

# Judicial Council of California • Administrative Office of the Courts

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## INVITATION TO COMMENT

**SPR11-45**

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Title	Action Requested
Family Law: Default and Uncontested Judgment Checklist and Related Forms	Review and submit comments by June 20, 2011
Proposed Rules, Forms, Standards, or Statutes	Proposed Effective Date
Adopt rules 5.405; 5.407; and 5.409; and approve forms FL-157; FL-182; and, revise forms FL-170; FL-180 FL-341; FL-342; FL-343	January 1, 2012
Proposed by	Contact
Family and Juvenile Law Advisory Committee	Deborah J. Chase 415-865-7598 <a href="mailto:deborah.chase@jud.ca.gov">deborah.chase@jud.ca.gov</a>
Hon. Kimberly J. Nystrom-Geist, Cochair and Hon. Dean Stout, Cochair	
Elkins Family Law Implementation Task Force	
Hon. Laurie D. Zelon, Chair	

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### Discussion

The Judicial Council established the Elkins Family Law Task Force in response to the decision in *Elkins v. Superior Court* (2007) 41 Cal.4th 1337. The task force was charged with studying and proposing measures to assist trial courts in achieving efficiency and fairness in marital dissolution proceedings and to ensure access to justice for family law litigants, many of whom are self-represented.

The Elkins Family Law Task Force *Final Report and Recommendations*, which was accepted by the Judicial Council on April 23, 2010, contained recommendations regarding the need to standardize statewide the way in which default and uncontested judgments were processed by the courts (recommendation 15)<sup>1</sup>. A key finding in this report was that the processing of default and uncontested judgments in dissolution and legal separation cases submitted by declaration under Family Code section 2336 differs from county to county and from one court location to another

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<sup>1</sup>The Final Report of the Elkins Task Force can be found at: <http://www.courts.ca.gov/xbcr/cc/elkins-finalreport.pdf>.

*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 These proposals are circulated for comment purposes only.*

even within the same county. Local rules differ in the way documents are processed. Significant numbers of local forms have evolved to accommodate these differences in local rules.

This lack of statewide uniformity creates confusion for attorneys, litigants, and court staff as well as systemwide unpredictability. Considerable percentages of documents submitted for default and uncontested judgments are inaccurate or incomplete and delayed repeatedly before being finalized because attorneys and self-represented litigants face this array of differing requirements. The current situation poses a substantial burden on the public and on court staff and serves as a major source of frustration and delay in disposition.

To implement this recommendation, a working group comprised of court managers, self-help attorneys, and judicial officers from 11 courts was convened to work on statewide standardization of the default and uncontested judgment process. The group reviewed local rules and forms from every court in the state and developed the proposed new and amended forms.

The proposed new rules and forms are intended to replace the variety of local practices and forms now in use throughout the state. Because the forms will require the information that is now required by many local courts, judicial officers will have the information they need to sign a proposed judgment under Family Code section 2336 and the requirements for obtaining the judgment will be more understandable to attorneys and self-represented litigants.

## **Proposed Rules**

### **Rule 5.405**

Proposed rule 5.405 identifies a new form, *Judgment Checklist* (form FL-182), that lists documents that must be submitted to the court to complete a default dissolution or legal separation on the basis of declarations. It prohibits the court from requiring any additional forms or attachments that are not specified on the checklist.

### **Rule 5.407**

Proposed rule 5.407 requires the court, once there is a proof of service in the file, to review the judgments and supporting documents completely so that all defects can be identified and the attorneys or self-represented litigants notified of the defects. When notification is made about defects in the documents submitted to the court, basic information about how to correct the defects must be provided.

### **Rule 5.409**

Proposed rule 5.409 requires the court to decide whether to hold a hearing in a default or uncontested case submitted on the basis of declarations under Family Code section 2336 on a case-by-case basis. As proposed, rule 5.409 would not permit courts to adopt a local rule that requires an appearance at a hearing in all such cases.

## Forms

### ***Spousal or Partner Support Declaration Attachment (form FL-157)***

This form is intended to be completed by the parties. The declaration sets forth those factors that the court must consider when making orders for judgment or modification of judgment on the issue of spousal support or partnership support under Family Code section 4320. A variety of local rules require a declaration regarding the factors in Family Code section 4320 in differing circumstances. Some courts require a declaration whenever support is requested in a default judgment, others only when the petitioner is asking to terminate jurisdiction over the issue in the judgment. Currently there is no statewide form for a declaration regarding spousal or partner support.

### ***Judgment Checklist (form FL-182)***

The *Judgment Checklist* (form FL-182) sets out the documents that are required for completion of a default or uncontested judgment in a dissolution or legal separation on the basis of declaration. Judgment in a default or uncontested case can occur by declaration in three ways: (1) a default in which the respondent does not appear and there is no written agreement between the parties; (2) a default in which the respondent does not appear, but there is a written agreement between the parties; and, (3) an uncontested matter in which the respondent does appear and there is a written agreement between the parties. The proposed form specifies what documents are required for each of these three types of dispositions.

### ***Declaration for Default or Uncontested Dissolution or Legal Separation (form FL-170)***

The committee and task force propose amendments to this form to increase the information provided to the court when litigants are requesting a default or uncontested judgment.

Item 4 on the form, which identifies the type of case, has been modified to clarify the three types of default or uncontested dispositions available to the parties, and to make the language consistent with that in the proposed *Judgment Checklist* (form FL-182).

The former two separate sections on child custody and visitation have been combined into Item 6 and a requirement that a current *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)* (form FL-105) be submitted if there has been any change since the original filing has been added. Additional space has been provided for facts that support the request for judgment in a default case. The current form does not include space available to state the reason why judgment should be ordered as requested in the proposed judgment, and this is a common requirement in local rules particularly when supervised visitation or no visitation is requested.

Item 7 on child support includes a checkbox for the litigants to indicate that the computer printout of guideline support is attached to the *Judgment* (form FL-180) and that it is true and correct based on their personal knowledge. Space has also been added to allow the party to identify any child support orders made in another case.

Item 8 on spousal and partner support includes a new item for indicating that the proposed new form, *Spousal or Partner Support Declaration Attachment* (form FL-157,) is attached. It has added space for facts in support of the request for spousal or partner support or family support, or to terminate jurisdiction to award spousal or/partner support.

Item 9 on parentage of children born before the date of the marriage or domestic partnership includes new selections for the attachment of a Voluntary Declaration of Paternity and for indicating that parentage has been established in another case.

Item 10 on attorney fees states that the requirement that in a default without agreement, a supporting declaration must accompany a request for attorney fees and costs in excess of \$2,000. The declaration can be either on the *Request for Attorney Fees and Costs* (form FL-319) or on a separate declaration attached to form FL-170.

Section 11, for use when requesting that judgment be entered nunc pro tunc, has been modified to allow space for stating the reasons the judgment should be so entered. The current form does not include space available to state the reason judgment should be ordered as requested in the proposed judgment and this is a common requirement in local rules.

#### ***Judgment (form FL-180)***

The caption of the form now identifies the case type “Marriage/Partnership of” instead of “Marriage of” to clarify that the form is also used for judgments in domestic partnership dissolutions.

In the section on child custody, item l, which is for a party to indicate that custody is set out in a written agreement, has been deleted. This is because either the *Child Custody and Visitation Order Attachment* (form FL-341) or *Stipulation and Order for Custody and/or Visitation* (form FL-355) should be used for these orders.

Likewise, in the section on child support, item m, indicating that custody is set out in a written agreement, has been deleted. This is because either the *Child Support Information and Order Attachment* (form FL-342) or the *Stipulation to Establish or Modify Support and Order* (form FL-350) should be used to set out custody and visitation orders. A box has been added to indicate if child support has been ordered in a different case.

Item n on spousal, partner, and family support includes a new box that can be checked if support is being reserved and another box to indicate if it is terminated. These are fairly common orders. Previously, they would have been written in under the category of “Other.”

A new section on attorney fees and costs, item p, includes the option of attaching the form *Attorney Fees and Costs Order* (form FL-346) or setting out the proposed order on the judgment form itself.

### ***Child Custody and Visitation Order Attachment (FL-341)***

As recommended in the *Final Report and Recommendations* of the Elkins Family Law Task Force, the term “visitation” has been replaced with “parenting time.” In item 8, the current form requests the date of the written agreement be set out on the form. That requirement has been deleted.

In item 10 on supervised visitation, where reference to *Supervised Visitation Order* (form FL-341(A)) is made, the name of the form has been added to the form number.

In item 11, the section about transportation for parenting time, the requirement that the driver be currently licensed and insured and that legally-mandated child restraint devices be in the vehicle is mandatory rather than optional, so the checkbox has been deleted. The order has been moved up to appear first in the list of transportation orders.

Additionally, in the transportation section, the wording about visitation exchanges has been changed to avoid confusion and clarify exactly what is meant. The current wording referring to “pick-up” and “drop-off” was confusing. The orders about exchanges now employ the following language: “the exchange point at the beginning of the visit” and “the exchange point at the end of the visit.”

In both the child abduction and holiday sections on the form, references to the existing attachments now include the names of the forms as well as the form number.

Item 14 on additional custody provisions and item 15 on joint custody provisions include space to set out those provisions on the form, thus following short orders to be set out on the form without need of an attachment.

The statutory language under Family Code section 3048, which is currently located at the bottom of the form, has been moved to the top of the form so that it will be less likely that the requisite box will be overlooked.

### ***Child Support Information and Order Attachment (form FL-342)***

The section for non-guideline child support orders has been moved to the first page of this form so that it appears at the beginning of the section setting out the specifics of the child support order. Previously, it was toward the end of the form on the second page.

The item titled Required Attachments has been renamed “Notices” (item 12) because it refers only to the *Notice of Rights and Responsibilities (Health-Care Costs and Reimbursement Procedures) and Information Sheet on Changing a Child Support Order* (form FL-192). Additionally, the new section allows the court to attach form FL-192 if the parties have inadvertently neglected to attach it. Form FL-192 does not ask for any information from the litigant. It is an informational form only and just as easily attached by the court as by the

litigant. It does not make sense for the court to delay judgment paperwork solely because a litigant has neglected to attach FL-192. Also, a new subsection advises that if the child support order is made in a domestic violence case and attached to a restraining order, the order for child support will continue to be in effect after the expiration of the restraining order.

***Spousal, Partner, or Family Support Order Attachment (FL-343)***

This form has been changed so that the requirement of a computer printout for calculation is optional and only applies to temporary spousal support.

Also, in the section Findings, the item “Other factors regarding spousal/partner support” has been renamed “Judgment for spousal or partner support.” The box asking what factors under Family Code 4320 should be considered has been modified to simply allow reference to the amended *Declaration for Default or Uncontested Dissolution or Legal Separation* (form FL-170). The amended form FL-170 requires that the factors on which a spousal or partner support order is based under Family Code section 4320 must be set out on form FL-170 or in an attached *Spousal or Partner Support Declaration Attachment* (FL-157)

In the orders section, the items setting out orders reserving or terminating support have been moved from the end of the form to the beginning of the section. Should either of those options be selected, there is no need to complete the rest of the form.

A new item allows the form to be attached to a restraining order and states that the order does not expire with the restraining order.

The proposed rules and new and amended forms are attached at pages 7–27

California Rules of Court, rules 5.405, 5.407, and 5.409 will be adopted effective January 1, 2012, to read as:

1 **Rule 5.405. Judgment checklists**

2  
3 The Judgment Checklist- Dissolution/Legal Separation (form FL-182) lists the  
4 forms required to complete a default or uncontested judgment in dissolution or  
5 legal separation cases based on a declaration under Family Code section 2336. No  
6 additional forms or attachments may be required by the court.

7  
8 **Rule 5.407. Review of default and uncontested judgments submitted on the**  
9 **basis of declaration under Family code section 2336**

10  
11 Once a proof of service of summons has been filed with the court, or respondent  
12 has made a general appearance in the case:

13  
14 **(a) Court review**

15  
16 The court must review all the documents submitted for default or  
17 uncontested judgments under Family Code section 2336 and notify the  
18 attorneys or self-represented litigants who submitted them of all identified  
19 defects.

20  
21 **(b) Notice of errors and omissions**

22  
23 Basic information for correction of the defects must be included in any  
24 notification to attorneys or self-represented litigants made under section (a).

25  
26 **Rule 5.409. Default and uncontested hearings on judgments submitted on the**  
27 **basis of declarations under Family code section 2336**

28  
29 The decision to hold a hearing in a case in which a judgment has been submitted  
30 on the basis of a declaration under Family Code section 2336 should be made on a  
31 case by case basis at the discretion of the court or request of a party. Courts must  
32 allow judgments in default and uncontested cases to be submitted by declaration  
33 pursuant to section 2336 and must not require that a hearing be conducted in all  
34 such cases.

PETITIONER/PLAINTIFF:	CASE NUMBER:
RESPONDENT/DEFENDANT:	

**SPOUSAL OR PARTNER SUPPORT DECLARATION ATTACHMENT TO**

- Declaration for Default or Uncontested Judgment (form FL-170)
- Request for Order (form FL-300)
- Responsive Declaration to Request for Order (form FL-320)
- Other (*specify*):

1. **Spousal or domestic partner support.** I request that the court (*check all that apply*):

- a.  Enter a judgment for spousal or domestic partner support for  Petitioner  Respondent.
- b.  Modify the judgment for spousal or domestic partner support for  Petitioner  Respondent.
- c.  Deny the request to modify the judgment for spousal or domestic partner support.
- d.  Terminate jurisdiction to award spousal or domestic partner support to  Petitioner  Respondent.

2.  **Attorney fees and costs.** I request that the court (*check one*):

- a.  Order my attorney fees and costs to be paid by  my spouse or domestic partner  a joined party (*specify*):
- b.  Deny the request for attorney fees and costs.

3. The facts in support of my request are:

a. **Family Code section 4320(a)(1)**

(1) The supported party has the following training, job skills, and work history:

(2) The current job market for the job skills of the supported party described in 3a(1) is:

(3) The supported party would need the following time and expense to acquire the education or training to develop the job skills described in 3a(1):

(4) To develop other more marketable job skills or employment, the supported party would need the following retraining or education:

PETITIONER/PLAINTIFF:	CASE NUMBER:
RESPONDENT/DEFENDANT:	

**3. Facts in support of request.**

**b. Family Code section 4320(a)(2)**

The supported party's earning ability is lower than it might be if he or she had not had periods of unemployment because of the time needed to attend to domestic duties (*Explain*):

**c. Family Code section 4320(b)**

The supported party contributed to the education, training, career position, or license of the supporting party as follows:

**d. Family Code section 4320 (c)**

(1) The supporting party  does  does not have the ability to pay spousal or domestic partner support.

(2) The supporting party's current gross income from employment is (*specify*):

(3) The supporting party's current income from investments, retirement, other sources is (*specify*):

(4) The supporting party's current assets and their values and balances are (*specify*):

(5) The supporting party's standard of living is (*describe*):

PETITIONER/PLAINTIFF:  RESPONDENT/DEFENDANT:	CASE NUMBER:
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**3. Facts in support of request.**

**e. Family Code section 4320(d)**

The supported party  does  does not need support to maintain the standard of living we enjoyed during the marriage. *(Describe, for example, type and frequency of vacations, value of home and other real estate, value of investments, type of vehicles owned, credit card use or nonuse):*

**f. Family Code Section 4320 (e)**

(1) The supported party's assets and obligations, including separate property, are *(list values and balances):*

(2) The supporting party's assets and obligations, including separate property, are *(List values/balances):*

PETITIONER/PLAINTIFF:  RESPONDENT/DEFENDANT:	CASE NUMBER:
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**3. Facts in support of request.**

**g. Family Code section 4320(f)**

Length of marriage or domestic partnership (*specify*):

**h. Family Code section 4320(g)**

The supported party's ability to work without unduly interfering with the interests of the children in his or her care (*describe*):

**i. Family Code section 4320(h)**

(1) Petitioner's age is (*specify*): Respondent's age is (*specify*):

(2) Petitioner's current health condition is (*describe*):

(3) Respondent's current health condition is (*describe*):

**j. Additional factors**

The court will also consider the following factors before making a judgment for spousal or domestic partner support:

- (1) The immediate and specific tax consequences for each party;
- (2) The balance of the hardships on each party;
- (3) The criminal conviction of an abusive spouse in reducing or eliminating support;
- (4) The goal that the supported party will be self-supporting within a reasonable period of time; and

Describe below any additional information that will assist the court in considering the above factors:

ATTORNEY OR PARTY WITHOUT ATTORNEY ( <i>Name, State Bar number, and address</i> ):  <hr/> <p style="text-align: center;">TELEPHONE NO.: <span style="margin-left: 150px;">FAX NO. (<i>Optional</i>):</span></p> <p>E-MAIL ADDRESS (<i>Optional</i>):</p> <p>ATTORNEY FOR (<i>Name</i>):</p>	<b>FOR COURT USE ONLY</b>   <h2 style="margin: 0;">DRAFT</h2> <h3 style="margin: 0;">Not approved by the Judicial Council</h3>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b>  STREET ADDRESS:  MAILING ADDRESS:  CITY AND ZIP CODE:  BRANCH NAME:	
PETITIONER:  RESPONDENT:	
<b>DECLARATION FOR DEFAULT OR UNCONTESTED</b> <input type="checkbox"/> <b>DISSOLUTION</b> <input type="checkbox"/> <b>LEGAL SEPARATION</b>	CASE NUMBER:

**(NOTE: Items 1 through 12 apply to both dissolution and legal separation proceedings.)**

1. I declare that if I appeared in court and were sworn, I would testify to the truth of the facts in this declaration.
2. I agree that my case will be proven by this declaration and that I will not appear before the court unless I am ordered by the court to do so.
3. All the information in the  amended  *Petition*  *Response* is true and correct.
4. **Type of case** (*check a, b, or c*):
  - a.  **Default without agreement**
    - (1) No response has been filed and there is no written agreement or stipulated judgment between the parties;
    - (2) The default of the respondent was entered or is being requested, and I am not seeking any relief not requested in the petition; and
    - (3) The following statement is true (*check one*):
      - (A)  There are no assets or debts to be disposed of by the court.
      - (B)  The community and quasi-community assets and debts are listed on the **completed** current *Property Declaration* (form FL-160), which includes an estimate of the value of the assets and debts that I propose to be distributed to each party. The division in the proposed *Judgment* (form FL-180) is a fair and equal division of the property and debts, or if there is a negative estate, the debts are assigned fairly and equitably.
  - b.  **Default with agreement**
    - (1) No response has been filed and the parties have agreed that the matter may proceed as a default matter without notice; and
    - (2) The parties have entered into an agreement regarding their property and their marriage or domestic partnership rights, including support, the original of which is being or has been submitted to the court. I request that the court approve the agreement.
  - c.  **Uncontested**
    - (1) Both parties have appeared in the case; and
    - (2) The parties have entered into an agreement regarding their property and their marriage or domestic partnership rights, including support, the original of which is being or has been submitted to the court. I request that the court approve the agreement.
5. **Declaration of disclosure** (*check a, b, or c*):
  - a.  Both the petitioner and respondent have filed, or are filing concurrently, a *Declaration Regarding Service of Declaration of Disclosure* (form FL-141) and an *Income and Expense Declaration* (form FL-150).
  - b.  This matter is proceeding by default. I am the petitioner in this action and have filed a proof of service of the preliminary *Declaration of Disclosure* (form FL-140) with the court. I hereby waive receipt of the final *Declaration of Disclosure* (form FL-140) from the respondent.
  - c.  This matter is proceeding as an uncontested action. Service of the final *Declaration of Disclosure* (form FL-140) is mutually waived by both parties. A waiver provision executed by both parties under penalty of perjury is contained in the settlement agreement or proposed judgment or another, separate stipulation.

PETITIONER:  RESPONDENT:	CASE NUMBER:
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6.  **Child custody and parenting time (visitation)** should be ordered as set forth in the proposed *Judgment* (form FL-180).
- a.  The information in *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act* (UCCJEA) (form FL-105)  has  has not changed since it was last filed with the court. (If changed, attach updated form.)
- b.  There is an existing court order for custody/parenting in another case (specify county):  
The case number is (specify):
- c.  Facts in support of requested judgment (In a default case, If asking for a judgment for supervised visitation or no visitation, state your reasons below):  
 Contained on Attachment 6c.

7.  **Child support** should be ordered as set forth in the proposed *Judgment (Family Law)* (form FL-180).
- a. If there are minor children, check and complete item (1) and item (2) or (3):
- (1)  Child support is being enforced in another case in (specify county):  
The case number is (specify):
- (2)  The information in the child support calculation attached to the proposed judgment is correct based on my personal knowledge.
- (3)  I request that this order be based on the  petitioner's  respondent's earning ability. The facts in support of my estimate of earning ability are (specify):  
 Continued on Attachment 7a(3).

- b. Complete items (1) and (2) regarding public assistance.
- (1) I  am receiving  am not receiving  intend to apply for public assistance for the child or children listed in the proposed order.
- (2) To the best of my knowledge, the other party  is  is not receiving public assistance.
- c.  The petitioner  respondent is presently receiving public assistance, and all support should be made payable to the local child support agency at the address set forth in the proposed judgment. A representative of the local child support agency has signed the proposed judgment.

8. **Spousal, partner, and family support** (If a support order or attorney fees are requested, submit a completed Income and Expense Declaration (form FL-150) unless a current form is on file. Include your best estimate of the other party's income. Check at least one of the following.)
- a.  I knowingly give up forever any right to receive spousal or partner support.
- b.  I ask the court to reserve jurisdiction to award spousal or partner support in the future to (name):
- c.  I ask the court to terminate forever spousal support for:  petitioner  respondent.
- d.  Spousal support or domestic partner support should be ordered as set forth in the proposed *Judgment* (form FL-180) based on the factors described in  *Spousal or Partner Support Declaration* Attachment (form FL-157)  Attachment 8d.
- e.  Family support should be ordered as set forth in the proposed *Judgment* (form FL-180).
- f.  Other (specify):
- g. Facts in support of requested judgment for support (specify):  
 Continued or contained on Attachment 8g.

PETITIONER:  RESPONDENT:	CASE NUMBER:
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8. g.  Facts in support of requested judgment (*continued*):

9.  **Parentage** of the children of the petitioner and respondent born prior to their marriage or domestic partnership should be ordered as set forth in the proposed *Judgment (Family Law)* (form FL-180).

a.  A Voluntary Declaration of Paternity is attached.

b.  Parentage was previously established by the court in (*specify county*):

The case number is (*specify*):

10.  **Attorney fees** should be ordered as set forth in the proposed *Judgment (Family Law)* (form FL-180) (*if requesting attorney fees and costs over \$2,000 in a default case without agreement, attach a declaration in support of the request.*)

11.  The judgment should be entered nunc pro tunc for the following reasons (*specify*):

12.  The petitioner  respondent requests restoration of his or her former name as set forth in the proposed *Judgment* (form FL-180).

13. There are irreconcilable differences that have led to the irremediable breakdown of the marriage or domestic partnership, and there is no possibility of saving the marriage or domestic partnership through counseling or other means.

14. This declaration may be reviewed by a commissioner sitting as a temporary judge, who may determine whether to grant this request or require my appearance under Family Code section 2336.

**STATEMENTS IN THIS BOX APPLY ONLY TO DISSOLUTIONS**

15. If this is a dissolution of marriage or of a domestic partnership created in another state, the petitioner and/or the respondent have been residents of this county for at least three months and of the state of California for at least six months continuously and immediately preceding the date of the filing of the petition for dissolution of marriage or domestic partnership.

16. I ask that the court grant the request for a judgment for dissolution of marriage or domestic partnership based on irreconcilable differences and that the court make the orders set forth in the proposed *Judgment* (form FL-180) submitted with this declaration.

17.  This declaration is for the termination of **marital or domestic partner status only**. I ask the court to reserve jurisdiction over all issues whose determination is not requested in this declaration.

**THIS STATEMENT APPLIES ONLY TO LEGAL SEPARATIONS**

18. I ask that the court grant the request for a judgment for legal separation based on irreconcilable differences and that the court make the orders set forth in the proposed *Judgment* (form FL-180) submitted with this declaration.

**I understand that a judgment of legal separation does not terminate a marriage or domestic partnership and that I am still married or a partner in a domestic partnership.**

19.  Other (*specify*):

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

Date:

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

ATTORNEY OR PARTY WITHOUT ATTORNEY <i>(Name, State Bar number, and address):</i>  TELEPHONE NO.: _____ FAX NO. <i>(Optional):</i> _____ E-MAIL ADDRESS <i>(Optional):</i> _____ ATTORNEY FOR <i>(Name):</i> _____	<b>FOR COURT USE ONLY</b>  <h2 style="margin: 0;">DRAFT</h2> <h2 style="margin: 0;">Not Approved by the</h2> <h2 style="margin: 0;">Judicial Council</h2>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
<b>MARRIAGE OR PARTNERSHIP OF</b> PETITIONER: RESPONDENT:	
<div style="text-align: center;"><b>JUDGMENT</b></div> <input type="checkbox"/> <b>DISSOLUTION</b> <input type="checkbox"/> <b>LEGAL SEPARATION</b> <input type="checkbox"/> <b>NULLITY</b> <input type="checkbox"/> <b>Status only</b> <input type="checkbox"/> <b>Reserving jurisdiction over termination of marital or domestic partnership status</b> <input type="checkbox"/> <b>Judgment on reserved issues</b> <b>Date marital or domestic partnership status ends:</b>	CASE NUMBER:

1.  This judgment  contains personal conduct restraining orders  modifies existing restraining orders.  
 The restraining orders are contained on page(s) \_\_\_\_\_ of the attachment. They expire on *(date)*:
  
2. This proceeding was heard as follows:  Default or uncontested  By declaration under Family Code section 2336  
 Contested
  - a. Date: \_\_\_\_\_ Dept.: \_\_\_\_\_ Room: \_\_\_\_\_
  - b. Judicial officer *(name)*: \_\_\_\_\_  Temporary judge
  - c.  Petitioner present in court  Attorney present in court *(name)*:
  - d.  Respondent present in court  Attorney present in court *(name)*:
  - e.  Claimant present in court *(name)*: \_\_\_\_\_  Attorney present in court *(name)*:
  - f.  Other *(specify name)*:
  
3. The court acquired jurisdiction of the respondent on *(date)*:
  - a.  The respondent was served with process.
  - b.  The respondent appeared.

**THE COURT ORDERS, GOOD CAUSE APPEARING**

4. a.  Judgment of dissolution is entered. Marital or domestic partnership status is terminated and the parties are restored to the status of single persons
  - (1)  on *(specify date)*:
  - (2)  on a date to be determined on noticed motion of either party or on stipulation.
- b.  Judgment of legal separation is entered.
- c.  Judgment of nullity is entered. The parties are declared to be single persons on the ground of *(specify)*:
  
- d.  This judgment will be entered nunc pro tunc as of *(date)*:
- e.  Judgment on reserved issues.
- f. The  petitioner's  respondent's former name is restored to *(specify)*:
- g.  Jurisdiction is reserved over all other issues, and all present orders remain in effect except as provided below.
- h.  This judgment contains provisions for child support or family support. Each party must complete and file with the court a *Child Support Case Registry Form* (form FL-191) within 10 days of the date of this judgment. The parents must notify the court of any change in the information submitted within 10 days of the change, by filing an updated form. The *Notice of Rights and Responsibilities—Health-Care Costs and Reimbursement Procedures and Information Sheet on Changing a Child Support Order* (form FL-192) is attached.

CASE NAME (Last name, first name of each party):  _____	CASE NUMBER:  _____
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4. i.  A settlement agreement between the parties is attached.
- j.  A written stipulation for judgment between the parties is attached.
- k.  The children of this marriage or domestic partnership are:
- (1)  Name \_\_\_\_\_ Birthdate \_\_\_\_\_
- (2)  Parentage is established for children of this relationship born prior to the marriage or domestic partnership.
- l.  Child custody and visitation are ordered as set forth in the attached
- (1)  Child Custody and Visitation Order Attachment (form FL-341).
- (2)  Stipulation and Order for Custody and/or Visitation of Children (form FL-355).
- m.  Child support is ordered as set forth in the attached
- (1)  Child Support Information and Order Attachment (form FL-342).
- (2)  Stipulation to Establish or Modify Child Support and Order (form FL-350).
- (3)  Previously established in another case.
- n.  Spousal, domestic partner, or family support is ordered:
- (1)  Reserved for future determination as relates to  petitioner  respondent
- (2)  Jurisdiction terminated to order spousal or partner support to  petitioner  respondent
- (3)  As set forth in the attached *Spousal, Partner, or Family Support Order Attachment* (form FL-343).
- (4)  as set forth in the attached settlement agreement, stipulation for judgment, or other written agreement.
- (5)  other (specify): \_\_\_\_\_
- o.  Property division is ordered as set forth in the attached
- (1)  settlement agreement, stipulation for judgment, or other written agreement.
- (2)  *Property Order Attachment to Judgment* (form FL-345).
- (3)  other (specify): \_\_\_\_\_
- p.  Attorney fees and costs are ordered as set forth in the attached \_\_\_\_\_
- (1)  *Attorney Fees and Costs Order* (form FL-346).
- (2)  other (specify): \_\_\_\_\_
- q.  Other (specify): \_\_\_\_\_

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

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

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

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

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

SIGNATURE FOLLOWS LAST ATTACHMENT

**NOTICE**

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

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

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

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

ATTORNEY OR PARTY WITHOUT ATTORNEY <i>(Name, State Bar number, and address):</i>    TELEPHONE NO.: _____ FAX NO. <i>(Optional):</i> _____ E-MAIL ADDRESS <i>(Optional):</i> _____ ATTORNEY FOR <i>(Name):</i> _____	<b>FOR COURT USE ONLY</b>   <b>DRAFT</b> Not approved by the Judicial Council
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b>  STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER:  RESPONDENT:	
<b>JUDGMENT CHECKLIST</b> <b>Dissolution/Legal Separation</b>	CASE NUMBER:

**This checklist must be completed and filed along with your Judgment. Please complete the Judgment Checklist by marking the boxes next to the forms or other documents you are filing along with your Judgment. If forms or other documents have already been filed, please check the boxes indicating that they have been previously filed. The Judgment Checklist provides a list of requirements to complete a default or uncontested judgment. There are three types of default and uncontested judgments:**

- **Default With No Agreement (no response, no written agreement)**
- **Default With Agreement (no response, written agreement)**
- **Uncontested (appearance by both parties and a written agreement)**

1.  **DEFAULT WITH NO AGREEMENT (no response, no written agreement)**  
*(Please check the box by each document being filed):* *Previously Filed*
- |    |   |                          |
|----|---|--------------------------|
| a. | <input type="checkbox"/> Proof of Service of Summons  | <input type="checkbox"/> |
| b. | <input type="checkbox"/> <i>Request to Enter Default</i> (FL-165) with two self-addressed, stamped envelopes, one addressed to Petitioner and one to Respondent   | <input type="checkbox"/> |
| c. | <input type="checkbox"/> <i>Declaration Regarding Service of Declaration of Disclosure</i> (FL-141)   | <input type="checkbox"/> |
| d. | <input type="checkbox"/> <i>Declaration for Default or Uncontested Dissolution or Legal Separation</i> (FL-170)   |                          |
| e. | <input type="checkbox"/> <i>Judgment</i> (FL-180)   |                          |
| f. | <input type="checkbox"/> <i>Notice of Entry of Judgment</i> (FL-190) with 2 self adhesive, stamped envelopes of sufficient size and with sufficient postage to return the <i>Judgment</i> and <i>Notice of Entry of Judgment</i> , one set addressed to Petitioner and one to Respondent. |                          |
- If there are children of the marriage:**
- |    |  |                          |
|----|--|--------------------------|
| g. | <input type="checkbox"/> <i>Declaration Under Uniform Child Custody and Jurisdiction Act (UCCJEA)</i> (FL-105). A new for must be filed if there have been any changes since the one most recently filed.                              | <input type="checkbox"/> |
| h. | <input type="checkbox"/> <i>Income and Expense Declaration</i> (FL-150) or <i>Financial Statement (Simplified)</i> (FL-155). A current financial declaration must have been filed within the last 90 days.                             | <input type="checkbox"/> |
| i. | <input type="checkbox"/> Computer printout of guideline child support <i>(optional)</i> .  |                          |
| j. | <input type="checkbox"/> <i>Notice of Rights and Responsibilities (Health-Care Costs and Reimbursement Procedures) and Information Sheet on Changing a Child Support Order</i> (FL-192 )(may be attached by the party or by the court) |                          |

PETITIONER:	CASE NUMBER:
RESPONDENT:	

*Previously Filed*

- k.  *Child Support Information and Order Attachment (FL-342) (attach to Judgment)*
- l.  *Order/Notice to Withhold Income for Child Support (FL-195/OMB No. 0970-0154)*
- m.  *Child Custody and Visitation Order Attachment (FL-341) (attach to Judgment)*

**If the proposed judgment requests spousal/partner support, or the marriage/partnership is over 10 years in duration, or termination of spousal/partner support for the Respondent is requested:**

- n.  *Spousal or Partnership Support Declarations Attachment (FL-157)*
- o.  *Income and Expense Declaration (FL-150). A current financial declaration must have been filed within the last 90 days.*
- p.  *Spousal, Partner, or Family Support Order Attachment (FL-343) (attach to Judgment)*

**If judgment on the issue of property is requested:**

- q.  *Property Declaration (FL-160)*
- r.  *Property Order Attachment to Judgment (FL-345)*

**If judgment on the issue of attorney fees and costs is requested:**

- s.  *Request for Attorney Fees and Costs (FL-319) if request exceeds \$2,000*
- t.  *Attorney Fees and Costs Order Attachment (FL-346) (attach to Judgment)*

2.  **DEFAULT WITH AGREEMENT (no response and a written agreement)**

- a.  *Proof of Service of Summons (form FL-115)*
- b.  *If children are involved, Declaration Under Uniform Child Custody and Jurisdiction Act (UCCJEA) (FL-105). A new form must be filed if there have been any changes since the one most recently filed.*
- c.  *Request to Enter Default (FL-165) with two self-addressed, stamped envelopes, one addressed to Petitioner and one to Respondent*
- d.  *Declaration Regarding Service of Preliminary Declaration of Disclosure (both Petitioner's and Respondent's) (FL-141)*
- e.  *Declaration Regarding Service of Final Declaration of Disclosure (both Petitioner's and Respondent's) (FL-141) or Stipulation and Waiver of Final Declaration of Disclosure (FL-144) or a separately filed waiver under Family Code section 2105*
- f.  *Declaration for Default or Uncontested Dissolution or Legal Separation (FL-170)*
- g.  *Written agreement of the parties. Respondent's signature on agreement must be notarized.*
- h.  *Judgment (FL-180)*
- i.  *Notice of Entry of Judgment (FL-190) and two self-addressed, stamped envelopes of sufficient size and with sufficient postage to return the Judgment and Notice of Entry of Judgment, one set addressed to Petitioner and one to Respondent.*

**If child support is included in the written agreement:**

- j.  *Stipulation to Establish or Modify Child Support and Order (FL-350) attached to the Judgment, or Acknowledgment under Family Code section 4065 included in written agreement, or Child Support Information and Order Attachment (FL-342) (attach to Judgment)*

PETITIONER:	CASE NUMBER:
RESPONDENT:	

*Previously Filed*

- k.  *Income and Expense Declaration (FL-150) or Financial Statement (Simplified) (FL-155). A current financial declaration must have been filed within the last 90 days.*
- l.  *Computer printout of guideline child support (optional)*
- m.  *Notice of Rights and Responsibilities (Health-Care Costs and Reimbursement Procedures) and Information Sheet on Changing a Child Support Order (FL-192) (Attach to Judgment)*
- n.  *Order/Notice to Withhold Income for Child Support (FL-195/OMB No. 0970-0154)*

**If child custody and visitation are included in your written agreement:**

- o.  *Child Custody and Visitation Order Attachment (FL-341) if judgment for child custody is requested*

3.  **UNCONTESTED CASE (appearance by both parties and a written agreement)**

- a.  *Appearance, Stipulation and Waivers (FL-130)*
- b.  *If children are involved, Declaration Under Uniform Child Custody and Jurisdiction Act (UCCJEA) (FL-105). A new form must be filed if there have been any changes since the one most recently filed.*
- c.  *Respondent's filing fee, if first appearance, unless Respondent has a fee waiver or is currently on active duty in the military*
- d.  *Declaration Regarding Service of Preliminary Declaration of Disclosure (both Petitioner's and Respondent's) (FL-141)*
- e.  *Declaration Regarding Service of Final Declaration of Disclosure (both Petitioner's and Respondent's) (FL-141), or Stipulation and Waiver of Final Declaration of Disclosure (FL-144) or a separately filed waiver under Family Code section 2105*
- f.  *Declaration for Default or Uncontested Dissolution or Legal Separation (FL-170)*
- g.  *Written agreement of the parties*
- h.  *Judgment (FL-180)*
- i.  *Notice of Entry of Judgment (FL-190) and two self-addressed, stamped envelopes of sufficient size and with sufficient postage to return the Judgment and Notice of Entry of Judgment, one set addressed to Petitioner and one to Respondent*

**If child support is included in the written agreement:**

- j.  *Stipulation to Establish or Modify Child Support and Order (FL-350) attached to the Judgment, or Acknowledgment under Family Code section 4065 included in written agreement, or Child Support Information and Order Attachment (FL-342) (attach to Judgment)*
- k.  *Computer printout of guideline child support (optional)*
- l.  *Order/Notice to Withhold Income for Child Support (FL-195/OMB No. 0970-0154)*
- m.  *Notice of Rights and Responsibilities (Health-Care Costs and Reimbursement Procedures) and Information Sheet on Changing a Child Support Order (FL-192) (attach to Judgment)*

**If Child Custody and Visitation are included in your written agreement:**

- n.  *Child Custody and Visitation Order Attachment (FL-341) if judgment for child custody is requested*





PETITIONER/PLAINTIFF:	CASE NUMBER:
RESPONDENT/DEFENDANT:	

12.  **Holiday schedule.** The children will spend holiday time as listed  below  in the attached schedule. (Children's Holiday Schedule Attachment (form FL-341(C)) may be used for this purpose.)

13.  **Additional custody provisions.** The parents will follow the additional custody provisions listed  below  in the attached schedule. (Additional Provisions—Physical Custody Attachment (form FL-341(D)) may be used for this purpose.)

14.  **Joint legal custody.** The parents will share joint legal custody as listed  below  in the attached schedule. (Joint Legal Custody Attachment (form FL-341(E)) may be used for this purpose.)

15.  **Other (specify):**

**THIS IS A COURT ORDER.**

PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT:	CASE NUMBER:
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**CHILD SUPPORT INFORMATION AND ORDER ATTACHMENT**

Attachment to  Findings and Order After Hearing (FL-340)  Restraining Order After Hearing (CLETS-OAH)(DV-130)  
 Judgment (FL-180)  Other

**THE COURT USED THE FOLLOWING INFORMATION IN DETERMINING THE AMOUNT OF CHILD SUPPORT:**

1.  A printout of a computer calculation and findings is attached and incorporated in this order for all required items not filled out below.

2.  **Income**

	Gross monthly	Net monthly	Receiving
a. Each parent's monthly income is as follows:	<u>income</u>	<u>income</u>	<u>TANF/CalWORKS</u>
Petitioner/plaintiff: \$	\$	\$	<input type="text"/>
Respondent/defendant: \$	\$	\$	<input type="text"/>
Other parent: \$	\$	\$	<input type="text"/>

b. Imputation of income. The court finds that the  petitioner/plaintiff  respondent/defendant  
 other parent has the capacity to earn:  
 \$ \_\_\_\_\_ per \_\_\_\_\_ and has based the support order upon this imputed income.

3.  **Children of this relationship**

a. Number of children who are the subjects of the support order (*specify*): \_\_\_\_\_ %  
 b. Approximate percentage of time spent with petitioner/plaintiff: \_\_\_\_\_ %  
 respondent/defendant: \_\_\_\_\_ %  
 other parent: \_\_\_\_\_ %

4.  **Hardships**

Hardships for the following have been allowed in calculating child support:

	<u>Petitioner/ plaintiff</u>	<u>Respondent/ defendant</u>	<u>Other parent</u>	<u>Approximate ending time for the hardship</u>
a. <input type="checkbox"/> Other minor children:	\$	\$	\$	
b. <input type="checkbox"/> Extraordinary medical expenses:	\$	\$	\$	
c. <input type="checkbox"/> Catastrophic losses:	\$	\$	\$	

**THE COURT ORDERS**

5.  **Low-income adjustment**

a.  The low-income adjustment applies.  
 b.  The low-income adjustment does not apply because (*specify reasons*):

6.  **Child support**

a. **Base child support**

Petitioner/plaintiff  Respondent/defendant  Other parent must pay child support beginning (*date*): \_\_\_\_\_ and continuing until further order of the court, or until the child marries, dies, is emancipated, reaches age 19, or reaches age 18 and is not a full-time high school student, whichever occurs first, as follows:

<u>Child's name</u>	<u>Date of birth</u>	<u>Monthly amount</u>	<u>Payable to (name):</u>
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Payable  on the 1st of the month  one-half on the 1st and one-half on the 15th of the month  
 other (*specify*):

b.  **Non-Guideline Order**

This order does not meet the child support guideline set forth in Family Code section 4055. A *Non-Guideline Child Support Findings Attachment* (form FL-342(A)) is attached.

**THIS IS A COURT ORDER.**

PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT:	CASE NUMBER:
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**THE COURT FURTHER ORDERS**

6. c.  **Mandatory additional child support**

- (1)  Child-care costs related to employment or reasonably necessary job training
  - (a)  Petitioner/plaintiff must pay:           % of total or  \$           per month child-care costs.
  - (b)  Respondent/defendant must pay:       % of total or  \$           per month child-care costs.
  - (c)  Other parent must pay:                   % of total or  \$           per month child-care costs.
  - (d)  Costs to be paid as follows (*specify*):

d. **Mandatory additional child support**

- (2)  Reasonable uninsured health-care costs for the children
  - (a)  Petitioner/plaintiff must pay:           % of total or  \$           per month.
  - (b)  Respondent/defendant must pay:       % of total or  \$           per month.
  - (c)  Other parent must pay:                   % of total or  \$           per month.
  - (d)  Costs to be paid as follows (*specify*):

e.  **Additional child support**

- (1)  Costs related to the educational or other special needs of the children
  - (a)  Petitioner/plaintiff must pay:           % of total or  \$           per month.
  - (b)  Respondent/defendant must pay:       % of total or  \$           per month.
  - (c)  Other parent must pay:                   % of total or  \$           per month.
  - (d)  Costs to be paid as follows (*specify*):
- (2)  Travel expenses for visitation
  - (a)  Petitioner/plaintiff must pay:           % of total or  \$           per month.
  - (b)  Respondent/defendant must pay:       % of total or  \$           per month.
  - (c)  Other parent must pay:                   % of total or  \$           per month.
  - (d)  Costs to be paid as follows (*specify*):

**Total child support per month: \$**

7. **Health-care expenses**

- a. Health insurance coverage for the minor children of the parties must be maintained by the  petitioner/plaintiff  respondent/defendant  other parent if available at no or reasonable cost through their respective places of employment or self-employment. Both parties are ordered to cooperate in the presentation, collection, and reimbursement of any health-care claims. The parent ordered to provide health insurance must seek continuation of coverage for the child after the child attains the age when the child is no longer considered eligible for coverage as a dependent under the insurance contract, if the child is incapable of self-sustaining employment because of a physically or mentally disabling injury, illness, or condition and is chiefly dependent upon the parent providing health insurance for support and maintenance.
- b.  Health insurance is not available to the  petitioner/plaintiff  respondent/defendant  other parent at a reasonable cost at this time.
- c.  The party providing coverage must assign the right of reimbursement to the other party.

8. **Earnings assignment**

An earnings assignment order is issued. **Note:** The payor of child support is responsible for the payment of support directly to the recipient until support payments are deducted from the payor's wages and for payment of any support not paid by the assignment.

- 9. In the event that there is a contract between a party receiving support and a private child support collector, the party ordered to pay support must pay the fee charged by the private child support collector. This fee must not exceed 33 1/3 percent of the total amount of past due support nor may it exceed 50 percent of any fee charged by the private child support collector. The money judgment created by this provision is in favor of the private child support collector and the party receiving support, jointly.

10.  **Employment search order (Family Code, § 4505)**

Petitioner/plaintiff  Respondent/defendant  Other parent is ordered to seek employment with the following terms and conditions:

**THIS IS A COURT ORDER.**

PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT:	CASE NUMBER:
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**11. Other orders** (*specify*):

**12. Notices**

- a. A *Notice of Rights and Responsibilities (Health-Care Costs and Reimbursement Procedures)* and *Information Sheet on Changing a Child Support Order* (form FL-192) must be attached and is incorporated into this order.
- b. If this form is attached to *Restraining Order After Hearing* (form DV-130), the support orders issued on this form (form FL-342) remain in effect after the restraining orders issued on form DV-130 end.

**13. Child Support Case Registry Form**

Both parties must complete and file with the court a *Child Support Case Registry Form* (form FL-191) within 10 days of the date of this order. Thereafter, the parties must notify the court of any change in the information submitted within 10 days of the change by filing an updated form.

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

**THIS IS A COURT ORDER.**

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

TO  Findings and Order After Hearing (FL-340)  Judgment (FL-180)  
 Restraining Order After Hearing (CLETS-OAH) (DV-130)  Other (specify):

**THE COURT FINDS**

1. **Net income.** The parties' monthly income and deductions are as follows (complete a, b, or both):

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

2.  A printout of a computer calculation of the parties' financial circumstances is attached for all required items not filled out above (for temporary support only).

**3. Judgment for spousal or partner support**

- a.  Modifies a judgment entered on (date):
- b.  The parties were married for (specify numbers): years months.
- c.  The parties were registered as domestic partners or the equivalent on (date):
- d.  The parties are both self-supporting, based on Declaration for Default or Uncontested Dissolution or Legal Separation (form FL-170).
- e.  The marital standard of living was (describe):

See Attachment 3e.

**THE COURT ORDERS**

4.  The issue of spousal or partner support for the  petitioner  respondent is reserved for a later determination.

5.  The court terminates jurisdiction over the issue of spousal or partner support for the  petitioner  respondent.

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

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

Other (specify):

b.  Support must be paid by check, money order, or cash. The support payor's obligation to pay support will terminate on the death, remarriage, or registration of a new domestic partnership of the support payee.

c.  An earnings assignment for the foregoing support will issue. (Note: The payor of spousal, family, or partner support is responsible for the payment of support directly to the recipient until support payments are deducted from the payor's earnings, and for any support not paid by the assignment.)

d.  Service of the earnings assignment is stayed provided the payor is not more than (specify number): days late in the payment of spousal, family, or partner support.

**THIS IS A COURT ORDER.**

PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT:	CASE NUMBER:
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7.  The  petitioner  respondent should make reasonable efforts to assist in providing for his or her support needs.
8.  The parties must promptly inform each other of any change of employment, including the employer's name, address, and telephone number.
9.  This order is for family support. Both parties must complete and file with the court a *Child Support Case Registry Form* (form FL-191) within 10 days of the date of this order. The parents must notify the court of any change of information submitted within 10 days of the change by filing an updated form. A *Notice of Rights and Responsibilities (Health-Care Costs and Reimbursement Procedures) and Information Sheet on Changing a Child Support Order* (form FL-192) is attached.
10.  Notice: If this form is attached to *Restraining Order After Hearing (CLETS-OAH) (Order of Protection)* (form DV-130), the orders issued on this form (FL-343) do not expire upon termination of the restraining orders issued on form DV-130.
11.  Other orders (*specify*):

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

**THIS IS A COURT ORDER.**

## Item SPR11-45 Response Form

**Title:** **Family Law: Default and Uncontested Judgment Checklist and Related Forms** (adopt Cal. Rules of Court, rules 5.405, 5.407, and 5.409; approve forms FL-157 and FL-182; revise FL-170, FL-180, FL-341, FL-342, and FL-343)

- 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](http://www.courts.ca.gov/policyadmin-invitationstocomment.htm)

Email: [invitations@jud.ca.gov](mailto: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

<b>DEADLINE FOR COMMENT: 5:00 p.m., Monday, June 20, 2011</b>
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*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.*