

Judicial Council of California • Administrative Office of the Courts

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INVITATION TO COMMENT

SPR11-43

Title	Action Requested
Family Law: Summary Dissolution	Review and submit comments by June 20, 2011
Proposed Rules, Forms, Standards, or Statutes	Proposed Effective Date
Adopt family law form (FL-825), and revise forms FL-800, FL-810, FL-820, and FL-830	January 1, 2012
Proposed by	Contact
Family and Juvenile Law Advisory Committee	Bonnie Hough, 415-865-7668 bonnie.hough@jud.ca.gov
Hon. Kimberly J. Nystrom-Geist, Cochair Hon. Dean Stout, Cochair	

Summary

New legislation requires that all forms and instructions for summary dissolutions be modified.

Discussion

The proposed new and revised forms would implement the mandate of Assembly Bill 939 (Feuer; Stats. 2010, ch. 352) which modifies the summary dissolution process and requires the Judicial Council to modify the relevant forms and instruction to reflect these changes. They also incorporate the requirements of Assembly Bill 2700 (Ma; Stats. 2010, ch. 397) mandating that Judicial Council dissolution forms allow couples that are both married and registered domestic partners to dissolve both unions in a single proceeding.

Changes pursuant to AB 939

AB 939, effective January 1, 2011, amends several Family Code and Welfare and Institutions Code sections. This proposal specifically addresses the amendments to Family Code sections 2400 and 2403.

Date of separation

Family Code section 2400(a)(4) previously required that as a condition for filing for a summary dissolution, the parties must have been married for less than five years before the filing of the petition. Under AB 939, that code section is amended to reflect that in order to qualify for a summary dissolution, the marriage must not be more than five years in duration as of the date of separation of the parties, regardless of the date of filing of the petition.

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 These proposals are circulated for comment purposes only.

This proposal would amend the *Joint Petition for Summary Dissolution of Marriage* (form FL-800) and the booklet providing *Summary Dissolution Information* (form FL-810) to reflect that in order to qualify for a summary dissolution proceeding, in addition to the other conditions under existing law, the parties must have been married no more than five years between the date of marriage and the date of separation.

Procedure for entry of judgment

Family Code section 2403 previously required that after six months from the date of filing of the petition for summary dissolution, one of the parties must request that the court enter a judgment dissolving the marriage. Some parties never completed this step, and their divorce was never finalized.

AB 939 amended Family Code section 2403 to require the court to enter a judgment of dissolution at the expiration of the six months from the date of filing of the petition, without requiring the parties to request the judgment. Family Code section 2402 retains the right of either party to file a revocation of the joint petition within six months of filing the joint petition, thus terminating the summary dissolution proceeding.

This proposal would revise the *Request for Judgment, Judgment of Dissolution of Marriage And Notice of Entry of Judgment* (form FL-820) to note that it should be used in cases filed before January 1, 2011, and adopt a new form, *Judgment of Dissolution and Notice of Entry of Judgment* (form FL-825) to be used in cases filed after January 1, 2011, to conform with the legal provision that the court enter a judgment of dissolution at the expiration of the six months from filing of the joint petition, without necessitating a request by either party.

Changes pursuant to AB 2700

AB 2700, effective January 1, 2011, is primarily addressed through another Invitation to Comment but is also relevant to summary dissolution procedures. AB 2700 amends Family Code section 299 by adding subsection (e) to provide that parties to a registered domestic partnership who are also married to one another may petition the court to dissolve both their domestic partnership and their marriage in a single proceeding, in a form to be prescribed by the Judicial Council.

Although parties that are eligible for a summary dissolution under Family Code section 2400 may instead file a *Notice of Termination of Domestic Partnership* with the Secretary of State, it seems most appropriate, in accordance with amended Family Code section 299(e), to modify the summary dissolution forms to allow parties in a registered domestic partnership who are also married (and qualify for summary dissolution of both types of unions) to dissolve both through the superior court via the regular summary dissolution process.

Family Code section 299(d) provides that the superior court shall have jurisdiction over all proceedings relating to the dissolution of domestic partnerships, nullity of domestic partnerships,

and legal separation of partners in a domestic partnership. It also provides that proceedings of dissolution or nullity of a domestic partnership and legal separation of domestic partners must follow the same procedures, and the partners possess the same rights, protections, and benefits and be subject to the same responsibilities, obligations, and duties as apply to the dissolution or nullity of a marriage or legal separation of spouses.

This proposal would amend the *Joint Petition for Summary Dissolution of Marriage* (form FL-800), the *Summary Dissolution Information* (form FL-810), and the *Notice of Revocation of Petition for Summary Dissolution* (form FL-830) to allow parties to request a summary dissolution for their domestic partnership and their marriage in one court proceeding by indicating so in the joint petition, instead of filing two separate actions (or filing one court action and one *Notice of Termination* with the Secretary of State), paying two filing fees, and unnecessarily burdening the parties and wasting judicial resources.

This proposal would revise all the summary dissolution forms, FL-800, FL-810, FL-825 and FL-830 to allow domestic partners to request a summary dissolution in the superior court for their domestic partnership.

Attachments

The proposed new form FL-825, and revised forms FL-800, FL-810, FL-820, and FL-830 are attached at pages 4–33.

A copy of Assembly Bill 939 and Assembly Bill 2700 are attached at pages 34–52.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number and address): TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY <h2 style="margin: 0;">DRAFT</h2> <h2 style="margin: 0;">Not Approved by</h2> <h2 style="margin: 0;">the Judicial Council</h2>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
MARRIAGE OR PARTNERSHIP OF PETITIONER 1: PETITIONER 2:	
JOINT PETITION FOR SUMMARY DISSOLUTION <input type="checkbox"/> MARRIAGE <input type="checkbox"/> DOMESTIC PARTNERSHIP	CASE NUMBER: _____

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

1. We have read and understand the *Summary Dissolution Information* booklet (form FL-810).
2. a. We were married on (date): _____
 b. We registered as domestic partners on (date): _____
3. We separated on (date): _____
4. Less than five years has passed between the date of our marriage and/or registration of our domestic partnership and the date of our separation.
5. One of us has lived in California for at least six months and in the county of filing for at least the three months preceding the date of filing.
6. There are no minor children who were born of our relationship before or during our marriage or domestic partnership or adopted by us during our marriage or domestic partnership. Neither one of us, to our knowledge, is pregnant.
7. Neither of us has an interest in any real property anywhere. **(You may have a lease for a residence in which one of you lives. It must terminate within a year from the date of filing this petition. The lease must not include an option to purchase.)**
8. Except for obligations with respect to automobiles, on obligations incurred by either or both of us during our marriage or domestic partnership, we owe no more than \$6,000.
9. The total fair market value of community property assets, not including what we owe on those assets and not including automobiles, is less than \$38,000.
10. Neither of us has separate property assets, not including what we owe on those assets and not including automobiles, in excess of \$38,000.
11. We each have filled out and given the other an *Income and Expense Declaration* (form FL-150).
12. We each have filled out and given the other copies of the worksheets on pages 8, 10, and 12 of the *Summary Dissolution Information* booklet (form FL-810) used in determining the value and division of our property. We have told each other in writing about any investment, business, or other income-producing opportunities that came up after we were separated based on investments made or work done during the marriage or domestic partnership and before our separation. This meets the requirements of preliminary declaration of disclosure.
13. (Check whichever statement is true.)
 - a. We have no community assets or liabilities.
 - b. We have signed an agreement listing and dividing all our community assets and liabilities and have signed all the papers necessary to carry out our agreement. A copy of our agreement is attached to the *Judgment of Dissolution and Notice of Entry of Judgment* (form FL-825).
14. Irreconcilable differences have caused the irremediable breakdown of our marriage and/or domestic partnership, and each of us wishes to have the court dissolve our marriage and/or domestic partnership without our appearing before a judge.
15. Petitioner 1 desires to have his or her former name restored. That name is (specify): _____
 Petitioner 2 desires to have his or her former name restored. That name is (specify): _____

PETITIONER 1:	CASE NUMBER:
PETITIONER 2:	

- 16. We each give up our rights to appeal and to move for a new trial after the effective date of our *Judgment of Dissolution*.
- 17. **Each of us forever gives up any right to spousal or partner support from the other.**
- 18. We each agree to keep the court informed of any change of address or phone number occurring within 6 months from the filing of this joint petition
- 19. We are submitting a proposed *Judgment of Dissolution and Notice of Entry of Judgment* (form FL-825) and 2 self-addressed stamped envelopes together with this petition.
- 20. We each agree, under penalty of perjury, that when presenting the final *Judgment of Dissolution and Notice of Entry of Judgment* (form FL-825) as proof of dissolution, we are acknowledging that no *Notice of Revocation of Petition of Summary Dissolution* (form FL-830) has been filed and that our marriage and/or domestic partnership has indeed been legally terminated.
- 21. We agree that this matter may be determined by a commissioner sitting as a temporary judge.

22. **Mailing address of petitioner 1**

Name:
Address:

City:
State:
Zip Code:

23. **Mailing address of petitioner 2**

Name:
Address:

City:
State:
Zip Code:

24. Number of pages attached: _____

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

Date:

▶ _____

(SIGNATURE OF PETITIONER 1)

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

Date:

▶ _____

(SIGNATURE OF PETITIONER 2)

NOTICES

Your marriage and/or domestic partnership will end 6 months from the date of filing this Joint Petition. Both petitioners will receive a stamped copy from the court of the *Judgment of Dissolution and Notice of Entry of Judgment* (from FL-820) stating the effective date of your dissolution. Until the effective date specified on form FL-820 for the dissolution of your marriage and/or domestic partnership, either one of you can stop this joint petition by filing a *Notice of Revocation of Petition for Summary Dissolution* (form FL-830). If you stop this joint petition, you will STILL be married or in a domestic partnership.

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

DRAFT
Not Approved by the
Judicial Council

SUMMARY DISSOLUTION INFORMATION

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

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

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I. WHAT IS THIS BOOKLET ABOUT?

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

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

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

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

With this procedure you will not have to appear in court. You may not need a lawyer, but it is in your best interest to see a lawyer about the ending of your marriage. See page 20 for more details about how a lawyer can help you.

For a summary dissolution, you prepare and file a *Joint Petition for Summary Dissolution* (form FL-800), together with a property settlement agreement,* with the superior court clerk in your county. You will also prepare and turn in a *Judgment for Dissolution and Notice of Entry of Judgment* (form FL-820). Your divorce, ending your marriage and/or your domestic partnership, will be final 6 months after you file your *Joint Petition for Summary Dissolution*. During the 6 months while you wait for your divorce to become final, either of you can stop the process of summary dissolution if you change your mind. One of you can file a *Notice of Revocation of Petition for Summary Dissolution* (form FL-830) and that will stop the divorce. If either one of you still wants to get divorced, you will then have to file for a regular dissolution with a *Petition-Marriage* (form FL-100) or *Petition-Domestic Partnership* (FL-103).

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

- If you are domestic partners but do not qualify for a summary dissolution, you will have to file for a regular divorce in the courts, starting with the *Petition-Domestic Partners* (Form FL-103).
- If you are domestic partners AND also legally married and want to end your marriage AND your domestic partnership, you will have to file for dissolution through the courts, either through this summary dissolution process discussed here (if you qualify) or through a regular dissolution, starting with the *Petition-Domestic Partners* (Form FL-103).

This booklet will tell you

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

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

Save this booklet for at least 6 months if you decide to start a summary dissolution in case you decide you want to stop the summary dissolution process and revoke your petition. It will tell you how to do that.

SPECIAL WARNING

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

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

II. SOME TERMS YOU NEED TO KNOW

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

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

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

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

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

Community Property

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

In most cases that includes

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

Separate Property

Separate property is everything spouses or registered domestic partners **own separately from one another**.

In most cases that includes

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

Community Obligations

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

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

NOTE: If you lived together before your marriage or domestic partnership, you may wish to see a lawyer about possible additional rights either of you may have.

III. WHO CAN USE THE SUMMARY DISSOLUTION PROCEDURE?

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

- _____ 1. We have both read this booklet, and we both understand it.
- _____ 2. We have been married or registered as domestic partners five years or less between the date that we got married and/or registered our domestic partnership and the date we separated. (Note that if you are trying to end both a marriage AND a domestic partnership at the same time through a summary dissolution, both your marriage and domestic partnership must have lasted 5 years or less.)
- _____ 3. No children were born to the two of us together before or during our marriage and/or domestic partnership.
- _____ 4. We have no adopted children under 18 years of age.
- _____ 5. Neither one of us is pregnant.
- _____ 6. Neither of us owns any part of any land or buildings.
- _____ 7. Our community property is not worth more than \$38,000.*
- _____ 8. Neither of us has separate property worth more than \$38,000.*
- _____ 9. The total of our community obligations (other than vehicles) is \$6,000 or less.**

For deciding on statements 7, 8, and 9, use the guide on pages 6–12.

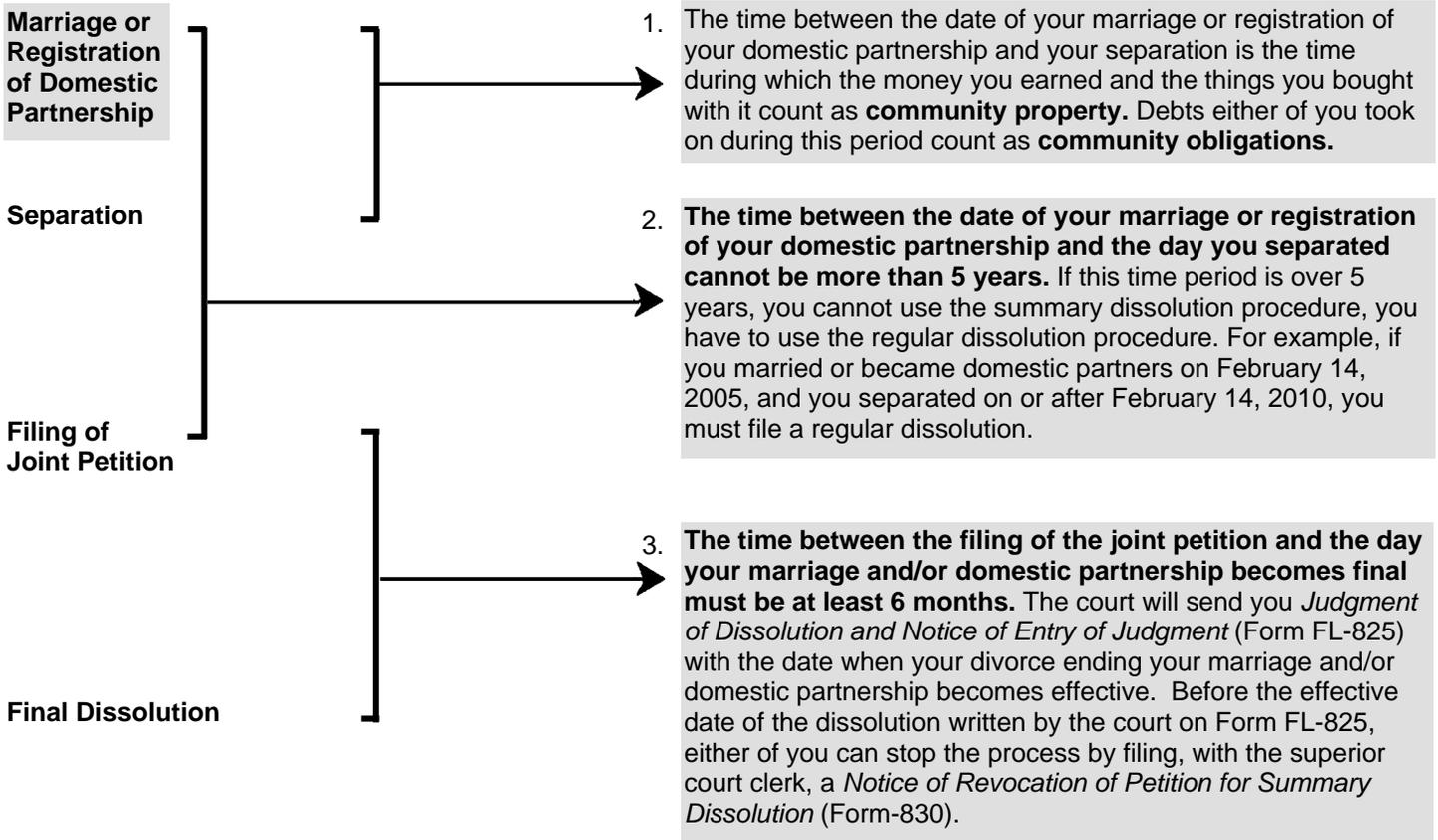
- _____ 10. If we are asking for a dissolution of our marriage, at least one of us has lived in California for the past six months or longer *and* has lived in the county where we are filing for dissolution for the past three months or longer.
- _____ 11. We have prepared and signed an agreement that states how we want our possessions and debts to be divided between us (or states that we have no community property or community obligations).
- _____ 12. We have both signed the joint petition and all other papers needed to carry out this agreement.
- _____ 13. Together with the joint petition, we will turn in the judgment of dissolution forms and 2 self-addressed stamped envelopes to the superior court.
- _____ 14. We both want to end the marriage and/or domestic partnership because of serious, permanent differences.
- _____ 15. We have both agreed to use the summary dissolution procedure rather than the regular dissolution procedure.
- _____ 16. We are both aware of the following facts:
 - a. There is a 6-month waiting period, and either of us can stop the divorce at any time during this period.
 - b. Our marriage and/or domestic partnership will be completely ended effective 6 months after filing of the Joint Petition for Dissolution, as indicated on the *Judgment of Dissolution of Marriage and Notice of Entry of Judgment* (form FL-825) we receive from the court, unless one of us has asked to stop the divorce prior to the effective date appearing on the Judgment of Dissolution..
 - c. That when presenting the final *Judgment of Dissolution and Notice of Entry of Judgment* (Form FL-825) as proof of dissolution, we are acknowledging that no Notice of Revocation has been filed and that our marriage and/or domestic partnership has indeed been legally terminated, under penalty of perjury.
 - d. After the dissolution becomes final, neither of us has any right to expect money or support from the other except that which is included in the property settlement agreement.
 - e. By choosing the summary dissolution procedure, we give up certain legal rights that we would have if we had used the regular dissolution procedure. (These rights are explained on page 5.)

*Do not count cars in this total.

**Do not count car loans in this total.

IV. SOME TIME PERIODS TO KEEP IN MIND

When working through the summary dissolution procedure, you need to have these dates clearly in mind: (1) when you were married or registered your domestic partnership, (2) when you separated, (3) when you plan to file the joint petition, and (4) when you can expect the final dissolution.



NOTICE: Once the 6-month waiting period is over, neither spouse or domestic partner has the right to stop the dissolution.

V. AN IMPORTANT DIFFERENCE BETWEEN SUMMARY DISSOLUTION AND REGULAR DISSOLUTION

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

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

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

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

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

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

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

3. There are serious mistakes in the original agreement.

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

4. You each did not complete the *Income and Expense Declaration* (form FL-150) and property and worksheet on pages 8, 10, and 12 and give copies to your spouse or partner.

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

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

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

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

Statement 7 reads: “Our community property is not worth more than \$38,000.”

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

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

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

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

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

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

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

Statement 8 reads: “Neither of us has separate property worth more than \$38,000.”

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

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

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

Do not include car loans in this list.

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

Worksheets for figuring out these amounts are found on pages 7–12. You must complete and give to your spouse or domestic partner the worksheets on pages 8 (Value of Separate Property), 10 (Value and Division of Community Property), and 12 (Community Obligations and Their Division) to meet the requirement that you fully disclose your assets and debts to each other. Sample worksheets showing how to fill out those forms are on pages 7, 9, and 11.

PETITIONER 1: Pat PETITIONER 2: Chris	CASE NUMBER:
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VII. SAMPLE WORKSHEET FOR DETERMINING VALUE OF SEPARATE PROPERTY

This worksheet will help you determine whether you are eligible to use the summary dissolution procedure. The total fair market value of the **separate property of one spouse/partner** cannot be more than \$38,000. The total fair market value of the **separate property of the other spouse/partner** cannot be more than \$38,000. Separate property is anything that either of you owned or earned before you got married or registered your domestic partnership, anything you earned or bought after your separation, and anything that was given to just one of you as a gift during your marriage or domestic partnership. Do not include cars.

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

A. Bank accounts, credit union accounts, retirement funds, cash value of insurance policies, etc.

	Pat's Property— Fair Market Value	Chris's Property— Fair Market Value
Item		
Credit union savings—Pat (before marriage)	420	
Savings bonds—Chris (bought before marriage)		250
Pension plan benefits—Pat (before marriage and after separation)	1500	
Pension plan benefits—Chris (before marriage and after separation)		1300

B. Items owned outright

Item		
Clothes—Pat (bought before marriage)	350	
Stocks—Pat (birthday present from father)	375	
Furniture—Pat (owned before marriage)	460	
Camera—Chris (owned before marriage)		229
Wristwatch—Chris (bought after separation)		142
Clothes—Chris (bought after separation)		250

C. Items being bought on credit

	Fair Market Value	Minus What's Owed		
TV set—Pat (after separation)	400	350 =	50	
Clothes—Pat (after separation)	220	170 =	50	
		=		
		=		
		=		
		=		

GRAND TOTALS: Pat and Chris SEPARATE PROPERTY	3205	2171
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PETITIONER 1: PETITIONER 2:	CASE NUMBER:
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VII. WORKSHEET FOR DETERMINING VALUE OF SEPARATE PROPERTY

This worksheet will help you determine whether you are eligible to use the summary dissolution procedure. The total fair market value of the **separate property of one spouse or domestic partner** cannot be more than \$38,000. The total fair market value of the **separate property of the other spouse or domestic partner** cannot be more than \$38,000. Separate property is anything that either of you owned or earned before you got married or registered your domestic partnership, anything you earned or bought after your separation, and anything that was given to just one of you as a gift during your marriage or domestic partnership. Do not include cars.

A. Bank accounts, credit union accounts, retirement funds, cash value of insurance policies, etc.

	PETITIONER 1 Property— Fair Market Value	PETITIONER 2 Property— Fair Market Value
Item		

B. Items owned outright

Item		

C. Items being bought on credit

	Fair Market Value	Minus What's Owed	
Item		=	
		=	
		=	
		=	
		=	
		=	
		=	
		=	

**GRAND TOTALS:
PETITIONER 1'S AND PETITIONER 2'S
SEPARATE PROPERTY**

--	--	--

PETITIONER 1: Pat PETITIONER 2: Chris	CASE NUMBER:
--	--------------

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

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

This side of the sheet will help you determine whether you are **eligible** to use the summary dissolution procedure. The grand total value of your community property cannot be more than \$38,000.

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

A. Bank accounts, credit union accounts, retirement funds, cash value of insurance policies, etc.						
	Item	Amount		Pat Receives	Chris Receives	
	Savings account	150		150		
	Life insurance (cash value)	250		250		
	Pension plan—Pat	600		600		
	Pension plan—Chris	500			500	
	Checking account	180			180	
	Subtotal A	1680		1000	680	
B. Items you own outright (for example, stocks and bonds, sports gear, furniture, household items, tools, interests in businesses, jewelry; do not include cars)						
	Item	Fair Market Value		Pat Receives	Chris Receives	
	Furniture & furnishings— Pat's apartment	775		775		
	Furniture & furnishings—Chris's apartment	300			300	
	Terriers season tickets	285			285	
	Savings bonds	200		200		
	Jewelry—Pat	200		200		
	Pet parrot and cage	40			40	
	Subtotal B	1800		1175	625	
C. Items you are buying on credit (for example, stereo equipment, appliances, furniture, tools; do not include cars)						
	Item	Fair Market Value	Minus Amount Owed =	Net Fair Market Value	Pat Receives	Chris Receives
	Stereo set	305	150 =	155		155
	Color television	400	100 =	300		300
	Golf clubs	350	50 =	300		300
			=			
	Subtotal C			755	0	755
Grand total value of community property = A + B + C				4235	2175	2060

PETITIONER 1: PETITIONER 2:	CASE NUMBER:
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VII. WORKSHEET FOR DETERMINING VALUE AND DIVISION OF COMMUNITY PROPERTY

This side of the sheet will help you determine whether you are **eligible** to use the summary dissolution procedure. The grand total value of your community property cannot be more than \$38,000.

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

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

PETITIONER 1: Pat PETITIONER 2: Chris	CASE NUMBER:
--	--------------

VII. SAMPLE WORKSHEET FOR DETERMINING COMMUNITY OBLIGATIONS AND THEIR DIVISION

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

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

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

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

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

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

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

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

Petitioner 1	Petitioner 2
Share of Community Obligations	Share of Community Obligations

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

A property settlement agreement should contain at least five parts:

I. Preliminary Statement

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

II. Division of Community Property

This part has two sections:

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

III. Division of Community Obligations

This part has two sections:

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

IV. Waiver of Spousal Support

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

V. Date and Signature

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

An example of a property settlement agreement is found on pages 14–16.

IX. SAMPLE PROPERTY SETTLEMENT AGREEMENT

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

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

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

PROPERTY SETTLEMENT AGREEMENT

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

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

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

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

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

³ This means that the property agreement is a part of the dissolution proceeding. If either of you decides to stop the dissolution proceeding by turning in a Notice of Revocation of Petition for Summary Dissolution (form FL-830) (see page 19), this entire agreement will be canceled.

II. Division of Community Property⁴

We divide our community property as follows:

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

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

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

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

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

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

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

III. Division of Community Property (Debts)⁶

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

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

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

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

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

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

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

IV. Waiver of Spousal/Partner Support⁸

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

V. Dated: _____ Dated: _____

Chris P. Smedlap

Pat T. Smedlap

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

If after reviewing the information in this booklet you feel your marriage or your domestic partnership will qualify for a summary dissolution, you should carefully go through the following 16 steps. You can fill out the forms, worksheets, and agreements in the summary dissolution section

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

1. ____ Turn to page 8 and complete the Worksheet for Determining Value of Separate Property. See page 7 for an example. Make one extra copy of your worksheet after it has been completed. Give one copy to your spouse or partner and keep one for your records.
2. ____ Turn to page 10 and complete the Worksheet for Determining Value and Division of Community Property. See page 9 for an example. Make one extra copy of your worksheet after it has been completed. Give one copy to your spouse or partner and keep one for your records.
3. ____ Turn to page 12 and complete the Worksheet for Determining Community Obligations and Their Division. See page 11 for an example. Make one extra copy of your worksheet after it has been completed. Give one copy to your spouse or partner and keep one for your records.
4. ____ Fill out an *Income and Expense Declaration* (form FL-150). You both need to fill out this form and give it to your spouse or partner before you sign your property settlement agreement or complete your divorce. Make one extra copy of your form after it has been completed. Give one copy to your spouse or partner and keep one for your records.
5. ____ Type or print your property settlement agreement if you have any property or debts to divide. Both of you must date and sign it. Make two extra copies. See pages 13–16 for an example and instructions. You can also find a version that you can fill in online at www.courts.ca.gov/selfhelp in the information on summary dissolution.
6. ____ Fill out a *Joint Petition for Summary Dissolution* (form FL-800). Both of you must sign and date this petition. Make two extra copies of this form. (This is the form you need to **START** the process.)

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

You may not sign each other's name.
7. ____ Make three sets of forms that include copies of your property settlement agreement and a copy of your *Joint Petition for Summary Dissolution* (form FL-800). Staple each set together.
8. ____ Fill out the top portion of the *Judgment for Dissolution and Notice of Entry of Judgment* (form FL-825) and make 2 copies of it. (If you filed your *Joint Petition for Dissolution* before January 1, 2011, read the NOTICE after Step 15.)
9. ____ Make one extra copy of a blank *Notice of Revocation of Petition for Summary Dissolution* (form FL-830) so each of you has one, and hold on to it (This is the form you would need to **STOP** the process.). You may wish to use it during the waiting period if you change your mind and want to stop the process. You should keep one copy. See page 19 for more information.
10. ____ Take your *Joint Petition for Dissolution* (form F-800), *Judgment for Dissolution and Notice of Entry of Judgment* (form FL-825), and all of your copies to the superior court clerk's office together with 2 self-addressed stamped envelopes (one addressed to each spouse or partner). The location of your superior court clerk's office can be found in the phone book or online at www.courts.ca.gov/courts/trial/courtlist.htm. The clerk will stamp the date on all copies, will keep one copy of each document, and will return the other two to you. One copy is for each spouse or partner.

11. ____ Pay the superior court clerk's filing fee. If you cannot afford to pay the filing fee, you may qualify for a fee waiver based upon your income. To request a fee waiver, see *Information Sheet on Waiver of Court Fees and Costs* (form FW-001-INFO). You will need to prepare a *Request to Waive Court Fees and Costs* (form FW-001), and an *Order on Court Fee Waiver* (form FW-003).
12. ____ The clerk will file your Joint Petition and return the copies to you and your spouse or partner. The court may also process the *Judgment for Dissolution* at that time, shortly thereafter, or in the next few weeks, and give or mail it to you and your spouse or partner. The *Judgment for Dissolution and Notice of Entry of Judgment* (form FL-820) will have a date on which the divorce, ending your marriage or domestic partnership or both, will be final. That is the effective date of your divorce and it will be 6 months from the date you file your Joint Petition. The 6 month waiting period is mandated by law.
13. ____ Put your copies of all documents in a safe place.
14. ____ Wait for 6 months. If either one of you wants to stop the summary dissolution case, fill out and file a *Notice of Revocation of Petition for Summary Dissolution* (form FL-830) before the 6 months run out.
16. ____ On the day that appears on your *Judgment of Dissolution and Notice of Entry of Judgment* (form FL-825) as the effective date of your divorce:
- a. your marriage or domestic partnership (or both) is ended;
 - b. the agreements you made in your property settlement agreement are binding—you will then own the property assigned to you, and you will have to pay the bills assigned to you;
 - c. except for those agreements, you and your spouse or partner have no further obligations to each other; and
 - d. you are legally free to remarry or register a new domestic partnership.

NOTICE: Effective January 1, 2011, the law for summary dissolution proceedings changed. For cases filed on or after January 1, 2011, the law no longer requires the parties to wait 6 months to submit the *Judgment of Dissolution and Notice of Entry of Judgment* (form FL-825). Instead, the court can automatically grant the judgment of dissolution at the same time as the *Joint Petition* is filed, though the 6-month waiting period remains, so the judgment of dissolution is issued with an effective date for the divorce 6 months after the filing of the *Joint Petition*

If you filed your *Joint Petition for Dissolution* before January 1, 2011, file the *Request for Judgment, Judgment of Dissolution of Marriage, and Notice of Entry of Judgment* (form FL-820) 6 months after the date you filed your *Joint Petition* in order to get your judgment of dissolution.

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

XI. WHAT YOU SHOULD KNOW ABOUT REVOCATION

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

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

What is the notice of revocation for?

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

What reasons are there for revoking?

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

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

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

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

How do you do it?

At the time you picked up the joint petition forms, you and your spouse or partner also received a blank *Notice of Revocation of Petition for Summary Dissolution* (form FL-830). Fill out the form, sign it, make 2 copies, and bring them to the superior court clerk's office. You must also send a copy of the *Notice of Revocation of Petition for Summary Dissolution* (form FL 830) to your spouse or domestic partner by first-class mail, postage prepaid to his or her last known address. You can do this alone. This form does not need your spouse's or partner's signature.

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

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

NO. After the date the court wrote on your *Judgment of Dissolution and Notice of Entry of Judgment* (form FL-820) as the date your marriage or domestic partnership is ended (the date the divorce is effective), you can no longer revoke the dissolution by filing the revocation form. You may have other legal options but you will need to talk to a lawyer about them.

If you change over to a regular dissolution, what happens to the part of the waiting period that has passed?

You can apply the amount of time you waited on the summary dissolution to your regular dissolution. For example, if four months went by before you decided to revoke the summary dissolution, the waiting period for the regular dissolution will be shortened by four months.

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

XII. SHOULD YOU SEE A LAWYER?

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

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

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

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

Do you have to accept your lawyer's advice?

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

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

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

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

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

Fourth, there may be special situations in which your property settlement is not covered by the sample agreement on pages 14–16.

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

Where can you find a lawyer?

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

XIII. SOME GENERAL INFORMATION

What about income taxes?

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

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

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

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

What about bank accounts and credit cards?

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

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

What about cars?

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

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

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

Can you take back your former name?

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

What if I am not happy with my final judgment?

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

ATTORNEY OR PARTY WITHOUT ATTORNEY <i>(Name, State Bar, number and address):</i> <hr/> TELEPHONE NO.: _____ FAX NO. <i>(Optional):</i> _____ E-MAIL ADDRESS <i>(Optional):</i> _____ ATTORNEY FOR <i>(Name):</i> _____	FOR COURT USE ONLY <h2 style="margin: 0;">DRAFT</h2> <h3 style="margin: 0;">Not Approved by the Judicial Council</h3>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
MARRIAGE OF HUSBAND: WIFE:	
REQUEST FOR JUDGMENT, JUDGMENT OF DISSOLUTION OF MARRIAGE, AND NOTICE OF ENTRY OF JUDGMENT	CASE NUMBER:

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

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

 (TYPE OR PRINT NAME) ▶ _____
 (SIGNATURE OF HUSBAND OR WIFE)

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

Date: _____

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

(For Court Use Only)

JUDGMENT OF DISSOLUTION

THE COURT ORDERS

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

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

Date: _____

 JUDICIAL OFFICER

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

NOTICE OF ENTRY OF JUDGMENT

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

Date: _____ Clerk, by _____, Deputy

CLERK'S CERTIFICATE OF MAILING

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

at *(place)*: _____ California,

on *(date)*:

Date: _____ Clerk, by _____, Deputy

HUSBAND'S ADDRESS

WIFE'S ADDRESS

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 <h2 style="margin: 0;">DRAFT</h2> <h3 style="margin: 0;">Not Approved by the Judicial Council</h3>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
MARRIAGE OR PARTNERSHIP OF PETITIONER 1: PETITIONER 2:	
JUDGMENT OF DISSOLUTION AND NOTICE OF ENTRY OF JUDGMENT <input type="checkbox"/> MARRIAGE <input type="checkbox"/> DOMESTIC PARTNERSHIP	CASE NUMBER:

Use this form ONLY if the *Joint Petition for Summary Dissolution* (form FL-800) was filed after January 1, 2011. If the *Joint Petition for Summary Dissolution* was filed before January 1, 2011, use *Request for Judgment, Judgment of Dissolution, and Notice of Entry of Judgment* (form FL-820) instead.

1. The *Joint Petition for Summary Dissolution* (form FL-800) was filed on (date):

2. THE COURT ORDERS

a. A judgment of dissolution of marriage and/or domestic partnership will be entered, and the parties are restored to the status of single persons, effective (date):

b. The former name of Petitioner 1 is restored (specify):

c. The former name of Petitioner 2 is restored (specify):

Both petitioners must comply with any agreement attached to this judgment.

Date: _____
JUDICIAL OFFICER

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

NOTICE OF ENTRY OF JUDGMENT

6. You are notified that a judgment of dissolution of

a. marriage

b. domestic partnership

was entered on (date):

Date: _____ Clerk, by _____, Deputy

The date the judgment of dissolution is entered is NOT the date your divorce or termination of your domestic partnership is final. For the effective date of the dissolution of your marriage and/or domestic partnership, see the date on item 2a.

PETITIONER 1: PETITIONER 2:	CASE NUMBER:
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CLERK'S CERTIFICATE OF MAILING

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

at *(place)*: California,
on *(date)*:

Date: Clerk, by _____, Deputy

ADDRESS OF PETITIONER 1

ADDRESS OF PETITIONER 2

ATTORNEY OR PARTY WITHOUT ATTORNEY <i>(Name, State Bar number and address):</i> TELEPHONE NO.: _____ FAX NO. <i>(Optional):</i> _____ E-MAIL ADDRESS <i>(Optional):</i> _____ ATTORNEY FOR <i>(Name):</i> _____	FOR COURT USE ONLY <h2 style="margin: 0;">DRAFT</h2> <h3 style="margin: 0;">Not Approved by the Judicial Council</h3>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
MARRIAGE OR DOMESTIC PARTNERSHIP OF PETITIONER 1: PETITIONER 2:	
NOTICE OF REVOCATION OF JOINT PETITION FOR SUMMARY DISSOLUTION	CASE NUMBER: _____

Notice is given that the undersigned terminates the summary dissolution proceedings and revokes the *Joint Petition for Summary Dissolution* (form FL-800) filed on *(date)*:

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)

COMPLETE THIS NOTICE, EXCEPT FOR THE PLACE AND DATE OF MAILING AND CLERK'S NAME. SUBMIT THE ORIGINAL AND TWO COPIES TO THE COUNTY CLERK'S OFFICE. IF THE EFFECTIVE DATE OF THE JUDGMENT HAS NOT YET OCCURRED, THE CLERK WILL NOTIFY YOU THAT THIS NOTICE OF REVOCATION HAS BEEN FILED BY COMPLETING THE CERTIFICATE BELOW.

CLERK'S CERTIFICATE OF MAILING

I certify that I am not a party to this cause and that a copy of the foregoing was mailed first class postage prepaid, in a sealed envelope as shown below, and that the mailing of the foregoing and execution of this certificate occurred at

(place): _____ California, on

(Date): _____ Clerk, by _____, Deputy

Name and address of petitioner 1		Name and address of petitioner 2

NOTICE

IF THE CLERK'S CERTIFICATE OF MAILING ABOVE HAS BEEN DATED AND SIGNED BY THE CLERK, THIS SUMMARY DISSOLUTION CASE IS ENDED. YOU ARE STILL MARRIED AND/OR DOMESTIC PARTNERS. IF YOU STILL WANT TO GET DIVORCED, YOU WILL HAVE TO FILE A REGULAR DIVORCE CASE USING THE PETITION-MARRIAGE (FORM FL-100) OR PETITION-DOMESTIC PARTNERSHIP (FORM FL-103).

Assembly Bill No. 939

CHAPTER 352

An act to amend Sections 215, 2030, 2032, 2034, 2330.3, 2400, 2403, 2450, 2451, 3027, 3121, 3150, 3151, 3183, 3557, 6323, and 6340 of, and to add Section 217 to, the Family Code, and to amend Section 328 of, and to add Section 827.10 to, the Welfare and Institutions Code, relating to family law proceedings.

[Approved by Governor September 25, 2010. Filed with Secretary of State September 27, 2010.]

LEGISLATIVE COUNSEL'S DIGEST

AB 939, Committee on Judiciary. Family law proceedings.

Existing law prohibits after entry of judgment in specified family law proceedings in which there was at issue the visitation, custody, or support of a child, modification of the judgment or order, and prohibits a subsequent order in the proceedings, unless notice is served upon the party, as specified.

This bill would authorize a postjudgment motion to modify a custody, visitation, or child support order to be served on the other party by first-class mail or airmail, as specified.

Existing law provides that all relevant evidence is admissible in an action before the court, including evidence relevant to the credibility of a witness or hearsay declarant, subject to specified exceptions.

This bill would require the court in a family law action to receive all live, competent, and relevant testimony at a hearing of an order to show cause or notice of motion, unless the parties stipulate otherwise or the court makes a finding of good cause to refuse to hear the testimony.

Existing law provides that a court in a dissolution of marriage proceeding may order one party to pay the other party an amount that is reasonably necessary for attorney's fees or costs in order to ensure that each party has access to legal representation. Under existing law, the court shall base this determination on the respective incomes and needs of the parties and any factors affecting the parties' respective abilities to pay.

This bill would provide that, when a request for attorney's fees and costs is made, the court shall make findings regarding whether an award of attorney's fees and costs is appropriate, whether there is a disparity in access to funds to retain counsel, and whether one party is able to pay for legal representation. The bill would require the court to make an order awarding attorney's fees and costs if the findings demonstrate disparity in access and ability to pay. The bill would require the Judicial Council, by January 1, 2012, to adopt a rule of court and develop a form to implement this provision.

Existing law provides for summary dissolution proceedings if certain conditions exist at the time the proceeding is commenced, including that

there are no children, as specified, neither party has any interest in real property, as specified, and the marriage is not more than 5 years in duration at the time the petition is filed. A proceeding for summary dissolution is commenced by filing a joint petition that is signed under oath by the husband and the wife, as specified.

This bill would revise the latter condition that must be met at the time a proceeding for summary dissolution is commenced to instead require that the marriage be not more than 5 years in duration as of the date of separation of the parties.

Existing law also provides that when 6 months have expired from the date of the filing of the joint petition for summary dissolution of marriage, the court may, upon application of either party, enter judgment dissolving the marriage. At any time before the filing of the application for judgment, however, either party to the marriage may revoke the joint petition and thereby terminate the proceeding for summary dissolution.

This bill would authorize the court to enter judgment dissolving the marriage when 6 months have expired without requiring the application of either party, unless a revocation of the joint petition has been filed.

Existing law provides that in an action for dissolution of marriage, the court, upon motion, is required to hold a preliminary status conference to determine whether a case management plan will be ordered. Existing law further provides that no case management plan may be ordered absent the stipulation of the parties. Existing law also sets forth the content of case management plans.

This bill would delete the requirement that the parties stipulate to the case management plan.

The bill would also delete references to case management plans and would instead refer to family centered case resolution plans. The bill would revise the content of those plans and require the Judicial Council to adopt a statewide rule of court to implement these provisions. The latter provisions would become operative on January 1, 2012.

Existing law provides that the court may appoint private counsel to represent the interests of a child in a custody or visitation proceeding if it determines that it would be in the best interest of the child. Existing law specifies the duties of a child's counsel, and grants the counsel the discretion to present the child's wishes to the court if he or she deems it appropriate.

This bill would require the court and counsel to comply with specified requirements if the court appoints private counsel pursuant to the provision described above. The bill would also require the child's counsel to present the child's wishes to the court if the child so desires.

Existing law authorizes a mediator to submit a recommendation to the court as to the custody of or visitation with a child, except as specified.

This bill would provide that the mediation and recommendation process shall be referred to as "child custody recommending counseling" and the mediator shall be referred to as a "child custody recommending counselor."

Under the Domestic Violence Prevention Act, the court in a protective order proceeding may issue an ex parte order granting temporary child

custody and visitation to a party who has established a parent and child relationship. Existing law provides that the court may not make a finding of paternity in this proceeding.

This bill would provide that the court in a protective order proceeding may accept a stipulation of paternity by the parties and, if paternity is uncontested, enter a judgment establishing paternity. The bill would provide that if the court in a protective order proceeding makes an order for custody, visitation, or support, the order shall survive the termination of the protective order.

Under existing law, if allegations of child sexual abuse arise during a child custody proceeding, the court may take reasonable, temporary steps to protect the child's safety, including requesting that the local child welfare services agency conduct an investigation of the allegations. Existing law provides that a social worker shall make an investigation of allegations of child abuse or neglect and shall determine whether it is appropriate to offer child welfare services to the family. Under existing law, juvenile case files are confidential, except as provided.

This bill would expand the scope of those provisions to apply to all allegations of child abuse. The bill would direct a social worker to draw no inference regarding the credibility of allegations of child abuse from the mere existence of a child custody or visitation dispute. The bill would also provide an exception to the confidentiality of child welfare agency records for certain participants in family law and probate guardianship cases by authorizing the child welfare agency to permit inspection of, and to provide copies of, its records, as specified.

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

SECTION 1. The Legislature finds and declares all of the following:

(a) Family law touches the most central aspects of Californians' lives, such as where, when, and how often a parent will see his or her child, the personal safety of the parent and child, how much child and spousal support one person will receive and the other will pay, and how the assets that the family has accumulated will be divided between the separating parties. These decisions can have a dramatic and lasting impact on people's lives.

(b) Faced with crowded family law calendars and the rising numbers of self-represented litigants, as over 70 percent of litigants in family law are unrepresented, many courts have adopted local rules and procedures in an attempt to more efficiently process the high volume of family law cases. While some of these rules and procedures have been innovative, others have created barriers to litigants getting their day in court, particularly litigants who are unrepresented. These barriers include drastically reducing live testimony in family law, which the California Supreme Court found, in its landmark decision *Elkins v. Superior Court* (2007) 41 Cal.4th 1337, deprives family law litigants of due process protections. Access to justice requires that parties be able to appropriately address the court and present their cases.

(c) Family law cases involve an extraordinary range of issues, from the most simple, uncontested case with no children and no property to cases involving complex legal issues, highly personal and difficult conflicts over children, or serious issues of domestic violence and child safety. Unlike general civil, complex civil, juvenile, probate, and criminal cases, family law is the last general jurisdiction in California that does not provide a procedure for the fair, timely, and efficient disposition of a case. The courts cannot manage limited resources efficiently, nor serve the best interests of California's families and children, without the ability to manage the flow of cases through the courts. Under the current system, the parties, who are most often self-represented, must take the initiative to obtain appropriate orders and judgments in a complicated judicial process that very few litigants can understand, and they often fail to take the next step toward completing the case. As a result, it is not unusual for family law cases to linger in the court for years. By eliminating the current ability of one party to drag out a case for years, the Legislature intends that all parties participate in, and benefit from, family centered case resolution.

(d) A fundamental responsibility of judges in family law cases is to protect the safety and well-being of children. Family courts are confronted with allegations of child abuse or neglect and must respond to these accusations appropriately. In order to help ensure that allegations of child abuse, neglect, and violence are fully investigated and that children are protected from harm, child welfare services should be required to fully investigate all allegations of this type, regardless of the existence of a family law dispute involving the same parties. No inference regarding the credibility of the allegations or the need for child welfare services shall be drawn from the existence of a child custody or visitation dispute.

(e) Courts appoint minor's counsel to provide representation for a child and to meet the need the court may have for additional information on which to base a difficult child custody decision. To be responsive to the complexities inherent in the cases that involve minor's counsel and the challenges attorneys, parties, and children may face when these appointments are made, the role of minor's counsel must be more clearly delineated and the responsibilities of minor's counsel more clearly defined so that there is greater transparency and clarity in order to provide the best possible representation for children in these matters.

(f) Given the lifelong impact of family law matters, legal assistance in these cases is critical. Unfortunately, over 70 percent of litigants in family law cases are unrepresented by counsel. While many cases involve parties who are all unrepresented, in some of these cases one party can afford counsel but the other cannot. These cases pose significant difficulties for the unrepresented litigant, the attorney, and the judicial officer. Representation for parties can be significantly improved in some of these cases if courts make early need-based attorney's fee awards.

SEC. 2. Section 215 of the Family Code is amended to read:

215. (a) Except as provided in subdivision (b), after entry of a judgment of dissolution of marriage, nullity of marriage, legal separation of the parties,

or paternity, or after a permanent order in any other proceeding in which there was at issue the visitation, custody, or support of a child, no modification of the judgment or order, and no subsequent order in the proceedings, is valid unless any prior notice otherwise required to be given to a party to the proceeding is served, in the same manner as the notice is otherwise permitted by law to be served, upon the party. For the purposes of this section, service upon the attorney of record is not sufficient.

(b) A postjudgment motion to modify a custody, visitation, or child support order may be served on the other party or parties by first-class mail or airmail, postage prepaid, to the persons to be served. For any party served by mail, the proof of service must include an address verification.

SEC. 3. Section 217 is added to the Family Code, to read:

217. (a) At a hearing on any order to show cause or notice of motion brought pursuant to this code, absent a stipulation of the parties or a finding of good cause pursuant to subdivision (b), the court shall receive any live, competent testimony that is relevant and within the scope of the hearing and the court may ask questions of the parties.

(b) In appropriate cases, a court may make a finding of good cause to refuse to receive live testimony and shall state its reasons for the finding on the record or in writing. The Judicial Council shall, by January 1, 2012, adopt a statewide rule of court regarding the factors a court shall consider in making a finding of good cause.

(c) A party seeking to present live testimony from witnesses other than the parties shall, prior to the hearing, file and serve a witness list with a brief description of the anticipated testimony. If the witness list is not served prior to the hearing, the court may, on request, grant a brief continuance and may make appropriate temporary orders pending the continued hearing.

SEC. 4. Section 2030 of the Family Code is amended to read:

2030. (a) (1) In a proceeding for dissolution of marriage, nullity of marriage, or legal separation of the parties, and in any proceeding subsequent to entry of a related judgment, the court shall ensure that each party has access to legal representation, including access early in the proceedings, to preserve each party's rights by ordering, if necessary based on the income and needs assessments, one party, except a governmental entity, to pay to the other party, or to the other party's attorney, whatever amount is reasonably necessary for attorney's fees and for the cost of maintaining or defending the proceeding during the pendency of the proceeding.

(2) When a request for attorney's fees and costs is made, the court shall make findings on whether an award of attorney's fees and costs under this section is appropriate, whether there is a disparity in access to funds to retain counsel, and whether one party is able to pay for legal representation of both parties. If the findings demonstrate disparity in access and ability to pay, the court shall make an order awarding attorney's fees and costs. A party who lacks the financial ability to hire an attorney may request, as an in pro per litigant, that the court order the other party, if that other party has the financial ability, to pay a reasonable amount to allow the unrepresented

party to retain an attorney in a timely manner before proceedings in the matter go forward.

(b) Attorney's fees and costs within this section may be awarded for legal services rendered or costs incurred before or after the commencement of the proceeding.

(c) The court shall augment or modify the original award for attorney's fees and costs as may be reasonably necessary for the prosecution or defense of the proceeding, or any proceeding related thereto, including after any appeal has been concluded.

(d) Any order requiring a party who is not the spouse of another party to the proceeding to pay attorney's fees or costs shall be limited to an amount reasonably necessary to maintain or defend the action on the issues relating to that party.

(e) The Judicial Council shall, by January 1, 2012, adopt a statewide rule of court to implement this section and develop a form for the information that shall be submitted to the court to obtain an award of attorney's fees under this section.

SEC. 5. Section 2032 of the Family Code is amended to read:

2032. (a) The court may make an award of attorney's fees and costs under Section 2030 or 2031 where the making of the award, and the amount of the award, are just and reasonable under the relative circumstances of the respective parties.

(b) In determining what is just and reasonable under the relative circumstances, the court shall take into consideration the need for the award to enable each party, to the extent practical, to have sufficient financial resources to present the party's case adequately, taking into consideration, to the extent relevant, the circumstances of the respective parties described in Section 4320. The fact that the party requesting an award of attorney's fees and costs has resources from which the party could pay the party's own attorney's fees and costs is not itself a bar to an order that the other party pay part or all of the fees and costs requested. Financial resources are only one factor for the court to consider in determining how to apportion the overall cost of the litigation equitably between the parties under their relative circumstances.

(c) The court may order payment of an award of attorney's fees and costs from any type of property, whether community or separate, principal or income.

(d) Either party may, at any time before the hearing of the cause on the merits, on noticed motion, request the court to make a finding that the case involves complex or substantial issues of fact or law related to property rights, visitation, custody, or support. Upon that finding, the court may in its discretion determine the appropriate, equitable allocation of attorney's fees, court costs, expert fees, and consultant fees between the parties. The court order may provide for the allocation of separate or community assets, security against these assets, and for payments from income or anticipated income of either party for the purpose described in this subdivision and for the benefit of one or both parties. Payments shall be authorized only on

agreement of the parties or, in the absence thereof, by court order. The court may order that a referee be appointed pursuant to Section 639 of the Code of Civil Procedure to oversee the allocation of fees and costs.

SEC. 6. Section 2034 of the Family Code is amended to read:

2034. (a) On application of either party, the court may deny the family law attorney's real property lien described in Section 2033 based on a finding that the encumbrance would likely result in an unequal division of property because it would impair the encumbering party's ability to meet his or her fair share of the community obligations or would otherwise be unjust under the circumstances of the case. The court may also for good cause limit the amount of the family law attorney's real property lien. A limitation by the court is not to be construed as a determination of reasonable attorney's fees.

(b) On receiving an objection to the establishment of a family law attorney's real property lien, the court may on its own motion determine whether the case involves complex or substantial issues of fact or law related to property rights, visitation, custody, or support. If the court finds that the case involves one or more of these complex or substantial issues, the court may determine the appropriate, equitable allocation of fees and costs as provided in subdivision (d) of Section 2032.

(c) The court has jurisdiction to resolve any dispute arising from the existence of a family law attorney's real property lien.

SEC. 7. Section 2330.3 of the Family Code is amended to read:

2330.3. (a) All dissolution actions, to the greatest extent possible, shall be assigned to the same superior court department for all purposes, in order that all decisions in a case through final judgment shall be made by the same judicial officer. However, if the assignment will result in a significant delay of any family law matter, the dissolution action need not be assigned to the same superior court department for all purposes, unless the parties stipulate otherwise.

(b) The Judicial Council shall adopt a standard of judicial administration prescribing a minimum length of assignment of a judicial officer to a family law assignment.

(c) This section shall be operative on July 1, 1997.

SEC. 8. Section 2400 of the Family Code is amended to read:

2400. (a) A marriage may be dissolved by the summary dissolution procedure provided in this chapter if all of the following conditions exist at the time the proceeding is commenced:

(1) Either party has met the jurisdictional requirements of Chapter 3 (commencing with Section 2320) with regard to dissolution of marriage.

(2) Irreconcilable differences have caused the irremediable breakdown of the marriage and the marriage should be dissolved.

(3) There are no children of the relationship of the parties born before or during the marriage or adopted by the parties during the marriage, and the wife, to her knowledge, is not pregnant.

(4) The marriage is not more than five years in duration as of the date of separation of the parties.

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

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

(B) The lease terminates within one year from the date of the filing of the petition.

(6) There are no unpaid obligations in excess of four thousand dollars (\$4,000) incurred by either or both of the parties after the date of their marriage, excluding the amount of any unpaid obligation with respect to an automobile.

(7) The total fair market value of community property assets, excluding all encumbrances and automobiles, including any deferred compensation or retirement plan, is less than twenty-five thousand dollars (\$25,000), and neither party has separate property assets, excluding all encumbrances and automobiles, in excess of twenty-five thousand dollars (\$25,000).

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

(9) The parties waive any rights to spousal support.

(10) The parties, upon entry of the judgment of dissolution of marriage pursuant to Section 2403, irrevocably waive their respective rights to appeal and their rights to move for a new trial.

(11) The parties have read and understand the summary dissolution brochure provided for in Section 2406.

(12) The parties desire that the court dissolve the marriage.

(b) On January 1, 1985, and on January 1 of each odd-numbered year thereafter, the amounts in paragraph (6) of subdivision (a) shall be adjusted to reflect any change in the value of the dollar. On January 1, 1993, and on January 1 of each odd-numbered year thereafter, the amounts in paragraph (7) of subdivision (a) shall be adjusted to reflect any change in the value of the dollar. The adjustments shall be made by multiplying the base amounts by the percentage change in the California Consumer Price Index as compiled by the Department of Industrial Relations, with the result rounded to the nearest thousand dollars. The Judicial Council shall compute and publish the amounts.

SEC. 9. Section 2403 of the Family Code is amended to read:

2403. When six months have expired from the date of the filing of the joint petition for summary dissolution, the court shall, unless a revocation has been filed pursuant to Section 2402, enter the judgment dissolving the marriage. The judgment restores to the parties the status of single persons, and either party may marry after the entry of the judgment. The clerk shall send a notice of entry of judgment to each of the parties at the party's last known address.

SEC. 10. Section 2450 of the Family Code is amended to read:

2450. (a) The purpose of family centered case resolution is to benefit the parties by providing judicial assistance and management to the parties

in actions for dissolution of marriage for the purpose of expediting the processing of the case, reducing the expense of litigation, and focusing on early resolution by settlement. Family centered case resolution is a tool to allow the courts to better assist families. It does not increase the authority of the court to appoint any third parties to the case.

(b) The court may order a family centered case resolution plan as provided in Section 2451. If the court orders family centered case resolution, it shall state the family centered case resolution plan in writing or on the record.

SEC. 11. Section 2451 of the Family Code is amended to read:

2451. (a) A court-ordered family centered case resolution plan must be in conformance with due process requirements and may include, but is not limited to, all of the following:

- (1) Early neutral case evaluation.
- (2) Alternative dispute resolution consistent with the requirements of subdivision (a) of Section 3181.
- (3) Limitations on discovery, including temporary suspension pending exploration of settlement. There is a rebuttable presumption that an attorney who carries out discovery as provided in a family centered case resolution plan has fulfilled his or her duty of care to the client as to the existence of community property.
- (4) Use of telephone conference calls to ascertain the status of the case, encourage cooperation, and assist counsel in reaching agreement. However, if the court is required to issue an order other than by stipulation, a hearing shall be held.
- (5) If stipulated by the parties, modification or waiver of the requirements of procedural statutes.
- (6) A requirement that any expert witness be selected by the parties jointly or be appointed by the court. However, if at any time the court determines that the issues for which experts are required cannot be settled under these conditions, the court shall permit each party to employ his or her own expert.

(7) Bifurcation of issues for trial.

(b) This section does not provide any additional authority to the court to appoint experts beyond that permitted under other provisions of law.

(c) The Judicial Council shall, by January 1, 2012, adopt a statewide rule of court to implement this section.

(d) The changes made to this section by the act adding this subdivision shall become operative on January 1, 2012.

SEC. 12. Section 3027 of the Family Code is amended to read:

3027. (a) If allegations of child abuse, including child sexual abuse, are made during a child custody proceeding and the court has concerns regarding the child's safety, the court may take any reasonable, temporary steps as the court, in its discretion, deems appropriate under the circumstances to protect the child's safety until an investigation can be completed. Nothing in this section shall affect the applicability of Section 16504 or 16506 of the Welfare and Institutions Code.

(b) If allegations of child abuse, including child sexual abuse, are made during a child custody proceeding, the court may request that the local child welfare services agency conduct an investigation of the allegations pursuant to Section 328 of the Welfare and Institutions Code. Upon completion of the investigation, the agency shall report its findings to the court.

SEC. 13. Section 3121 of the Family Code is amended to read:

3121. (a) In any proceeding pursuant to Section 3120, and in any proceeding subsequent to entry of a related judgment, the court shall ensure that each party has access to legal representation, including access early in the proceedings, to preserve each party's rights by ordering, if necessary based on the income and needs assessments, one party, except a government entity, to pay to the other party, or to the other party's attorney, whatever amount is reasonably necessary for attorney's fees and for the cost of maintaining or defending the proceeding during the pendency of the proceeding.

(b) When a request for attorney's fees and costs is made, the court shall make findings on whether an award of attorney's fees and costs under this section is appropriate, whether there is a disparity in access to funds to retain counsel, and whether one party is able to pay for legal representation of both parties. If the findings demonstrate disparity in access and ability to pay, the court shall make an order awarding attorney's fees and costs. A party who lacks the financial ability to hire an attorney may request, as an in pro per litigant, that the court order the other party, if that other party has the financial ability, to pay a reasonable amount to allow the unrepresented party to retain an attorney in a timely manner before proceedings in the matter go forward.

(c) Attorney's fees and costs within this section may be awarded for legal services rendered or costs incurred before or after the commencement of the proceeding.

(d) The court shall augment or modify the original award for attorney's fees and costs as may be reasonably necessary for the prosecution or defense of a proceeding described in Section 3120, or any proceeding related thereto, including after any appeal has been concluded.

(e) Except as provided in subdivision (f), an application for a temporary order making, augmenting, or modifying an award of attorney's fees, including a reasonable retainer to hire an attorney, or costs, or both, shall be made by motion on notice or by an order to show cause during the pendency of any proceeding described in Section 3120.

(f) The court shall rule on an application for fees under this section within 15 days of the hearing on the motion or order to show cause. An order described in subdivision (a) may be made without notice by an oral motion in open court at either of the following times:

(1) At the time of the hearing of the cause on the merits.

(2) At any time before entry of judgment against a party whose default has been entered pursuant to Section 585 or 586 of the Code of Civil Procedure. The court shall rule on any motion made pursuant to this subdivision within 15 days and prior to the entry of any judgment.

(g) The Judicial Council shall, by January 1, 2012, adopt a statewide rule of court to implement this section and develop a form for the information that shall be submitted to the court to obtain an award of attorney's fees under this section.

SEC. 14. Section 3150 of the Family Code is amended to read:

3150. (a) If the court determines that it would be in the best interest of the minor child, the court may appoint private counsel to represent the interests of the child in a custody or visitation proceeding, provided that the court and counsel comply with the requirements set forth in Rules 5.240, 5.241, and 5.242 of the California Rules of Court.

(b) Upon entering an appearance on behalf of a child pursuant to this chapter, counsel shall continue to represent that child unless relieved by the court upon the substitution of other counsel by the court or for cause.

SEC. 15. Section 3151 of the Family Code is amended to read:

3151. (a) The child's counsel appointed under this chapter is charged with the representation of the child's best interests. The role of the child's counsel is to gather evidence that bears on the best interests of the child, and present that admissible evidence to the court in any manner appropriate for the counsel of a party. If the child so desires, the child's counsel shall present the child's wishes to the court. The counsel's duties, unless under the circumstances it is inappropriate to exercise the duty, include interviewing the child, reviewing the court files and all accessible relevant records available to both parties, and making any further investigations as the counsel considers necessary to ascertain evidence relevant to the custody or visitation hearings.

(b) Counsel shall serve notices and pleadings on all parties, consistent with requirements for parties. Counsel shall not be called as a witness in the proceeding. Counsel may introduce and examine counsel's own witnesses, present arguments to the court concerning the child's welfare, and participate further in the proceeding to the degree necessary to represent the child adequately.

(c) The child's counsel shall have the following rights:

- (1) Reasonable access to the child.
- (2) Standing to seek affirmative relief on behalf of the child.
- (3) Notice of any proceeding, and all phases of that proceeding, including a request for examination affecting the child.
- (4) The right to take any action that is available to a party to the proceeding, including, but not limited to, the following: filing pleadings, making evidentiary objections, and presenting evidence and being heard in the proceeding, which may include, but shall not be limited to, presenting motions and orders to show cause, and participating in settlement conferences, trials, seeking writs, appeals, and arbitrations.

(5) Access to the child's medical, dental, mental health, and other health care records, school and educational records, and the right to interview school personnel, caretakers, health care providers, mental health professionals, and others who have assessed the child or provided care to the child. The release of this information to counsel shall not constitute a

waiver of the confidentiality of the reports, files, and any disclosed communications. Counsel may interview mediators; however, the provisions of Sections 3177 and 3182 shall apply.

(6) The right to reasonable advance notice of and the right to refuse any physical or psychological examination or evaluation, for purposes of the proceeding, which has not been ordered by the court.

(7) The right to assert or waive any privilege on behalf of the child.

(8) The right to seek independent psychological or physical examination or evaluation of the child for purposes of the pending proceeding, upon approval by the court.

SEC. 16. Section 3183 of the Family Code is amended to read:

3183. (a) Except as provided in Section 3188, the mediator may, consistent with local court rules, submit a recommendation to the court as to the custody of or visitation with the child, if the mediator has first provided the parties and their attorneys, including counsel for any minor children, with the recommendations in writing in advance of the hearing. The court shall make an inquiry at the hearing as to whether the parties and their attorneys have received the recommendations in writing. If the mediator is authorized to submit a recommendation to the court pursuant to this subdivision, the mediation and recommendation process shall be referred to as “child custody recommending counseling” and the mediator shall be referred to as a “child custody recommending counselor.” Mediators who make those recommendations are considered mediators for purposes of Chapter 11 (commencing with Section 3160), and shall be subject to all requirements for mediators for all purposes under this code and the California Rules of Court. On and after January 1, 2012, all court communications and information regarding the child custody recommending counseling process shall reflect the change in the name of the process and the name of the providers.

(b) If the parties have not reached agreement as a result of the mediation proceedings, the mediator may recommend to the court that an investigation be conducted pursuant to Chapter 6 (commencing with Section 3110) or that other services be offered to assist the parties to effect a resolution of the controversy before a hearing on the issues.

(c) In appropriate cases, the mediator may recommend that restraining orders be issued, pending determination of the controversy, to protect the well-being of the child involved in the controversy.

SEC. 17. Section 3557 of the Family Code is amended to read:

3557. (a) Notwithstanding any other provision of law, absent good cause to the contrary, the court, in order to ensure that each party has access to legal representation to preserve each party’s rights, upon determining (1) an award of attorney’s fees and cost under this section is appropriate, (2) there is a disparity in access to funds to retain counsel, and (3) one party is able to pay for legal representation for both parties, shall award reasonable attorney’s fees to any of the following persons:

(1) A custodial parent or other person to whom payments should be made in any action to enforce any of the following:

- (A) An existing order for child support.
- (B) A penalty incurred pursuant to Chapter 5 (commencing with Section 4720) of Part 5 of Division 9.

(2) A supported spouse in an action to enforce an existing order for spousal support.

(b) This section shall not be construed to allow an award of attorney's fees to or against a governmental entity.

SEC. 18. Section 6323 of the Family Code is amended to read:

6323. (a) Subject to Section 3064:

(1) The court may issue an ex parte order determining the temporary custody and visitation of a minor child on the conditions the court determines to a party who has established a parent and child relationship pursuant to paragraph (2). The parties shall inform the court if any custody or visitation orders have already been issued in any other proceeding.

(2) (A) In making a determination of the best interests of the child and in order to limit the child's exposure to potential domestic violence and to ensure the safety of all family members, if the party who has obtained the restraining order has established a parent and child relationship and the other party has not established that relationship, the court may award temporary sole legal and physical custody to the party to whom the restraining order was issued and may make an order of no visitation to the other party pending the establishment of a parent and child relationship between the child and the other party.

(B) A party may establish a parent and child relationship for purposes of subparagraph (A) only by offering proof of any of the following:

- (i) The party gave birth to the child.
- (ii) The child is conclusively presumed to be a child of the marriage between the parties, pursuant to Section 7540, or the party has been determined by a court to be a parent of the child, pursuant to Section 7541.
- (iii) Legal adoption or pending legal adoption of the child by the party.
- (iv) The party has signed a valid voluntary declaration of paternity, which has been in effect more than 60 days prior to the issuance of the restraining order, and that declaration has not been rescinded or set aside.
- (v) A determination made by the juvenile court that there is a parent and child relationship between the party offering the proof and the child.
- (vi) A determination of paternity made in a proceeding to determine custody or visitation in a case brought by the district attorney pursuant to Section 11350.1 of the Welfare and Institutions Code.
- (vii) The party has been determined to be the parent of the child through a proceeding under the Uniform Parentage Act (Part 3 (commencing with Section 7600) of Division 12).
- (viii) Both parties stipulate, in writing or on the record, for purposes of this proceeding, that they are the parents of the child.

(b) (1) Except as provided in paragraph (2), the court shall not make a finding of paternity in this proceeding, and any order issued pursuant to this section shall be without prejudice in any other action brought to establish a parent and child relationship.

(2) The court may accept a stipulation of paternity by the parties and, if paternity is uncontested, enter a judgment establishing paternity, subject to the set-aside provisions in Section 7646.

(c) When making any order for custody or visitation pursuant to this section, the court's order shall specify the time, day, place, and manner of transfer of the child for custody or visitation to limit the child's exposure to potential domestic conflict or violence and to ensure the safety of all family members. Where the court finds a party is staying in a place designated as a shelter for victims of domestic violence or other confidential location, the court's order for time, day, place, and manner of transfer of the child for custody or visitation shall be designed to prevent disclosure of the location of the shelter or other confidential location.

(d) When making an order for custody or visitation pursuant to this section, the court shall consider whether the best interest of the child, based upon the circumstances of the case, requires that any visitation or custody arrangement shall be limited to situations in which a third person, specified by the court, is present, or whether visitation or custody shall be suspended or denied.

SEC. 19. Section 6340 of the Family Code is amended to read:

6340. (a) The court may issue any of the orders described in Article 1 (commencing with Section 6320) after notice and a hearing. When determining whether to make any orders under this subdivision, the court shall consider whether failure to make any of these orders may jeopardize the safety of the petitioner and the children for whom the custody or visitation orders are sought. If the court makes any order for custody, visitation, or support, that order shall survive the termination of any protective order. The Judicial Council shall provide notice of this provision on any Judicial Council forms related to this subdivision.

(b) The court may issue an order described in Section 6321 excluding a person from a dwelling if the court finds that physical or emotional harm would otherwise result to the other party, to a person under the care, custody, and control of the other party, or to a minor child of the parties or of the other party.

SEC. 20. Section 328 of the Welfare and Institutions Code is amended to read:

328. Whenever the social worker has cause to believe that there was or is within the county, or residing therein, a person described in Section 300, the social worker shall immediately make any investigation he or she deems necessary to determine whether child welfare services should be offered to the family and whether proceedings in the juvenile court should be commenced. If the social worker determines that it is appropriate to offer child welfare services to the family, the social worker shall make a referral to these services pursuant to Chapter 5 (commencing with Section 16500) of Part 4 of Division 9. No inference regarding the credibility of the allegations or the need for child welfare services shall be drawn from the mere existence of a child custody or visitation dispute.

However, this section does not require an investigation by the social worker with respect to a child delivered or referred to any agency pursuant to Section 307.5.

The social worker shall interview any child four years of age or older who is a subject of an investigation, and who is in juvenile hall or other custodial facility, or has been removed to a foster home, to ascertain the child's view of the home environment. If proceedings are commenced, the social worker shall include the substance of the interview in any written report submitted at an adjudicatory hearing, or if no report is then received in evidence, the social worker shall include the substance of the interview in the social study required by Section 358. A referral based on allegations of child abuse from the family court pursuant to Section 3027 of the Family Code shall be investigated to the same extent as any other child abuse allegation.

SEC. 21. Section 827.10 is added to the Welfare and Institutions Code, to read:

827.10. (a) Notwithstanding Section 827, the child welfare agency is authorized to permit its files and records relating to a minor, who is the subject of either a family law or a probate guardianship case involving custody or visitation issues, or both, to be inspected by, and to provide copies to, the following persons, if these persons are actively participating in the family law or probate case:

(1) The judge, commissioner, or other hearing officer assigned to the family law or probate case.

(2) The parent or guardian of the minor.

(3) An attorney for a party to the family law or probate case.

(4) A family court mediator assigned to a case involving the minor pursuant to Article 1 (commencing with Section 3160) of Chapter 11 of Part 2 of Division 8 of the Family Code.

(5) A court-appointed investigator, evaluator, or a person conducting a court-connected child custody evaluation, investigation, or assessment pursuant to Section 3111 or 3118 of the Family Code or Part 2 (commencing with Section 1500) of Division 4 of the Probate Code.

(6) Counsel appointed for the minor in the family law case pursuant to Section 3150 of the Family Code. Prior to allowing counsel appointed for the minor in the family law case to inspect the file, the court clerk may require counsel to provide a certified copy of the court order appointing him or her as the counsel for the minor.

(b) If the child welfare agency files or records, or any portions thereof, are privileged or confidential pursuant to any other state law, except Section 827, or federal law or regulation, the requirements of that state law or federal law or regulation prohibiting or limiting release of the child welfare agency files or records, or any portions thereof, shall prevail.

(c) A social worker may testify in any family or probate proceeding with regard to any information that may be disclosed under this section.

(d) Any records or information obtained pursuant to this section, including the testimony of a social worker, shall be maintained solely in the confidential portion of the family law or probate file.

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Assembly Bill No. 2700

CHAPTER 397

An act to amend Sections 299 and 2010 of the Family Code, relating to domestic partner registration.

[Approved by Governor September 25, 2010. Filed with
Secretary of State September 27, 2010.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2700, Ma. Domestic partner registration: termination.

(1) Existing law provides that the superior courts have jurisdiction over all proceedings relating to the dissolution of domestic partnerships, nullity of domestic partnerships, and legal separation of partners in a domestic partnership. Existing law provides that the dissolution of a domestic partnership, nullity of a domestic partnership, and legal separation of partners in a domestic partnership follow the same procedures, and the partners possess the same rights, protections, and benefits, and be subject to the same responsibilities, obligations, and duties, as apply to the dissolution of marriage, nullity of marriage, and legal separation of spouses in a marriage, respectively, except as specified.

This bill would authorize parties to a registered domestic partnership who are also married to one another to petition the court to dissolve both their domestic partnership status and their marriage status in a single proceeding, in a form prescribed by the Judicial Council. The bill would also require the Judicial Council to prescribe the specified form.

(2) Existing law provides that, in a proceeding for dissolution of marriage, for nullity of marriage, or for legal separation of the parties, the court has jurisdiction to inquire into and render any judgment and make orders that are appropriate concerning, among other things, the status of the marriage.

Existing law provides that two persons of the same sex who contracted a marriage on or after November 5, 2008, that would be valid by the laws of the jurisdiction in which the marriage was contracted have the same rights and responsibilities as are granted to or imposed upon spouses with the sole exception of the designation of "marriage".

This bill would specify that the court's jurisdiction concerning the status of a marriage includes those out-of-state same-sex marriages contracted on or after November 5, 2008.

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

SECTION 1. Section 299 of the Family Code is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

of a domestic partnership pursuant to this section shall be the same as, and shall be treated for all purposes as, the entry of a judgment of dissolution of a domestic partnership.

(c) The termination of a domestic partnership pursuant to subdivision (b) does not prejudice nor bar the rights of either of the parties to institute an action in the superior court to set aside the termination for fraud, duress, mistake, or any other ground recognized at law or in equity. A court may set aside the termination of domestic partnership and declare the termination of the domestic partnership null and void upon proof that the parties did not meet the requirements of subdivision (a) at the time of the filing of the Notice of Termination of Domestic Partnership with the Secretary of State.

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

(e) Parties to a registered domestic partnership who are also married to one another may petition the court to dissolve both their domestic partnership and their marriage in a single proceeding, in a form that shall be prescribed by the Judicial Council.

SEC. 2. Section 2010 of the Family Code is amended to read:

2010. In a proceeding for dissolution of marriage, for nullity of marriage, or for legal separation of the parties, the court has jurisdiction to inquire into and render any judgment and make orders that are appropriate concerning the following:

- (a) The status of the marriage, including any marriage under subdivision (c) of Section 308.
- (b) The custody of minor children of the marriage.
- (c) The support of children for whom support may be ordered, including children born after the filing of the initial petition or the final decree of dissolution.
- (d) The support of either party.
- (e) The settlement of the property rights of the parties.
- (f) The award of attorney's fees and costs.

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Item SPR11-43 Response Form

Title: **Family Law: Summary Dissolution** (adopt form FL-825; revise forms FL-800, FL-810, FL-820, FL-830)

- Agree** with proposed changes
- Agree** with proposed changes **if modified**
- Do not agree** with proposed changes

Comments: _____

Name: _____ **Title:** _____

Organization: _____

- Commenting on behalf of an organization**

Address: _____

City, State, Zip: _____

To Submit Comments

Comments may be submitted online, written on this form, or prepared in a letter format. If you are *not* commenting directly on this form, please include the information requested above and the proposal number for identification purposes. Please submit your comments online or email, mail, or fax comments. You are welcome to email your comments as an attachment.

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

Email: invitations@jud.ca.gov

Mail: Ms. Camilla Kieliger
Judicial Council, 455 Golden Gate Avenue
San Francisco, CA 94102

Fax: (415) 865-7664, Attn: Camilla Kieliger

DEADLINE FOR COMMENT: 5:00 p.m., Monday, June 20, 2011

Circulation for comment does not imply endorsement by the Judicial Council or the Rules and Projects Committee. All comments will become part of the public record of the council's action.