FL-347, FL-348, FL-910, and FL-915; and approve form FL-318-INFO)

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

Bifurcation of Status of Marriage or Domestic Partnership—Attachment (form FL-347)		
Commentator	Comment	Committee Response
Grace Andres Court Services Program Manger Superior Court of Solano County	FL-347 could cause some confusion. Consider adding language to clarify that completion of a “Status Only” Judgment would still be required, unless the intent is for this form to also serve as a “Status Only” Judgment.	Modified as proposed.
James Crawford Crawford Law Office, P.A.	<p>The intention of the statute was to allow these provisions to apply to either party. The language should be modified to reflect that.</p> <p>In paragraph 6(b) the second to last line, suggest deleting “for which the parties are eligible,” since it appears to extend beyond the status quo.</p> <p>Paragraph 6(e) could contradict orders referred to in paragraph 3.</p> <p>Paragraph 6(f) – shouldn’t this only be applicable until judgment on all other issues.</p> <p>Paragraph 6(g) (1) – This is likely preempted for an ERISA plan. If not then the moving party who is in an ERISA plan cannot remarry, because that automatically changes the beneficiary designation to the new spouse. This could be handled in the instructions.</p>	<p>Modified as proposed.</p> <p>Modified as proposed.</p> <p>Modified to add introductory clause stating “except as provided in any order under paragraph 3.”</p> <p>Modified as proposed.</p> <p>Modified so that the specifics of this paragraph are removed. Any orders must be specifically drafted because of the complexity of this issue.</p>
Kern County Family Law Courts	Suggest adding boxes to form FL-347 to indicate attachment to either Judgment or Findings & Order After Hearing.	Modified as proposed.

SPR08-38

Family Law: Miscellaneous Forms (revise forms FL-105/GC-120 and FL-315; adopt forms FL-105(A)/GC-120(3A), FL-347, FL-348, FL-910, and FL-915; and approve form FL-318-INFO)

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<p>Michael J. Low Attorney, Contra Costa County</p>	<p>The form does not obtain enough information to make an adequate order regarding a life insurance policy. Here is a list of the items required to adequately describe a life insurance policy:</p> <ol style="list-style-type: none"> 1. Name of insurance company. 2. Name of record owner. 3. Name of insured. 4. Type of policy (e.g. term, whole, variable, universal). 5. Policy number. 6. Face amount. 7. Current cash value. 	<p>Modified to remove provisions from the form regarding life insurance because of the complexity of this issue. Parties can prepare a separate attachment with these items if they choose.</p>
<p>Rebecca Prater Staff Attorney Office of the Family Law Facilitator Superior Court of San Diego County</p>	<p>Modify throughout, including form title, to reflect language for domestic partnership.</p>	<p>Modified as proposed.</p>
<p>Superior Court of San Diego County Michael M. Roddy Executive Officer</p>	<p>Modify throughout, including form title, to reflect language for domestic partnership.</p>	<p>Modified as proposed.</p>

Pension Benefits—Attachment to Judgment (form FL-348)

Commentator	Comment	Committee Response
<p>Harriett Buhai Center for Family Law Erin Dabbs Staff Attorney</p>	<p>FL-348: We agree with the language on this form in as much as it mirrors the language found in Family Code Section 2337. However, we request clarification about whether this form is approved for mandatory use in <i>all</i> judgments, or only status-</p>	<p>Modified to make this form optional.</p>

SPR08-38

Family Law: Miscellaneous Forms (revise forms FL-105/GC-120 and FL-315; adopt forms FL-105(A)/GC-120(3A), FL-347, FL-348, FL-910, and FL-915; and approve form FL-318-INFO)

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	<p>only judgments. Section 2337(c) imposes a number of conditions on parties requesting status-only judgments. One of these conditions is 2337(c)10(c), which includes language related to pension benefits. However, form FL-348, which includes the language from 2337(c)10(c), states that it is adopted for mandatory use. The form does not reference status-only judgments. Instead, it appears to be adopted for mandatory use in all judgments.</p> <p>We do not agree that this form should be mandatory for all judgments involving pensions, and ask for clarification that this form is adopted for mandatory use only in status-only judgments. In the case of a status-only judgment, this form will help protect valuable pension rights that could be put at risk when the marital status terminates. However, in a judgment dealing with all issues, including division of property, parties need more flexibility in dividing and assigning pension rights. While this form could be useful in many cases, it is not necessary, nor is it mandated by code outside of the status-only context.</p>	
<p>James Crawford Crawford Law Office, P.A.</p>	<p>In paragraph “To the Plan or Plans, change “a” party in the second line to “one” party.</p> <p>In the paragraph marked 2. change the word “on” the plan’s administrator to “to” the plan’s administrator.</p> <p>In the paragraph marked 4, add “or served on the plan’s administrator” to the end of the last sentence.</p>	<p>Modified as proposed.</p> <p>Modified as proposed.</p> <p>Modified as proposed.</p>
<p>Kern County Family Law Courts</p>	<p>Suggest adding to form FL-348, after party addresses and before Date of Marriage, the language: “The Court finds:”</p>	<p>The proposed language does not appear to be necessary.</p>

SPR08-38**Family Law: Miscellaneous Forms** (revise forms FL-105/GC-120 and FL-315; adopt forms FL-105(A)/GC-120(3A), FL-347, FL-348, FL-910, and FL-915; and approve form FL-318-INFO)

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Request of Minor to Marry (form FL-910) and Order on Request of Minor to Marry (form FL-915)		
Commentator	Comment	Committee Response
Grace Andres Court Services Program Manger Superior Court of Solano County	<p>FL 910-I have concerns regarding item #5 on the form. Most Family Court Services do not employ counselors, they employ mediators. Our court uses contract mediators. FC 304 allows the court to impose fees to cover the cost of counseling, but the fee is not addressed on either the request or the order. FC 304 does not require the court to send the parties to Family Court Services for counseling. Consider reworking item number 5 on the form.</p> <p>FL 910 is an awkward form. The party completes the form, but the court enters the information concerning counseling under item 5. What if the party chooses to go to a private counselor? That information would not be available.</p> <p>FL 915 gives the parties permission to marry, but one of the orders is for them to attend counseling. Where is the accountability? Shouldn't proof of attendance be required?</p>	<p>Since only the judicial officer may make the determination regarding the need for premarital counseling per Family Code section 304, item #5 has been removed.</p> <p>Since only the judicial officer may make the determination regarding the need for premarital counseling per Family Code section 304, item #5 has been removed.</p> <p>Agree. Have added option for court to require proof of attendance.</p>
Hon. Linda A. McFadden Presiding Juvenile Judge Superior Court of Stanislaus County	I suggest deleting item (5) from FL-910. This form is the application to marry, so it should not include the court orders. Furthermore, the Family Code requires premarital counseling, but does not require the parties meet with the Family Court Services Counselor.	Since only the judicial officer may make the determination regarding the need for premarital counseling per Family Code section 304, item #5 has been removed.
Patti Morua-Widdows Court Program Manager Superior Court of Ventura County	Forms FL-910 and FL-915 should be for optional forms instead of mandatory.	Modified as proposed.
Rebecca Prater Staff Attorney Office of the Family Law Facilitator Superior Court of San Diego County	Shouldn't these forms be gender neutral?	Modified as proposed.

SPR08-38

Family Law: Miscellaneous Forms (revise forms FL-105/GC-120 and FL-315; adopt forms FL-105(A)/GC-120(3A), FL-347, FL-348, FL-910, and FL-915; and approve form FL-318-INFO)

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<p>State Bar of California Standing Committee on the Delivery of Legal Services Sharon Ngim Staff Liaison to the Standing Committee on the Delivery of Legal Services</p>	<p>SCDLS generally supports the adoption of the other forms with one exception, FL-910 Request to Marry and FL-915 Order. Based on the California Supreme Court ruling on the marriage cases, the designation for the requesting parties as “female” and “male” needs to be modified. There may be other ways of doing it, but leaving the gender of the parties out completely might work.</p>	<p>Modified as proposed.</p>
<p>Superior Court of Marin County Kim Turner Executive Officer</p>	<p>Under the minor’s request to marry proposal, FL910, item #5 requires the minors to meet with a counselor at Family Court Services. The agency that performs the pre-marital counseling differs from county to county. It would be preferable to leave the decision regarding which agency will do the counseling as a local decision.</p>	<p>Since only the judicial officer may make the determination regarding the need for premarital counseling per Family Code section 304, item #5 has been removed.</p>
<p>Superior Court of Orange County Linda Daeley Manager—Family Law Unit</p>	<p>FL-910: Request to Marry</p> <p>What if the couple is of the same sex? Suggest having Party 1 and Party 2.</p> <p>FL-915: Order on Request to Marry</p> <p>If one of the parties is under 18, should this be a confidential document? The code is not clear. If so, should it be stated on the form?</p> <p>#5 d. Suggest changing the wording: The court is considering whether it is in the best interest of the person or persons under 18 to marry at this time. The court needs more time to consider this request. This couple can come back for the court’s decision on (date):_____.</p>	<p>Modified to make the language gender neutral.</p> <p>There does not appear to be authority to make this a confidential document.</p> <p>Modified to state: “The court is considering whether it is in the best interest of the person or persons under 18 to marry at this time. The matter is scheduled for a hearing on....”</p>
	<p>If #5 d. is checked will another form FL-915 need to be completed when a decision is made? Suggest this be deleted altogether, or perhaps add a section setting the matter for hearing; a minute order would then be completed with the court’s ruling.</p>	<p>Modified to create a section containing a hearing date and time if court wants to set the matter for hearing.</p>

SPR08-38

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<p>Superior Court of San Bernardino County Debra Meyers Director of Staff Counsel Services and Self-Help Division</p>	<p>FL-910 (Request to Marry); FL-915 How will this form apply under new ruling re: same sex marriages? Can there be minor same sex marriages? (The form is in the plain language format and for the sake of simplicity, refers to female and male.)</p> <p>Does the form add a mandatory duty to the court to provide court-based counseling? Under Family Code Section 304, counseling is only required if the court thinks it is necessary. Section 304 also does not require the court to provide it. The form, however, requires a meeting with a Family Court Services Counselor.</p>	<p>Modified to reflect the recent Supreme Court decision allowing same-sex marriages.</p> <p>Since only the judicial officer may make the determination regarding the need for premarital counseling under Family Code section 304, item #5 has been removed.</p>
<p>Superior Court of San Diego County Michael M. Roddy Executive Officer</p>	<p>Form FL-910</p> <p>Item 5 says, “Before the Court can decide your case, you must both meet with a family court services counselor at the time listed below. (The court fills out your appointment information.)” As drafted, the family court services counselor’s meeting and resulting recommendation would be a requirement. This is not an accurate statement of the law. Family Code § 304 gives the judge discretion to require “premarital counseling concerning social, economic, and personal responsibilities incident to marriage” and does not restrict the counseling to that of a family court services counselor. The form should be revised to allow the court discretion in the appointment of a counselor and with whom the counselor is affiliated.</p>	<p>Since only the judicial officer may make the determination regarding the need for premarital counseling under Family Code section 304, item #5 has been removed.</p>

SPR08-38

Family Law: Miscellaneous Forms (revise forms FL-105/GC-120 and FL-315; adopt forms FL-105(A)/GC-120(3A), FL-347, FL-348, FL-910, and FL-915; and approve form FL-318-INFO)

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	<p>In San Diego, minors’ requests for court permission to marry are heard in the Juvenile Division, not in the Family Division. Based upon the language of this form, it appears that the intent is to have these petitions handled solely by family court where the parties can readily make appointments with the family court services counselor. If the Form FL-910 is finalized as proposed (i.e., requiring a meeting with an FCS counselor), the San Diego Superior Court would be required to revise its policy so that these requests are heard in only in the family division. The policy on where these matters are heard and the form should not be this restrictive.</p> <p>Forms FL-910 and FL-915</p> <p>In light of the Supreme Court’s recent decision regarding same-sex marriage, all references to “female” should be changed to “Party A” (or something similar) and all references to “male” should be changed to “Party B” (or something similar).</p>	<p>Modified as proposed.</p> <p>Modified to reference the parties as “minor requesting permission to marry” and “person whom minor requests permission to marry.”</p>
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FAMILY CODE

Section 302.

(a) An unmarried male or female under the age of 18 years is capable of consenting to and consummating marriage upon obtaining a court order granting permission to the underage person or persons to marry.

(b) The court order and written consent of the parents of each underage person, or of one of the parents or the guardian of each underage person shall be filed with the clerk of the court, and a certified copy of the order shall be presented to the county clerk at the time the marriage license is issued.

Section 303.

If it appears to the satisfaction of the court by application of a minor that the minor requires a written consent to marry and that the minor has no parent or has no parent capable of consenting, the court may make an order consenting to the issuance of a marriage license and granting permission to the minor to marry. The order shall be filed with the clerk of the court and a certified copy of the order shall be presented to the county clerk at the time the marriage license is issued.

FAMILY CODE 2337

2337. (a) In a proceeding for dissolution of marriage, the court, upon noticed motion, may sever and grant an early and separate trial on the issue of the dissolution of the status of the marriage apart from other issues.

(b) A preliminary declaration of disclosure with a completed schedule of assets and debts shall be served on the nonmoving party with the noticed motion unless it has been served previously, or unless the parties stipulate in writing to defer service of the preliminary declaration of disclosure until a later time.

(c) The court may impose upon a party any of the following conditions on granting a severance of the issue of the dissolution of the status of the marriage, and in case of that party's death, an order of any of the following conditions continues to be binding upon that party's estate:

(1) The party shall indemnify and hold the other party harmless from any taxes, reassessments, interest, and penalties payable by the other party in connection with the division of the community estate that would not have been payable if the parties were still married at the time the division was made.

(2) Until judgment has been entered on all remaining issues and has become final, the party shall maintain all existing health and medical insurance coverage for the other party and any minor children as named dependents, so long as the party is eligible to do so. If at any time during this period the party is not eligible to maintain that coverage, the party shall, at the party's sole expense, provide and maintain health and medical insurance coverage that is comparable to the existing health and medical insurance coverage to the extent it is available. To the extent that coverage is not available, the party shall be responsible to pay, and shall demonstrate to the court's satisfaction the ability to pay, for the health and medical care for the other party and the minor children, to the extent that care would have been covered by the existing insurance coverage but for the dissolution of marital status, and shall otherwise indemnify and hold the other party harmless from any adverse consequences resulting from the loss or reduction of the existing coverage. For purposes of this subdivision, "health and medical insurance coverage" includes any coverage for which the parties are eligible under any group or individual health or other medical plan, fund, policy, or program.

(3) Until judgment has been entered on all remaining issues and has become final, the party shall indemnify and hold the other party harmless from any adverse consequences to the other party if the bifurcation results in a termination of the other party's right to a probate homestead in the residence in which the other party resides at the time the severance is granted.

(4) Until judgment has been entered on all remaining issues and has become final, the party shall indemnify and hold the other party harmless from any adverse consequences to the other party if the bifurcation results in the loss of the rights of the other party to a

probate **family** allowance as the surviving spouse of the party.

(5) Until judgment has been entered on all remaining issues and has become final, the party shall indemnify and hold the other party harmless from any adverse consequences to the other party if the bifurcation results in the loss of the other party's rights with respect to any retirement, survivor, or deferred compensation benefits under any plan, fund, or arrangement, or to any elections or options associated therewith, to the extent that the other party would have been entitled to those benefits or elections as the spouse or surviving spouse of the party.

(6) The party shall indemnify and hold the other party harmless from any adverse consequences if the bifurcation results in the loss of rights to social security benefits or elections to the extent the other party would have been entitled to those benefits or elections as the surviving spouse of the party.

(7) (A) The court may make an order pursuant to paragraph (3) of subdivision (b) of Section 5600 of the Probate **Code**, if appropriate, that a party maintain a beneficiary designation for a nonprobate transfer, as described in Section 5000 of the Probate **Code**, for a spouse or domestic partner for up to one-half of or, upon a showing of good cause, for all of a nonprobate transfer asset until judgment has been entered with respect to the community ownership of that asset, and until the other party's interest therein has been distributed to him or her.

(B) Except upon a showing of good cause, this paragraph does not apply to any of the following:

(i) A nonprobate transfer described in Section 5000 of the Probate **Code** that was not created by either party or that was acquired by either party by gift, descent, or devise.

(ii) An irrevocable trust.

(iii) A trust of which neither party is the grantor.

(iv) Powers of appointment under a trust instrument that was not created by either party or of which neither party is a grantor.

(v) The execution and filing of a disclaimer pursuant to Part 8 (commencing with Section 260) of Division 2 of the Probate **Code**.

(vi) The appointment of a party as a trustee.

(8) In order to preserve the ability of the party to defer the distribution of the Individual Retirement Account or annuity (IRA) established under Section 408 or 408A of the Internal Revenue **Code** of 1986, as amended, (IRC) upon the death of the other party, the court may require that one-half, or all upon a showing of good cause, of the community interest in any IRA, by or for the benefit of the party, be assigned and transferred to the other party pursuant to Section 408(d)(6) of the Internal Revenue **Code**. This paragraph does not limit the power granted pursuant to subdivision (g).

(9) Upon a showing that circumstances exist that would place a substantial burden of enforcement upon either party's community property rights or would eliminate the ability of the surviving party to enforce his or her community property rights if the other party died before the division and distribution or compliance with any

court-ordered payment of any community property interest therein, including, but not limited to, a situation in which preemption under federal law applies to an asset of a party, or purchase by a bona fide purchaser has occurred, the court may order a specific security interest designed to reduce or eliminate the likelihood that a postmortem enforcement proceeding would be ineffective or unduly burdensome to the surviving party. For this purpose, those orders may include, but are not limited to, any of the following:

(A) An order that the party provide an undertaking.

(B) An order to provide a security interest by Qualified Domestic Relations Order from that party's share of a retirement plan or plans.

(C) An order for the creation of a trust as defined in paragraph (2) of subdivision (a) of Section 82 of the Probate Code.

(D) An order for other arrangements as may be reasonably necessary and feasible to provide appropriate security in the event of the party's death before judgment has been entered with respect to the community ownership of that asset, and until the other party's interest therein has been distributed to him or her.

(E) If a retirement plan is not subject to an enforceable court order for the payment of spousal survivor benefits to the other party, an interim order requiring the party to pay or cause to be paid, and to post adequate security for the payment of, any survivor benefit that would have been payable to the other party on the death of the party but for the judgment granting a dissolution of the status of the marriage, pending entry of judgment on all remaining issues.

(10) Any other condition the court determines is just and equitable.

(d) Prior to, or simultaneously with, entry of judgment granting dissolution of the status of the marriage, all of the following shall occur:

(1) The party's retirement or pension plan shall be joined as a party to the proceeding for dissolution, unless joinder is precluded or made unnecessary by Title 1 of the federal Employee Retirement Income Security Act of 1974 (29 U.S.C. Sec. 1001 et seq.), as amended (ERISA), or any other applicable law.

(2) To preserve the claims of each spouse in all retirement plan benefits upon entry of judgment granting a dissolution of the status of the marriage, the court shall enter one of the following in connection with the judgment for each retirement plan in which either party is a participant:

(A) An order pursuant to Section 2610 disposing of each party's interest in retirement plan benefits, including survivor and death benefits.

(B) An interim order preserving the nonemployee party's right to retirement plan benefits, including survivor and death benefits, pending entry of judgment on all remaining issues.

(C) An attachment to the judgment granting a dissolution of the status of the marriage, as follows:

EACH PARTY (insert names and addresses) IS PROVISIONALLY AWARDED WITHOUT PREJUDICE AND SUBJECT TO ADJUSTMENT BY A SUBSEQUENT DOMESTIC

RELATIONS ORDER, A SEPARATE INTEREST EQUAL TO ONE-HALF OF ALL BENEFITS ACCRUED OR TO BE ACCRUED UNDER THE PLAN (name each plan individually) AS A RESULT OF EMPLOYMENT OF THE OTHER PARTY DURING THE MARRIAGE OR DOMESTIC PARTNERSHIP AND PRIOR TO THE DATE OF SEPARATION. IN ADDITION, PENDING FURTHER NOTICE, THE PLAN SHALL, AS ALLOWED BY LAW, OR IN THE CASE OF A GOVERNMENTAL PLAN, AS ALLOWED BY THE TERMS OF THE PLAN, CONTINUE TO TREAT THE PARTIES AS MARRIED OR DOMESTIC PARTNERS FOR PURPOSES OF ANY SURVIVOR RIGHTS OR BENEFITS AVAILABLE UNDER THE PLAN TO THE EXTENT NECESSARY TO PROVIDE FOR PAYMENT OF AN AMOUNT EQUAL TO THAT SEPARATE INTEREST OR FOR ALL OF THE SURVIVOR BENEFIT IF AT THE TIME OF THE DEATH OF THE PARTICIPANT, THERE IS NO OTHER ELIGIBLE RECIPIENT OF THE SURVIVOR BENEFIT.

(e) The moving party shall promptly serve a copy of any order, interim order, or attachment entered pursuant to paragraph (2) of subdivision (d), and a copy of the judgment granting a dissolution of the status of the marriage, on the retirement or pension plan administrator.

(f) A judgment granting a dissolution of the status of the marriage shall expressly reserve jurisdiction for later determination of all other pending issues.

(g) If the party dies after the entry of judgment granting a dissolution of marriage, any obligation imposed by this section shall be enforceable against any asset, including the proceeds thereof, against which these obligations would have been enforceable prior to the person's death.