



Judicial Council of California · Administrative Office of the Courts

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on: December 13, 2011

Title

Family Law: Default and Uncontested
Judgment Checklist and Related Forms

Agenda Item Type

Action Required

Effective Date

July 1, 2012

Rules, Forms, Standards, or Statutes Affected
Adopt rules 5.405, 5.407, and 5.409; approve
form FL-182; and revise forms FL-170, FL-
180, FL-341, FL-342, and FL-343

Date of Report

November 3, 2011

Recommended by

Family and Juvenile Law Advisory
Committee

Hon. Kimberly J. Nystrom-Geist, Cochair
Hon. Dean Stout, Cochair

Contact

Deborah J. Chase, 415-865-7598,
deborah.chase@jud.ca.gov

Elkins Family Law Implementation Task
Force

Hon. Laurie D. Zelon, Chair

Executive Summary

The Family and Juvenile Law Advisory Committee and the Elkins Family Law Implementation Task Force recommend that the Judicial Council, effective July 1, 2012, adopt rules 5.405, 5.407, and 5.409 of the California Rules of Court to set out consistent statewide standards for court review of judgments in dissolution or legal separation cases submitted by declaration under Family Code section 2336. The task force and the committee also recommend that the council, effective July 1, 2012, approve one new form and revise five forms to facilitate statewide simplification of the process for obtaining default and uncontested judgments. This proposal implements recommendation 1E of the Elkins Family Law Task Force's *Final Report and*

Recommendations,¹ which calls for a consistent statewide procedure for submitting and filing defaults and uncontested judgments by declaration under Family Code section 2336.

Recommendation

The Family and Juvenile Law Advisory Committee and the Elkins Family Law Implementation Task Force recommend that the Judicial Council, effective July 1, 2012, adopt the proposal set out as follows:

1. Adopt rules 5.405², 5.407³, and 5.409⁴ of the California Rules of Court;
2. Approve the following new forms; and
 - *Judgment Checklist—Dissolution/Legal Separation* (form FL-182)
3. Revise the following forms.
 - *Declaration for Default or Uncontested Dissolution or Legal Separation* (form FL-170)
 - *Judgment* (form FL-180)
 - *Child Custody and Visitation Order Attachment* (form FL-341)
 - *Child Support Information and Order Attachment* (form FL-342)
 - *Spousal, Partner, or Family Support Order Attachment* (form FL-343)

The text of the rules is attached at page 11. The forms are attached at pages 12-27.

Previous Council Action

On April 23, 2010, the council accepted the Elkins Family Law Task Force's *Final Report and Recommendations*, which recommended the establishment of a consistent statewide procedure for submitting and filing judgments based on defaults or uncontested judgments under Family Code section 2336.

There has been no previous council action on rules 5.405, 5.407, and 5.409. There has also been no previous council action on the new forms *Judgment Checklist—Dissolution/Legal Separation* (form FL-182).

The *Declaration for Default or Uncontested Dissolution or Legal Separation* (form FL-170) was adopted by the council for mandatory use revised by the council effective January 1, 2007.

¹ This report may be found at <http://www.courts.ca.gov/documents/elkins-finalreport.pdf>

² Rule 5.405 is numbered to be consistent with a pending proposal for renumbering the California Rules of Court for family law. Should the Judicial Council decline to approve the proposed renumbering, rule 5.405 would then become rule 5.146 to make it consistent with the existing numbering pattern.

³ Rule 5.407 would become rule 5.147 as set out above.

⁴ Rule 5.409 would become rule 5.148 as set out above.

Judgment (form FL-180) was adopted by the council for mandatory use revised by the council effective January 1, 2007. *Child Custody and Visitation Order Attachment* (form FL-341) was approved by the council for optional use revised by the council effective July 1, 2006. *Child Support Information and Order Attachment* (form FL-342) was adopted by the council for mandatory use revised by the council effective January 1, 2010. *Spousal, Partner, or Family Support Order Attachment* (form FL-343) was approved by the council for optional use revised by the council effective January 1, 2005.

Rationale for Recommendation

A key finding in the Elkins Family Law Task Force's *Final Report and Recommendations* 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. In some of the larger courts, the requirements are inconsistent from one court location to another within the same county. Rules and practices differ in what documents are required, the way documents are to be completed, and the way they are processed. Locally, changes tend to occur frequently as judges rotate in and out of family law assignments and procedures are adjusted to accommodate their preferences. Courts have developed a wide array of local forms to reflect these changes, not all of which are consistent with each other.

These changing and differing procedures and use of local forms significantly increases the workload on court staff. It is not always simple for staff to determine which procedures should be applied. Each time a change is made, protocols must be revised and staff trained. New local forms may be needed. Attorneys and self-represented litigants must be informed of the new procedures, and the amount of incomplete or inaccurate paperwork submitted is increased during the transition period.

Frequent change and inconsistency within a court, and among venues, creates confusion and frustration for attorneys and litigants who often have trouble getting adequate information about local requirements and complying with them. The resulting errors and omissions in the paperwork submitted greatly inflate staff workload. The majority of judgments in family law are submitted through the default or uncontested process. The amount of staff time it takes to review the paperwork is multiplied each time a set of papers is rejected and re-submitted. Many courts are simply unable to process these judgments in a timely manner. Some report that they are up to 6 months behind in processing default and uncontested judgments. Others report that they are forced to reject up to 60 percent of the submitted paperwork – many rejected multiple times. This revolving door of rejected and re-submitted default and uncontested judgment paperwork frequently causes the same case to be reviewed by staff repeatedly.

The consequences to the public are equally challenging. The ability of self-represented litigants to work their way through this process without help is limited. Even when they are in agreement about the terms of their final judgment, they have trouble negotiating the process by which they can get their agreement accepted by the court. For those with attorneys, the complexity of the process from place to place can increase their attorney fees.

In July 2010, the Elkins Family Law Implementation Task Force was appointed to help implement the recommendations in the report. To implement recommendation 1E, the task force assembled a working group comprised of court managers, self-help attorneys, and judicial officers from 11 courts⁵ to work on statewide standards for processing default and uncontested judgments. The group reviewed local rules and forms from every court in the state and developed the proposed new rules and new and revised forms.

The rules set out a set of stable parameters for the forms that courts may require in order to complete a default and uncontested judgment. The rules also require that a complete review of the paperwork be completed the first time it is submitted so that all errors and omissions are identified during the initial review thereby reducing the number of times the paperwork must be handled. It also provides information to the public about the forms that may be required. These rules and forms are intended to replace a variety of local practices and forms now in use throughout the state and to provide court staff and the public with a stable and consistent structure.

California Rules of Court

Rule 5.405.

Rule 5.405 identifies a new form, *Judgment Checklist* (form FL-182), that sets out a list of documents that courts may require litigants or their attorneys to submit in order to complete a judgment based on a default or an uncontested judgment by declaration under Family Code section 2336. It prohibits courts from requiring any forms or attachments that are not specified on the checklist. The purpose of this rule is to reduce or eliminate the use of various different local forms.

The *Judgment Checklist—Dissolution/Legal Separation* (form FL-182) does not mandate courts to require all the items on the checklist. It is intended only to limit which forms and attachments courts can require, so the list is quite comprehensive. The task force and the committee intend that courts maintain some local flexibility in how the checklist is used. Whether or not a particular form on the checklist is required will be determined by California law, the California Rules of Court, and local rules.

Rule 5.407.

Rule 5.407 requires the court, once there is a valid proof of service in the file, to conduct a complete procedural review of the judgment and supporting documents so that all errors and omissions can be identified and the attorneys or self-represented litigants notified of any defects. When the court notifies the filer about defects in the submitted documents, that notice must also contain basic information about how to make necessary corrections.

⁵ The Superior Courts of Fresno, Los Angeles, Orange, Placer, Siskiyou, San Diego, San Luis Obispo, Santa Clara, Sonoma, Tulare, and Ventura Counties.

This rule is intended to eliminate the time wasted by returning default and uncontested judgment paperwork to litigants or their attorneys time and again without having made a complete review of the documents in the first place. When court employees reject paperwork based on the first procedural error identified and return it without completing a review for additional errors, there is created a revolving door of paperwork submissions that seriously increases staff workload, and requires multiple filings by attorneys and self-represented litigants.

Rule 5.409.

Rule 5.409 requires the court to decide on a case-by-case basis whether to hold a hearing in a default or uncontested case submitted based on declarations under Family Code section 2336. Rule 5.409 would not permit courts to adopt a local rule that requires appearances at hearings in all such cases. There are always cases in which judicial officers will elect to conduct a hearing to question litigants; however, not all cases require *voire dire* of the parties and can be simply processed without the need of coming to court.

Forms

Judgment Checklist—Dissolution/Legal Separation (form FL-182).

Judgment Checklist—Dissolution/Legal Separation (form FL-182) is an optional form that sets out the documents that courts may require for completion of a default or uncontested judgment in a dissolution or legal separation on the basis of declaration.

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

The committee and task force propose revisions to this form to increase the information provided to the court when litigants request a default or uncontested judgment. The additional information will replace a variety of local requirements.

- The section on child custody and visitation (parenting time) has been expanded to include information on the current schedule for the children, identification of any current orders in the case (or in another case), and space for facts supporting the request.
- The section on child support has been expanded to include the attachment of a printout of guideline support, information about the earning capacity of the opposing party, and identification of any current child support orders in the case (or in another case).
- The section on spousal/partner support has been expanded to include the attachment of the new *Spousal or Partner Support Declaration Attachment* (form FL-157) and additional space for facts supporting the request.
- The section on parentage has been expanded to include attachment of a Voluntary Declaration of Paternity or identification of any other case in which parentage has been established.
- The item on attorney fees has been expanded to permit attachment of the new *Request for Attorney Fees and Costs* (form FL-319) and add space for facts in support of the request.
- The section on nunc pro tunc judgments has been expanded to provide space for facts in support of the request.

- The language on the form describing the applicable case types has been revised to be consistent with *Judgment Checklist* (form FL-182).

Judgment (form FL-180).

The task force and the committee propose revisions to expand the information contained in the judgment form.

- The caption of the form now identifies the case type as “Marriage/Partnership of” instead of “Marriage of.”
- In the section on child support, a check box has been added to indicate if child support has been ordered in a different case.
- In the section on spousal, partner, and family support, a new check box has been added to indicate if support is being reserved and another to indicate if support is terminated.
- A new section on attorney fees and costs includes the option of attaching *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 (form FL-341).

The task force and the committee recommend the following revisions to *Child Custody and Visitation Order Attachment* (form FL-341):

- The term “visitation” has been replaced with “Visitation (Parenting Time).”
- In the section addressing transportation for visitation (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 check box has been deleted.
- Additionally, in the transportation section, the language about visitation (parenting time) exchanges has been changed to clarify exactly what is meant. The current wording referring to “pick-up” and “drop-off” is potentially confusing, so orders about exchanges would now refer to “the exchange point at the beginning of the visit” and “the exchange point at the end of the visit.”
- The sections on additional custody provisions have been expanded to include space to set out those provisions on the form.
- The statutory language under Family Code section 3048 has been moved to the top of the form so it will be less likely that the requisite check box will be overlooked.

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

The task force and the committee recommend the following revisions to *Child Support Information and Order Attachment* (form FL-342):

- The section for nonguideline 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.

- The item titled Required Attachments has been renamed “Notices” 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).
- A new section has been added that allows the court to attach form FL-192 if the parties have inadvertently neglected to attach it. It is an informational form only and just as easily attached by the court as by the litigant.
- A new section has been added to advise 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 (form FL-343).

The task force and the committee recommend the following revisions to *Spousal, Partner, or Family Support Order Attachment* (form FL-343):

- The requirement of an attachment of a computer printout for calculation is optional and only applies to temporary spousal support.
- In the section on 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 revised *Declaration for Default or Uncontested Dissolution or Legal Separation* (form FL-170). The revised 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 an attached *Spousal or Partner Support Declaration Attachment* (form FL-157).
- 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.

Comments, Alternatives Considered, and Policy Implications

Comments

The invitation to comment on the proposal was circulated from April 21 to June 20, 2011, to the standard mailing list for family and juvenile law proposals as well as to the regular rules and forms mailing list. These distribution lists include judges, court administrators, attorneys, mediators, family law facilitators and self-help center attorneys, and other family law professionals and attorney organizations.

There were 30 comments on the proposal. Of those, 7 agreed with the proposal, 16 agreed if modified, 3 disagreed, and 4 did not state a position.

There were 11 comments from attorney organizations that included the Association of Family Law Specialists, Family Violence Law Center, Harriett Buhai Center for Family Law, Los Angeles Center for Law and Justice, Los Angeles Neighborhood Legal Services, State Bar

Standing Committee on Delivery of Legal Services, State Bar Family Law Executive Committee, and local bar associations from Los Angeles, Orange and Sonoma Counties.⁶ Of these comments, 5 agreed with the rule and 6 agreed if modified. There were also 3 individual attorneys who either agreed or agreed if modified. No attorneys disagreed with the proposal.

There were 12 comments from California superior courts, including those Amador, Monterey, Orange, Riverside, San Bernardino, San Diego, San Francisco, Santa Clara, Shasta, and Ventura Counties.⁷ Of these comments, 1 agreed, 7 agreed if modified, 2 disagreed, and 2 did not state a position. There were also 2 individual court employees who did not state positions, and one court commissioner who disagreed with the proposal.

The Trial Court Presiding Judges Advisory Committee (TCPJAC) and Court Executives Advisory Committee (CEAC) Joint Rules Working Group commented on the proposal and agreed with it if modified. This group asked that the language in rule 5.407 make clear that the rule addresses a procedural review that can be performed by court staff, and not judicial review. The task force and the committee agree and have clarified this point in the rule. Otherwise, the TCPJAC and CEAC Working Group agreed with the rules and forms and pointed out that use of a standardized checklist will streamline the process around the state and make reviewing submitted judgments more efficient.

Several attorney and court commentators interpreted the rule as mandating the courts to require the items listed on *Judgment Checklist—Dissolution/Legal Separation* (form FL-182) and proceeded to discuss the fact that some items may not be required in all cases. These commentators are correct that not all the forms on this checklist are always required. The task force and committee do not intend the rule to create such a requirement. As stated previously, the purpose of the rule 5.405 is to limit the forms that courts may require, not mandate the courts to require them. Whether or not forms are required remains controlled by California law, the California Rules of Court, and local rules. The task force and committee have revised the language in the rule to clarify its purpose.

Several attorney and court commentators also pointed out that language on *Judgment Checklist—Dissolution/Legal Separation* (form FL-182) made its use as an optional form confusing. The task force and the committee agree and have revised the form to remove the confusing language.

Comments from both attorneys and courts requested that *Declaration for Default or Uncontested Dissolution or Legal Separation* (form FL-170) include options in the child custody and child support sections for attaching declarations with supporting facts. The task force and the committee agree and these options have been added. Similar additions have been made to *Judgment* (form FL-180) allowing for orders for custody and child support to be attached along

⁶ One of the local bar associations submitted two separate comments.

⁷ Two of the courts submitted two separate comments.

with the requirement that all statutory language be included. Also in response to comments, additional space has been provided on *Declaration for Default or Uncontested Dissolution or Legal Separation* (form FL-170) to set out current custody and visitation schedules or orders. In the section on attorney fees, the specific reference to fees of over \$2,000 has been deleted.

The task force and the committee agreed with commentators who asked that *Child Custody and Visitation Order Attachment* (form FL-341) be an optional form. Several of the attorney commentators also pointed out that the language on *Spousal, Partner, or Family Support Order Attachment* (form FL-343) stating the events that terminate the obligation to pay support was inaccurate, so the form has been revised to include termination at the death of either party.

There were some requests for additions or modifications to the forms with which the task force and the committee did not agree. For example, one commentator wanted information about fee waivers to be included on a form; however, that information (other than an order for a fee waiver) is mandated to be confidential. Three commentators wanted to add *Child Support Registry Form* (form FL-191) to the checklist; however, California law does not require it to be filed until 10 days after entry of judgment.

One court commentator disagreed with the proposal and objected to making *Judgment Checklist—Dissolution/Legal Separation* (form FL-182) mandatory. The court went on to disagree with items interpreted to be required by the checklist. The checklist is actually optional and courts are not mandated to require the items on it. One other court disagreed with the proposal stating that there was no necessity to address the inconsistency among courts because most attorneys only practice in one county. The task force and the committee do not find this to be representative of the experiences of attorneys throughout the state or for self-represented litigants. One individual court commissioner disagreed with the proposal and expressed the opinion that rule 5.407 would increase court staff workload because it is not actually necessary for the court to review stipulated judgments in family law.

There were many suggestions about grammatical issues, and formatting of the forms, some of which were adopted by the task force and the committee as set out in the comment chart.

Alternatives Considered

The Elkins Family Law Implementation Task Force and the Family and Juvenile Law Advisory Committee considered the following options, and recommend that the council adopt Option 3.

Option 1: Take no action. The task force and the committee considered taking no action; however, recommendation 1E of the Elkins Family Law Task Force's *Final Report and Recommendations* calls for a consistent statewide procedure for submitting and filing defaults and uncontested judgments by declaration under Family Code section 2336. As noted by the Trial Court Presiding Judges Advisory Committee (TCPJAC) and Court Executives Advisory Committee (CEAC) Joint Rules Working Group, a standard checklist will save the courts time in handling uncontested cases by lessening the number of rejections.

Option 2: Adopt the rules 5.405, 5.407, and 5.409 and related forms as circulated. The proposal as circulated creates a set of new rules and new and revised forms that will replace a variety of inconsistent local rules and forms addressing the processing of default and uncontested judgments in dissolution and legal separation cases. It does create a consistent set of statewide standards for court review of judgments in dissolution or legal separation cases submitted by declaration under Family Code section 2336. The proposal will simplify the process throughout the state and facilitate increased efficiency for court staff and greater service to the public.

Option 3: Adopt the rules 5.405, 5.407, and 5.409 and related forms as modified. This option incorporates the suggestions of commentators as set out above to the proposal as circulated. These revisions will help clarify the purpose of the rules, and increase the effectiveness of the forms in daily court practice. There are no significant substantive changes to the rules or forms as circulated. The task force and the committee see no potential controversy in any of the revisions described above.

Implementation Requirements, Costs, and Operational Impacts

The task force and the committee do not anticipate any implementation requirements or costs associated with this proposal. The overall operational impact should result in a time savings for court staff. The task force and the committee agree with the TCPJAC and CEAC Joint Rules Working Group that the courts should realize savings as a result of the implementation of these rules and forms. .

Relevant Strategic Plan Goals and Operational Plan Objectives

These recommendations serve Goal I: Access, Fairness and Diversity, in that barriers to obtaining judgments in family law cases are significantly reduced and public trust and confidence in the court will be increased.

These recommendations also serve Goal III. B: Modernization of Management and Administration, by implementing effective practices to foster the fair, timely, and efficient processing and resolution of all cases. The opportunity to direct litigants to standardized forms and instructions should save significant time for clerks, self-help staff and judges in uncontested matters.

These recommendations also serve Goal IV: Quality of Justice and Service to the Public, by implementing more effective practices in the high-volume family law court to enhance procedural fairness and reduce the time and expense of court proceedings.

Attachments

1. California Rules of Ct. 5.405, 5.407, and 5.409, at page 11
2. Forms FL-170; FL-180; FL-182; FL-341; FL-342; FL-343 at pages 12-27
3. Chart of Comments, at pages 28-92

California Rules of Court, rules 5.405, 5.407, and 5.409 are adopted effective July 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 that courts may require to complete a judgment based on default or
5 uncontested judgment in dissolution or legal separation cases based on a
6 declaration under Family Code section 2336. The court may not require any
7 additional forms or attachments.
8
9

10 **Rule 5.407. Review of judgments based on default and uncontested**
11 **judgments submitted by declaration under Family Code section 2336**

12
13 Once a valid proof of service of summons has been filed with the court or
14 respondent has made a general appearance in the case:
15

16 **(a) Court review**

17
18 The court must conduct a procedural review all the documents submitted for
19 judgment based on default or uncontested judgments submitted under Family
20 Code section 2336 and notify the attorneys or self-represented litigants who
21 submitted them of all identified defects.
22

23 **(b) Notice of errors and omissions**

24
25 Basic information for correction of the defects must be included in any
26 notification to attorneys or self-represented litigants made under (a).
27

28 **Rule 5.409. Default and uncontested hearings on judgments submitted on the**
29 **basis of declarations under Family Code section 2336**

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

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 DRAFT Not approved by the Judicial Council
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER: RESPONDENT:	
DECLARATION FOR DEFAULT OR UNCONTESTED <input type="checkbox"/> DISSOLUTION <input type="checkbox"/> LEGAL SEPARATION	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 a written 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 a written 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 on the *Stipulation and Waiver of Final Declaration of Disclosure* (form FL-144), in the settlement agreement or proposed judgment or another, separate stipulation.

PETITIONER: RESPONDENT:	CASE NUMBER:
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6. **Child custody and visitation (parenting time)** 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 time in another case in *(county)*:
The case number is *(specify)*:
- c. The current custody and visitation (parenting time) previously ordered in this case, or current schedule is *(specify)*:
 Contained on Attachment 6c.
- d. Facts in support of requested judgment *(In a default case, state your reasons below)*:
 Contained on Attachment 6d.

7. **Child support** should be ordered as set forth in the proposed *Judgment* (form FL-180).
- a. If there are minor children, check and complete item (1) if applicable and item (2) or (3):
- (1) Child support is being enforced in another case in *(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 or partner 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)
 written agreement
 attached declaration *(Attachment 8d.)*
- e. Family support should be ordered as set forth in the proposed *Judgment* (form FL-180).
- f. Other *(specify)*:

PETITIONER: RESPONDENT:	CASE NUMBER:
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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* (form FL-180).
- a. A Voluntary Declaration of Paternity is attached.
- b. Parentage was previously established by the court in (*county*):
 The case number is (*specify*):
- Written agreement of the parties attached here or to the *Judgment* (form FL-180).
10. **Attorney fees** should be ordered as set forth in the proposed *Judgment* (form FL-180)
- facts in support in form FL-319
- other (*specify facts below*):

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> _____	FOR COURT USE ONLY <h2 style="margin: 0;">DRAFT</h2> <h2 style="margin: 0;">Not Approved by 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: RESPONDENT:	
<div style="text-align: center;">JUDGMENT</div> <input type="checkbox"/> DISSOLUTION <input type="checkbox"/> LEGAL SEPARATION <input type="checkbox"/> NULLITY <input type="checkbox"/> Status only <input type="checkbox"/> Reserving jurisdiction over termination of marital or domestic partnership status <input type="checkbox"/> Judgment on reserved issues Date marital or domestic partnership status ends:	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 Agreement in court
 - 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: _____
---	---------------------------

4. i. 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
- j. Child custody and visitation (parenting time) are ordered as set forth in the attached _____
- (1) Settlement agreement, stipulation for judgment, or other written agreement which contains the information required by Family Code section 3048(a).
- (2) *Child Custody and Visitation Order Attachment* (form FL-341).
- (3) *Stipulation and Order for Custody and/or Visitation of Children* (form FL-355).
- (4) Previously established in another case. Case number: _____ Court: _____
- k. Child support is ordered as set forth in the attached _____
- (1) Settlement agreement, stipulation for judgment, or other written agreement which contains the declarations required by Family Code section 4065(a).
- (2) *Child Support Information and Order Attachment* (form FL-342).
- (3) *Stipulation to Establish or Modify Child Support and Order* (form FL-350).
- (4) Previously established in another case. Case number: _____ Court: _____
- l. 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): _____
- m. 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): _____
- n. Attorney fees and costs are ordered as set forth in the attached _____
- (1) Settlement agreement, stipulation for judgment, or other written agreement.
- (2) *Attorney Fees and Costs Order* (form FL-346).
- (3) Other (specify): _____
- o. 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> _____	FOR COURT USE ONLY DRAFT Not approved by the Judicial Council
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER: RESPONDENT:	
JUDGMENT CHECKLIST— DISSOLUTION/LEGAL SEPARATION	CASE NUMBER:

This judgment checklist is a list of documents that a court may require to complete a default or uncontested judgment. The checklist may be filed along with your judgment, but is not required. If the forms or other documents have already been filed, you should check the boxes indicating that they have been previously filed. Unless listed otherwise on this form, when you file a document with the court, you should submit an original and 2 copies. One copy is for you and one is for the other party. There are three types of default and uncontested judgments:

- **Default With No Agreement (no response and no written agreement)**
- **Default With Agreement (no response, but there is a written agreement)**
- **Uncontested Case (response filed, or other appearance by respondent, and a written agreement)**

1. **DEFAULT WITH NO AGREEMENT (no response and no written agreement)**
(Please check the box by each document being filed) Previously Filed
- | | |
|---|--------------------------|
| a. <input type="checkbox"/> <i>Proof of Service of Summons</i> (form FL-115) or other proof of service | <input type="checkbox"/> |
| b. <input type="checkbox"/> <i>Request to Enter Default</i> (form FL-165), with a stamped envelope addressed to respondent and the court clerk's address as the return address | <input type="checkbox"/> |
| c. <input type="checkbox"/> <i>Petitioner's Declaration Regarding Service of Declaration of Disclosure</i> (form FL-141) | <input type="checkbox"/> |
| d. <input type="checkbox"/> <i>Declaration for Default or Uncontested Dissolution or Legal Separation</i> (form FL-170) | |
| e. <input type="checkbox"/> <i>Judgment</i> (form FL-180) (5 copies) | |
| f. <input type="checkbox"/> <i>Notice of Entry of Judgment</i> (form FL-190) | |
| g. <input type="checkbox"/> 2 stamped envelopes of sufficient size and with sufficient postage to return the <i>Judgment</i> and <i>Notice of Entry of Judgment</i> , one envelope addressed to petitioner and the other to respondent. | |
- If there are minor children of the marriage or domestic partnership:**
- | | |
|---|--------------------------|
| h. <input type="checkbox"/> <i>Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)</i> (form FL-105).
<i>(A new form must be filed if there have been any changes since the one most recently filed.)</i> | <input type="checkbox"/> |
| i. <input type="checkbox"/> <i>Petitioner's Income and Expense Declaration</i> (form FL-150) or <i>Financial Statement (Simplified)</i> (form FL-155). <i>(Needed unless one has been filed within the past 90 days and there have been no changes since then.)</i> | <input type="checkbox"/> |
| j. <input type="checkbox"/> Computer printout of guideline child support <i>(optional)</i> | |
| k. <input type="checkbox"/> <i>Notice of Rights and Responsibilities and Information Sheet on Changing a Child Support Order</i> (form FL-192). This may be attached by the petitioner or by the court. | |

PETITIONER:	CASE NUMBER:
RESPONDENT:	

Previously Filed

- l. Child Support Order
 - Stipulation to Establish or Modify Child Support and Order (form FL-350) (attach to Judgment), or
 - Child Support Information and Order Attachment (form FL-342) (attach to Judgment), or
 - Written agreement containing declarations required by Family Code section 4065(a) (attach to Judgment)
- m. Income Withholding for Support (form FL-195/OMB No. 0970-0154)
- n. Child Custody and Visitation (Parenting Time) Order Attachment (form FL-341) or other proposed written order containing the information required by Family Code 3048(a) (attach to Judgment)

If spousal/partner support is requested, the marriage/partnership is over 10 years in duration, or termination of spousal/partner support for the respondent is requested:

- o. Spousal or Partnership Support Declaration Attachment (form FL-157)
- p. Income and Expense Declaration (form FL-150) (Needed unless a current financial declaration has been filed within the past 90 days and there have been no changes since then.)
- q. Spousal, Partner, or Family Support Order Attachment (form FL-343) or other proposed written order (attach to Judgment)

If assets or debts need to be divided or assigned:

- r. Property Declaration (form FL-160)
- s. Property Order Attachment to Judgment (form FL-345) or other proposed written order (attach to Judgment)

If attorney fees and costs are requested:

- t. Request for Attorney Fees and Costs (form FL-319)
- u. Attorney Fees and Costs Order Attachment (form FL-346) or other proposed written order (attach to Judgment)

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

- a. Proof of Service of Summons (form FL-115) or other proof of service
- b. Request to Enter Default (form FL-165), with a stamped envelope addressed to respondent and the court clerk's address as the return address
- c. Petitioner's Declaration Regarding Service of Declaration of Disclosure (form FL-141) (preliminary)
- d. Declaration Regarding Service of Final Declaration of Disclosure
 - Petitioner's Declaration Regarding Service of Declaration of Disclosure (form FL-141) (final) or
 - Stipulation and Waiver of Final Declaration of Disclosure (form FL-144) or
 - Separately filed waiver or waiver included in a written agreement under Family Code section 2105(d)
- e. Declaration for Default or Uncontested Dissolution or Legal Separation (form FL-170)
- f. Written agreement of the parties. Respondent's signature on the agreement must be notarized. (attach to Judgment.)
- g. Judgment (form FL-180) (5 copies)
- h. Notice of Entry of Judgment (form FL-190)
- i. 2 stamped envelopes of sufficient size and with sufficient postage to return the Judgment and Notice of Entry of Judgment, one envelope addressed to petitioner and the other to respondent

If there are minor children of the marriage or domestic partnership:

- j. Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) (form FL-105).
(A new form must be filed if there have been any changes since the one most recently filed.)
- k. Income and Expense Declaration (form FL-150) or Financial Statement (Simplified) (form FL-155).
(Needed unless one has been filed within the past 90 days and there have been no changes since then.)

PETITIONER:	CASE NUMBER:
RESPONDENT:	

Previously Filed

- l. Computer printout of guideline child support (*optional*).
- m. *Notice of Rights and Responsibilities and Information Sheet on Changing a Child Support Order* (form FL-192). This may be attached by the petitioner or by the court.
- n. Child Support Order
 - Stipulation to Establish or Modify Child Support and Order* (form FL-350) (*attach to Judgment*), or
 - Child Support Information and Order Attachment* (form FL-342) (*attach to Judgment*), or
 - Written agreement containing declarations required by Family Code section 4065(a) (*attach to Judgment*)
- o. *Income Withholding for Support* (form FL-195/OMB No. 0970-0154)
- p. *Child Custody and Visitation Order Attachment* (form FL-341) or written agreement containing the information required by Family Code section 3048(a) (*attach to Judgment*)

3. **UNCONTESTED CASE (Response filed, or other appearance by respondent, and a written agreement)**

- a. *Proof of Service of Summons* (form FL-115) or other proof of service if you want to use the date of service as the beginning of the six-month waiting period.
- b. *Appearance, Stipulations, and Waivers* (form FL-130)
- 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 Declaration of Disclosure* (**both** petitioner's and respondent's preliminary) (form FL-141)
- e. Declaration Regarding Service of Final Declaration of Disclosure
 - Declaration Regarding Service of Declaration of Disclosure* (**both** petitioner's and respondent's final) (form FL-141), or
 - Stipulation and Waiver of Final Declaration of Disclosure* (form FL-144), or
 - Separately filed waiver or waiver included in a written agreement under Family Code section 2105(d)
- f. *Declaration for Default or Uncontested Dissolution or Legal Separation* (form FL-170)
- g. Written agreement of the parties (*attach to Judgment*)
- h. *Judgment* (form FL-180) (*5 copies*)
- i. *Notice of Entry of Judgment* (form FL-190)
- j. 2 stamped envelopes of sufficient size and with sufficient postage to return the *Judgment* and *Notice of Entry of Judgment*, one envelope addressed to petitioner and the other to respondent

If there are minor children of the marriage or domestic partnership:

- k. *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)* (form FL-105).
(*A new form must be filed if there have been any changes since the one most recently filed.*)
- l. Computer printout of guideline child support (*optional*)
- m. *Notice of Rights and Responsibilities and Information Sheet on Changing a Child Support Order* (form FL-192). This may be attached by either party or by the court.
- n. Child Support Order
 - Stipulation to Establish or Modify Child Support and Order* (form FL-350) (*attach to Judgment*) or
 - Child Support Information and Order Attachment* (form FL-342) (*attach to Judgment*), or
 - Written agreement which includes declarations required by Family Code section 4065(a) (*attach to Judgment*)
- o. *Income Withholding for Support* (form FL-195/OMB No. 0970-0154)
- p. *Child Custody and Visitation Order Attachment* (form FL-341) or written agreement containing the information required by Family Code section 3048(a) (*attach to Judgment*)

PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT:	CASE NUMBER:
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7. e. (2) **Alternate weekends starting (date):**

The petitioner respondent other (name): will have the children with him or her during the period from _____ at _____ a.m. _____ p.m. (day of week) (time) to _____ at _____ a.m. _____ p.m. (day of week) (time)

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

The petitioner respondent other (name): will have the children with him or her during the period from _____ at _____ a.m. _____ p.m. (day of week) (time) to _____ at _____ a.m. _____ p.m. (day of week) (time)

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

See Attachment 7e(4).

8. **The court acknowledges** that criminal protective orders in case number (specify): _____ in (specify court): _____ relating to the parties in this case are in effect under Penal Code section 136.2, are current, and have priority of enforcement.

9. **Supervised visitation.** Until further order of the court other (specify): _____ the petitioner respondent other (name): _____ will have supervised visitation with the minor children according to the schedule

set forth on page 1. **(You must attach Supervised Visitation Order (form FL-341(A).)**

10. **Transportation for visitation**

a. The children must be driven only by a licensed and insured driver. The car or truck must have legal child restraint devices.

b. Transportation **to** the visits will be provided by the petitioner respondent other (specify): _____

c. Transportation **from** the visits will be provided by the petitioner respondent other (specify): _____

d. The exchange point at the beginning of the visit will be at (address): _____

e. The exchange point at the end of the visit will be at (address): _____

f. During the exchanges, the parent driving the children will wait in the car and the other parent will wait in his or her home while the children go between the car and the home.

g. Other (specify): _____

11. **Travel with children.** The petitioner respondent other (name): _____ **must** have written permission from the other parent or a court order to take the children out of

a. the state of California.

b. the following counties (specify): _____

c. other places (specify): _____

THIS IS A COURT ORDER.

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 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

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

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**

	<u>Gross monthly</u> <u>income</u>	<u>Net monthly</u> <u>income</u>	<u>Receiving</u> <u>TANF/CalWORKS</u>
a. Each parent's monthly income is as follows:			
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):

THIS IS A COURT ORDER.

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

6. b. 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*):

c. 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*):

d. 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*):

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

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. *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 (form FL-340) Judgment (form FL-180)
 Restraining Order After Hearing (CLETS-OAH) (form DV-130) Other (specify):
 Stipulation of Parties

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/CalWORKS	\$	\$	\$	\$
b. Respondent:	<input type="checkbox"/> receiving TANF/CalWORKS	\$	\$	\$	\$

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

See Attachment 3d.

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 of either party, 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.

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

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	Commentator	Position	Comment	Committee Response
1.	Association of Certified Family Law Specialist (ACFLS) Diane Wasznicky, President, ACFLS San Rafael	AM	FL- 343: A. Number 3 under "The Court Finds" portion should include a box that states the parties entered into a stipulation. B. Number 6(b) under "The Court Orders" portion should state that the obligation to pay support terminates on the death of either party, not just payee.	The modifications suggested by the commentator will be made.
2.	Hon. John Chemeleski, Trial Court Commissioner Superior Court of Los Angeles County Long Beach	N	Objections to proposal SPR11-45: Rule 5.407(a): The language requiring the court to review documents is ambiguous and unnecessary and potentially burdensome to the court. It is not necessary in cases of a stipulated judgment or cases where there are other defects or other legal basis to reject the application. Form FL-180: This form needs to provide options to avoid the attachment of documents or orders that may already be in the court's file or of which the content is otherwise included in the	This rule is intended to facilitate court efficiency. The rule seeks to address the time that is wasted by returning default and uncontested paperwork to litigants or their attorneys time and time again without having made a complete review of it in the first place. When court staff rejects paperwork on the basis of the first procedural error identified, and returns it without completing the review for any additional errors, there is created a revolving door of paperwork submissions that wastes everyone's time. Procedural review of stipulated judgments is required to see that all statutory requirements have been met. Judicial officers would be free to include any language they feel appropriate in form FL-180 on Item 4 (q) "Other."

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	Commentator	Position	Comment	Committee Response
			<p>judgment. For example: 4i should state: A settlement agreement between the parties is: () on file herein; () attached; () is the basis for the orders listed herein. 4j should state: The terms of this judgment have been agreed to by the parties as indicated by the signatures of the parties included herein. 4l-q should also omit the word “attached” and provide options for reference to additional pages of the judgment that are not on judicial council forms as well as references to orders that may already be on file on forms such as the FL-341-45 and FL-355 to avoid the necessity of duplicating such orders.</p> <p>Forms FL-341, 342, 343: These forms should not be expanded to 3 pages each. Re-format to get into 2 pages.</p>	<p>This comment will be referred to copyediting to see if the formatting can be changed without affecting the content.</p>
3.	Family Violence Law Center Kristie Whitehorse, Managing Attorney	A	No narrative comment.	No response required.
4.	Harriett Buhai Center for Family Law Erin Dabbs Senior Staff Attorney Los Angeles	AM	<p>Proposed Rule of Court Rule 5.405. Judgment Checklists:</p> <p>We support the Judicial Council’s intention to standardize and simplify the processing of default judgments. We agree that the default judgment checklist may be useful for some litigants and that courts should have discretion over whether or not to require a default hearing.</p>	<p>The proposed format guides the court user through this step-by-step approach in supplying the necessary facts in order for a court to make appropriate orders. However, the option to include a declaration is still available by marking the attachment checkbox.</p>

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	Commentator	Position	Comment	Committee Response
			<p>Declaration for Default or Uncontested Dissolution or Legal Separation (FL-170):</p> <p>Similarly, we appreciate the Judicial Council’s decision to provide additional space on this form for litigants to write in specific information for the court’s review. However, as noted above, our practice is to write one comprehensive declaration covering all issues. The proposed form is structured such that each issue must be discussed on a separate attachment. For example, custody and visitation is to be discussed on attachment 6c, while child support is to be discussed on attachment 7a(3), spousal support on 8g, etc.</p> <p>In practice, we think that this will lead to unnecessary paperwork. To avoid this and to provide greater flexibility in using the form, we suggest that there be a place on the form for litigants to reference an attached declaration on all issues.</p> <p>One option is to add the following language to the end of each section “or attached declaration.” For example, at item 6c, which references facts in support of the request for custody and visitation orders, it could state “Contained on Attachment 6c or attached declaration.” This language could be added at 7a(3) and 8g. This would avoid separate declarations on each issue.</p>	<p>It is agreed that this change will be made.</p> <p>Adding a box for reserved child support is a substantive change that will be referred to the task force and the committee for review and possible inclusion in a future RUPRO cycle.</p>

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	Commentator	Position	Comment	Committee Response
			<p><u>Item 7a - Child Support:</u> Currently, 7a states that if there are minor children, “check and complete item (1) and item (2) or (3). However, in many cases, item (1) will not be relevant as it is only applicable where there is a related child support case. To clarify this, we recommend that the language be changed to state “check and complete item (1) if applicable and item (2) or (3).”</p> <p>Additionally, item 7 does not allow space for a litigant to request that jurisdiction over child support be reserved. However, litigants may have good reason to reserve jurisdiction. They may have no information about where the non-custodial parent works or what he or she earns. The non-custodial parent may receive public benefits and be unable to pay child support. Or, a litigant who is a survivor of domestic violence could simply choose not to pursue child support for the reason that he or she is afraid that further violence will occur if he or she obtains a child support order. For these or other reasons, litigants should have the option to ask the court to reserve jurisdiction over child support. We recommend that item 7a be modified to state “If there are minor children, check and complete item 1 if applicable and item (2), (3) or (4).” Item 4 should state “I request that the court reserve jurisdiction over the issue of child support for the minor child(ren) until said child(ren) dies, marries, reaches the age of majority, is otherwise emancipated, or until</p>	<p>Adding a box for reserved child support is a substantive change that will be referred to the task force and the committee for review and possible inclusion in a future RUPRO cycle.</p>

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	Commentator	Position	Comment	Committee Response
			<p>further order of the court.”</p> <p>Judgment (FL-180):</p> <p><u>Item 4m - Child Support:</u> We agree with the modifications to this item except for the removal of the “Other” option. As noted above in the comments on the <i>Declaration for Default</i> (FL-170), the proposed form revisions have eliminated the option to request a reservation of child support. For the reasons detailed above, we object to this and ask that the “Other” option be returned to the form. In the alternative, we request that the following be added to item 4m: (4) “The court reserve jurisdiction over the issue of child support for the minor child(ren) until said child(ren) dies, marries, reaches the age of majority, is otherwise emancipated, or until further order of the court.”</p> <p>Judgment Checklist (FL-182):</p> <p><u>We think this form is useful, but we strongly object to making its use mandatory.</u></p> <p>This checklist will be useful to savvy self-represented litigants and to legal services providers and court self-help staff. It provides very detailed instructions about what forms need to be filed with each type of default or uncontested judgment. This checklist would be a helpful <i>optional</i> form. Although the form is listed as being approved for optional use, the</p>	<p>Judgment Checklist (form FL-182) is an optional form. The first sentence in the instruction box will be deleted.</p>

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	Commentator	Position	Comment	Committee Response
			<p>text box under the caption states that it “<i>must</i> be completed and filed with the judgment.”</p> <p>We think that this form is far too onerous for the average self-represented litigant and unnecessarily creates more work for self-help and legal services staff. The detail required to complete the form will overwhelm and confuse the average litigant. Moreover, while this form is meant to help litigants submit complete and correct judgments, we worry that it will become yet another reason to reject a proposed judgment. We are concerned that because this form is so detailed, it will be easy for a self-represented litigant to make a mistake, and that mistake will provide an additional reason to kick a proposed judgment.</p> <p>For those litigants being assisted by self-help staff, private attorneys or legal service providers, even if the form is completed correctly and completely, we believe it still presents an unnecessary additional burden. This form appears very time consuming to complete. Most self-help staff and other attorneys likely already have an internal, informal checklist to ensure that all proper steps are taken prior to submitting a proposed judgment. Requiring them to complete an additional form is unduly burdensome.</p> <p>Even if the litigant completes the checklist, the court clerks reviewing the default judgments</p>	

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	Commentator	Position	Comment	Committee Response
			<p>will be required to double check the litigant’s work, unnecessarily duplicating efforts. We do not believe that this form will result in any time-saving as clerks review proposed default judgments.</p> <p>For these reasons, we strongly recommend that this form be approved only for optional use and that the text box under the caption be modified to read “This checklist is an optional form that may be completed and filed along with your judgment. It is designed to help you submit an accurate and complete judgment”</p> <p><u>Notes on the substance of the form:</u> We are attaching a copy of the proposed form with some additional minor edits.</p>	
5.	Robert K. Holmes, CFLS Holmes & Holmes, Attorneys at Law Glendale	A	No narrative comments.	No response required.
6.	Los Angeles Center For Law & Justice Suma Mathai, JD/MSW Supervising Family Law Attorney Los Angeles	AM	<p>Form FL-180</p> <p>We propose the following revisions:</p> <p>Item 4 (k): there should be additional space for multiple children</p> <p>Item 4 (l): add subsection (3) to read “<input type="checkbox"/> The court has no jurisdiction to make orders regarding custody and visitation orders.” and add subsection (4) to read “<input type="checkbox"/> Other: “</p> <p>Item 4 (m): add subsection (4) to read “<input type="checkbox"/> Other: “ in the event that the court has no jurisdiction to make an order or additional information needs to be provided.</p>	<p>The suggestion will be referred to copyediting to see if additional space can be provided.</p> <p>The comment with respect to Item 4(l) will be referred to the task force and the committee for consideration in a future RUPRO cycle. Currently the language set out in the comment can be included in Item 4(q) “Other.”</p>

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	Commentator	Position	Comment	Committee Response
			<p>Form FL-182 A checklist such as this can be very helpful, particularly to self-represented litigants, and we appreciate the time and effort that has obviously been devoted to creating the form. It should be clear from the form, though, that not every form listed is a required form. For example, a Child Custody and Visitation Order attachment may not be needed in a case where the Court has no jurisdiction to make custody orders (i.e. there are custody orders in a dependency case or in another state).</p> <p>In addition, we request the following revisions:</p> <ul style="list-style-type: none"> • Initial bolded instructions - as this is an optional form, the first sentence should be revised to read as follows: “This checklist must be completed and filed along with your Judgment.” <p>Item 1</p> <ul style="list-style-type: none"> • Item 1 (b) – include the following language: “(Envelope to Respondent need not be included in cases proceeding by Publication or Posting.)” • Item 1 (f) - include the following language: “(Envelope to Respondent need not be included in cases proceeding by Publication or Posting.)” • Item 1 (h) – change the last sentence to read: “A current financial declaration must have been filed within the last 90 days if there have been any changes since the filing of the 	<p>The commentator is correct – not every form on the Judgment Checklist would be required in every case. Rule 5.405 simply limits the forms that may be required to those listed on the Judgment Checklist.</p> <p>The commentator is correct that this is an optional form. The first sentence in the instruction box will be deleted.</p> <p>Proposed CRC, Rule 5.72(c)(1) still requires that subsequent forms and notices by mailing in the care of the clerk’s office or other location</p> <p>Proposed CRC, Rule 5.72(c)(1) still requires that subsequent forms and notices by mailing in the care of the clerk’s office or other location</p> <p>Wording on the form has been modified.</p>

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	Commentator	Position	Comment	Committee Response
			<p>previous financial statement and you are requesting child and/or spousal support orders.” We contend that unless the financial information is required for the issuance of a support order, no additional financial statement should be required.</p> <ul style="list-style-type: none"> • Item 1 (j) – delete the checkbox entirely and the parenthetical phrase reading “May be attached by the party or by the court” as this form is required whenever children are involved and it should be clear that the party should attach the form; if it is left as it is, it will be extremely unclear as to whether the party should attach the form or leave it to the court • Item 1 (n) <ul style="list-style-type: none"> o The heading should read only, “If the proposed judgment requests spousal/partner support:” and the rest should be stricken. In the case of a request to reserve jurisdiction over support or in a marriage over 10 years, the forms listed should not be required, as no specific support amount is being requested. o Item (n) should list the FL-157 form as well as “or an attached detailed declaration outlining the reasons support should be granted under Family Code section 4320, titled “Attachment 8(d).” <p>Item 2</p> <ul style="list-style-type: none"> • Not all of these forms are required, and this should be noted at the beginning of this section. For instance, the parties may sign a stipulated judgment rather than a separate 	<p>As noted by the commentator, this form is required but is frequently inadvertently not included in the default judgment packet. The court may supply this form instead of rejecting the packet.</p> <p>There may also be a request to terminate jurisdiction to award support in marriages over 10 years.</p> <p>Nothing in the rule mandates that the FL-157 be used. The Judgment Checklist only allows a court to require it if it so chooses. (see response below)</p> <p>The commentator is correct – not every form on the Judgment Checklist would be required in every case. Rule 5.405 simply limits the forms that may be required to those listed on the</p>

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	Commentator	Position	Comment	Committee Response
			<p>written agreement.</p> <ul style="list-style-type: none"> • Item 2 (d) – if the defaulted party is not required by law to provide preliminary financial disclosures to the Petitioner, this item should be deleted. • Item 2(e) – again, if the defaulted party is not required by law to provide final financial disclosures to the Petitioner, this item should be deleted. • Item 2 (j) – the last sentences should be revised to read: A current financial declaration must have been filed within the last 90 days if there have been any changes since the filing of the previous financial statement and you are requesting child and/or spousal support orders.” • Item 2 (o) – this should be revised to read: “...if judgment for child custody is requested unless the court has no jurisdiction to make a custody order (this can be noted on the Judgment FL-180).” <p>Item 3</p> <ul style="list-style-type: none"> • Item 3 (i) – include the following language: “(Envelope to Respondent need not be included in cases proceeding by Publication or Posting.)” • Item 3 (n) - this should be revised to read: “...if judgment for child custody is requested unless the court has no jurisdiction to make a custody order (this can be noted on the Judgment FL-180).” 	<p>Judgment Checklist. There is nothing that would suggest that a stipulated judgment form would not qualify as a written agreement.</p> <p>The petitioner is required to serve a Preliminary Declaration of Disclosure and file the declaration of its service.</p> <p>The requirement of a final declaration of disclosure can be waived by stipulation or by order of the court.</p> <p>See response above to similar issue</p> <p>If item 2(o) is not requested or not applicable, then this checkbox would not be checked.</p> <p>Proposed CRC, Rule 5.72(c)(1) still requires that subsequent forms and notices be mailed in the care of the clerk’s office or other location.</p> <p>If item 3(n) is not requested or not applicable, then this checkbox would not be checked.</p>

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	Commentator	Position	Comment	Committee Response
			<p>Form FL-341 For consistency with the other changes proposed, we recommend that Item 7 be changed to read “Visitation (Parenting Time).”</p>	<p>The task force and the committee agree to the proposed change.</p>
7.	<p>Los Angeles County Bar Association – Family Law Section Charles K. Wake, Esq., Legislative and Amicus Subcommittee, Family Law Section Executive Committee Los Angeles County Bar Association Los Angeles</p>	AM	<p>Association (the “LACBA Family Law Section”), I present the following comments concerning proposed new CRC Rules 5.405, 5.407, and 5.409.</p> <p>The LACBA Family Law Section agrees with the proposed changes if modified as described below.</p> <p>The professed purpose of these new rules is to promote uniformity of judgment processing. An additional purpose which might be inferred from the forms themselves is to assist self-represented parties in preparing judgments containing necessary elements, e.g. a Gavron warning in connection with a spousal support award (proposed form FL-343,]7).</p> <p>While these goals are laudable, the proposed rules and forms go much farther and create a Procrustean procedure that must be followed in all instances whether appropriate or not. These procedures actually complicate the entry of a stipulated judgment in many instances, making those procedures more difficult, time consuming, and costly.</p>	

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	Commentator	Position	Comment	Committee Response
			<p>For instance, the proposed judgment checklist requires attachment of various forms (e.g., income and expense declarations if a proposed judgment includes spousal support) that are usually omitted when counsel submit a stipulated judgment because the relevant provisions are included in the parties’ settlement agreement if required.</p> <p>Additionally, many of the proposed forms require information that in many instances would not ordinarily be stated in a stipulated judgment negotiated by counsel for the parties.</p> <p>One example is paragraph 8 in proposed form FL-342 (Child Support Information and Order Attachment), which states that “an earnings assignment order is issued.” Many times in stipulated judgments negotiated by counsel an earnings assignment order is waived.</p> <p>Another example is parties’ net income in connection with a spousal support order (proposed form FL-343, 11). It is not uncommon for parties to agree on a specified amount of spousal support even though each party’s net income is disputed.</p> <p>There is no justification for imposing such additional expense and burden on parties represented by counsel. The simple solution is to make the judgment checklist a safe haven provision so that any judgment submitted in</p>	<p>The Judgment Checklist is an optional form. There is nothing in the rule that mandates that these forms be required by the court. The rule simply limits the forms that a court may require to those listed on the Judgment checklist. Therefore, in the example given by the commentator, if the court did not want to request a current Income and Expense Declaration with a stipulated agreement, there is nothing in the rule that would require that it to do so.</p> <p>See the above response. If the court did not want to require an earnings assignment order, it would not be required to by this rule.</p> <p>Both proposed forms FL-343 and FL-311 will be optional forms. If the court does not want to require them, it need not do so.</p>

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	Commentator	Position	Comment	Committee Response
			<p>compliance therewith must be accepted. However, parties should be allowed to opt out of those requirements, and courts in various jurisdictions should be allowed to accept stipulated or default judgments that conform to local rules as they traditionally have.</p> <p>The LACBA Family Law Section supports the proposed changes if they are amended to establish a safe haven but allow courts to accept stipulated or default judgments that conform to local rules.</p>	
8.	Sue McClure Superior Court of Siskiyou County	NI	Correction to form FL-182 on page 1 letter (g) Second sentence should read A new <i>form</i> instead of A new <i>for</i>	The commentator’s correction will be made.
9.	Christopher C. Melcher Attorney Walzer & Melcher LLP Woodland Hills	AM	<p>Form FL-343, section 3 -- it would be helpful to include all of the FC 4320 factors.</p> <p>Form FL-343, section 6(b) (part of the existing form) -- misstates the terminating events for spousal/partner support. The form states that spousal/partner terminates "on the death, remarriage, or registration of a new domestic partnership of the support payee." FC 4337 states that spousal support terminates on the death of either party. The form conflicts with FC 4337 because the form states that support terminates only upon the death of the payee.</p>	That correction will be made – see previous response same issue.

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10.	Neighborhood Legal Services of Las Angeles County Carmen McDonald-Goldberg, Esq.	A	<p><u>Comments to Item # 11-45 Form FL-182 Judgment Checklist</u></p> <p>Number 1: We agree to the proposed changes, but would make two small revisions to make it consistent with numbers 2 and 3. We would add the word “and” and delete the comma following the word “response” to the following:</p> <p>1. DEFAULT WITH NO AGREEMENT (no response and no written agreement)</p>	The change suggested by the commentator will be made.
11.	Maralee Nelder Attorney at Law, CFLS Grass Valley	AM	<p>In general, these forms are rules are ideas whose time has long come. This should simplify the processing of this for many self-represented parties.</p> <p>FL 180 Please add a box at item 2 of the revised Form FL 180 (Judgment) for [] Agreement in Court. That should not add another line, but solves the issue of agreements reached in open Court (whether on the date set for trial, or by early settlement) which are recited onto the record, but are not otherwise covered by the currently listed categories. This should not add another line to the form.</p> <p>FL 182 - If Previously filed is checked for pleadings, shouldn't the party submitting this supply the date?</p>	<p>The change will be made.</p> <p>This is an optional form. The task force and the committee did not want to expand this obligation onto the litigants. It is most important to know that the documents have or have not been</p>

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	Commentator	Position	Comment	Committee Response
			FL 341 - These changes are very welcome.	previously filed. No response required.
12.	Orange County Bar Association John Hueston, President Newport Beach	A	No narrative comment.	No response required.
13.	Sonoma County Bar Association, Family Law Committee Jeanne Miskel, Esq. Santa Rosa	A	No narrative comment.	No response required.
14.	Sonoma County Bar Association Joyce MacLaury, Family Law Facilitator, Sonoma Superior Court Santa Rosa	AM	Review of SPR11-45 FL-170 Declaration for Default or Uncontested Dissolution Specific Changes Recommended: #8 Spousal, Partner and Family Support: Re Attorney fees over \$2000: We can find no rule that places a floor on the amount of fees that can be ordered without evidence supporting the fees so we suggest removal of the words "over \$2000" and require the Income and Expense form for all requests for attorney fees. Also the notice of the requirement of an Income and Expense Declaration should be included in the Attorney Fee section (and this reference deleted).	This provision has been deleted.

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	Commentator	Position	Comment	Committee Response
			<p>A current Income and Expense Declaration should not be required where there is a stipulation or agreement as to spousal support. This appears to make an Income and Expense Declaration filing mandatory regardless of whether or not there is agreement.</p> <p>8d includes typo-error double entry of "FL-180"</p> <p>FL-180 Judgment:</p> <p>4l, 4m: The option to attach "other" should be restored to the Judgment. If omission of mandatory language is a concern, reference it as in 2j of the Judgment checklist regarding FC 4065 language.</p> <p>Stipulated Judgments:</p> <p>1. To use forms as the agreement of the parties, instead of a Marital Settlement Agreement, a stipulated judgment form should be allowed like the FL-240 to apply to both parentage and divorce cases. Rule of Court 5.116 requires a stipulation for judgment be attached to an FL-180, and also requires that signatures and language be inserted above a Judge's signature. The existing form makes this difficult and could be corrected with this change.</p> <p>FL-182 Judgment Checklist:</p>	<p>This rule would allow a court to require a current Income and Expense Declaration; it does not require the court to demand it.</p> <p>The correction will be made.</p> <p>The task force and the committee agree with the proposed changes. The language from the Judgment Checklist, Item 2j, will be incorporated.</p> <p>The commentator's suggestion that a form for dissolution that is similar to the form FL-240 in parentage cases will be referred to the task force and the committee for consideration in a future RUPRO cycle.</p>

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

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

	Commentator	Position	Comment	Committee Response
			<p>CONCERNS: The option to enter an uncontested default with agreement using judicial council forms must be made clear. The three processes as outlined appear to eliminate that option, requiring any agreed-upon judgment to use a Marital Settlement Agreement, which is an insurmountable obstacle for most self-represented litigants, or low cost attorneys assisting litigants in a simple divorce.</p> <p>SUGGESTION: Instead of a Marital Settlement Agreement, allow a stipulated judgment form to apply to both parentage and divorce cases (revise FL-240). Rule of Court 5.116 requires a stipulation for judgment be attached to an FL-180, and also requires that signatures and language be inserted above a Judge's signature. The existing form makes this difficult and could be corrected with this change.</p> <p>1. Default with No Agreement. 1b. Notice of Entry of Judgment: Delete "self adhesive".</p> <p>1g. The word "form" lacks an "r" (first line f 1g).</p> <p>1h. Remove "have been filed within the last 90 days" and replace with "be filed". This would allow an unchanged financial declaration to apply if referenced in the forms.</p>	<p>Item #2 on the Judgment Checklist is intended to apply to the situation in which there is a default with an agreement. The Judgment Checklist simply authorizes the court to require the written agreement to be submitted with the Respondent's signature notarized. It does not require preparation of a Marital Settlement Agreement.</p> <p>Please see above response. This suggestion will be considered in a future RUPRO cycle.</p> <p>It is agreed that this change will be made.</p> <p>This correction will be made.</p> <p>This suggestion will be referred to copyediting to make sure grammar is accurate.</p> <p>If a Property Declaration has been previously</p>

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			<p>1q. Require only if no previous property declaration was served and filed.</p> <p>2. Default with Agreement (no response and a written agreement).</p> <p>2g: This makes it appear that forms cannot be used in cases where the parties agree. Provide alternative to attach forms as referred to in 1g through 1t after making proposed changes.</p> <p>2k - A current financial form should not be required if parties have agreement and factors are identified through use of form, or competent legal drafting.</p> <p>2n - Not all parties want to do a withholding order so it should be optional.</p> <p>2o - This should not be required. If statutory</p>	<p>filed, there is a box on the form to indicate that.</p> <p>Appropriate forms should qualify as part of a written agreement between the parties.</p> <p>While a court would be free to require current financial information in a case with an agreement, there is nothing in the rule that would mandate the court to do this. Proposed rule 5.405 does not mandate that courts require everything that is set out on the Judgment Checklist. It is intended to limit what courts may require to those items listed on the Judgment Checklist.</p> <p>The Judgment Checklist is an optional form. The wage assignment described in Item 2n of the Judgment Checklist is a form that a court may require under proposed rule 5.405. The rule does not mandate the court to require it.</p> <p>The task force and the committee had significant concerns about judgments without the necessary</p>

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			<p>language is wanted, include Family Code reference and require it be included in the agreement if the form is not used.</p> <p>3. Uncontested Case: Same as above</p> <p>FL-343: A double entry of "other" at the top of the form needs correction</p> <p>FL-341, FL-342: APPROVED AS IS</p>	<p>statutory language. For that reason, form FL-341 has been circulated as a mandatory form.</p> <p>See responses above.</p> <p>The correction will be made.</p> <p>No response required.</p>
15.	<p>State Bar of California, Executive Committee of the Family Law Section (FLEXCOM) Jill L. Barr, FLEXCOM Saul Bercovitch, State Bar Legislative Counsel</p>	AM	<p>FLEXCOM suggests the following modifications:</p> <p>A. FL-180: Judgment.</p> <p>1. Caption: "Marriage or Partnership of" should be modified to include check boxes, so it is clear whether the form seeks to dissolve a marriage, a domestic partnership, or both, i.e., <u> </u> Marriage <u> </u> Partnership of." It is conceivable parties may be both married and domestic partners, and may wish to terminate one relationship, but not the other.</p> <p>2. Under JUDGMENT, the last line should be similarly modified with check boxes, such as "Date <u> </u> marital/domestic partnership status ends."</p> <p>C. FL-343: Spousal, Partner, or Family Support Order Attachment.</p>	<p>There is nothing in the current wording of the Judgment (form FL-180) that would prevent a person from seeking to terminate a marriage and domestic partnership separately.</p> <p>See response above.</p>

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			<p>1. Item 3f should be added, with a check box to indicate: “By stipulation and agreement of the parties __ and counsel” or words to that effect.</p> <p>2. Item 3g should be added, with a check box to indicate: “Pursuant to calculation of temporary guideline spousal, partner, or family support under Local Rules of Court” or words to that effect, for use with temporary orders.</p> <p>3. Item 6b, line 2, after the word “death” insert “of either party” to conform with Family Code section 4337.</p> <p>4. Item 7. We suggest adding a check box item 7a with language to this effect: “Specific efforts required (if ordered):” This would provide the courts room to specify any education, training, job applications per week, etc. which a court might order the supported party to pursue.</p> <p>5. Additional provision: On page two of the form-perhaps below item 11- we suggest adding the same statutory warning language that now appears on the FL-180 but has been eliminated from the proposed FL-180:</p> <p>“NOTICE: It is the goal of this state that each</p>	<p>It is agreed that this option will be added to the form.</p> <p>If a computer printout is used for temporary spousal support, for example, the printout can be attached and Item 2 checked. There is nothing on the form that would prevent a court from making temporary spousal support orders based on a local rule, without any computer printout.</p> <p>It is agreed that this change will be made.</p> <p>It is suggested that the commentator use Item 11 “Other” on the form to set out specific requirements as those given.</p> <p>Family Code section 4320 does not contain a warning of this nature. It simply states that the policy is for a supported person to be self-supporting in a reasonable period of time, except in long term marriages; but also makes it clear that this policy does not limit the court’s</p>

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			party will make reasonable good faith efforts to become self-supporting as provided for in Family Code section 4320. The failure to make reasonable good faith efforts may be one of the factors considered by the court as a basis for modifying or terminating spousal or partner support.”	discretion to order support for whatever period of time it deems necessary in consideration of all the other factors.
16.	The State Bar of California Standing Committee on the Delivery of Legal Services (SCDLS) Office of Legal Services Sharon Ngim Program Developer and Staff Liaison, San Francisco [This position is only that of the State Bar of California’s Standing Committee on the Delivery of Legal Services. This position has not been adopted by the State Bar’s Board of Governors or overall membership, and is not to be construed as representing the position of the State Bar of California. Committee activities relating to this position are funded from voluntary sources.]	A	The standardization of the default Judgment or Uncontested Judgment process statewide is a step in the right direction for both represented and self-represented litigants. The process should be the same in all 58 counties throughout the state. The judgment checklist is extremely helpful to identify the documents needed to process the judgment. Clarity in instruction and process will educate the litigants as to the proper method to finalize a divorce in California. While making the form available at the time the default is entered is fine, the judgment checklist might be more effective if it is provided at the time the case is filed.	No response required.
17.	Superior Court of Amador County Janet Davis Court Manager Jackson	NI	Proposed form FL-182 – a question. #2(e) – Can the final declaration of disclosure be required from respondent? Family Code 2110 does not differentiate between straight default and default with agreement and the code	The form should be modified to indicate only the Petitioner in Section 2.

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			<p>does not require a final disclosure from respondent.</p> <p>2110. In the case of a default judgment, the petitioner may waive the final declaration of disclosure requirements provided in this chapter, and shall not be required to serve a final declaration of disclosure on the respondent nor receive a final declaration of disclosure from the respondent. However, a preliminary declaration of disclosure by the petitioner is required.</p>	
18.	Superior Court of Monterey County Minnie Monarque, Director Civil & Family Law Division	A	Agree with proposed changes.	No response required.
19.	Superior Court of Orange County Family Law Operations Santa Ana	AM	<p>Rule 5.407</p> <ul style="list-style-type: none"> Suggest it read, “Once a valid proof of service of summons has been filed with the court...;” there are occasions where under close scrutiny a proof of service is found to be invalid, as is the requirements under (a) and (b) could become active based on invalid service. <p>Form FL-180</p> <ul style="list-style-type: none"> Item 4(k)(2), should request the child’s name and birthdate as item (1) does; all children should be listed not just those born during the marriage. Item 4(m)(3), should request info re case number and county 	<p>It is agreed that the suggestions of the commentator will be incorporated into the rule.</p> <p>The form anticipates that all the children that the parties to the case have in common will be listed.</p> <p>That is not information required on the judgment. This information is already set out in the declaration supporting the Judgment (form FL-170, Item 7(a)(1).</p>

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			<ul style="list-style-type: none"> • Item 4(p)(2), should be deleted as form FL-346, Attorney Fees and Costs is a mandatory form and must be used for this purpose, there would be no “other.” <p>Form FL-182, Judgment Checklist</p> <ul style="list-style-type: none"> • Introduction box, states “This checklist must be completed and filed along with your Judgment.” However, the form is optional; the statements are inconsistent. • Each of the 3 sections indicate that a new form FL-105 must be filed if there have been changes since the last form was filed; the rule states that new information must be provided, but does not require that a new form be submitted; the two are inconsistent. <ul style="list-style-type: none"> • Item 1(f), “Notice of Entry of Judgment (F L-190) with 2 a self adhesive addressed, stamped envelopes...., one set addressed to Petitioner and one to Respondent each party (include joined parties.)” Parties frequently neglect to include a NOE for joined parties. <ul style="list-style-type: none"> • Item 1(i), Rule 5.260 makes a support calculation mandatory; this states “optional”. They are inconsistent. <ul style="list-style-type: none"> • Item 1(j), states that FL-192 “(may be attached by the party or by the court.)” This will be confusing to the public (should they attach or not?); suggest that this portion be 	<p>Form FL-346 is being modified to be an optional form.</p> <p>It is agree that the first sentence in the instruction box be deleted.</p> <p>This checklist sets out documents that a court may require – it does not mandate that the court require them. There is nothing in the rule that would prevent a court from requiring new information to be put onto form FL-105.</p> <p>The task force and the committee do not anticipate additional parties often enough to warrant this additional language. It should be kept as simple as possible.</p> <p>The rule and the form are being reviewed to make them consistent.</p> <p>Not all courts have been willing to attach this form as suggested by the commentator. The task</p>

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			<p>deleted, courts will attached if not attached by party. This wording is not included in the other sections.</p> <ul style="list-style-type: none"> • Item 1(r), Property Order Attachment, FL-346, is an optional form, it should be made mandatory as the other attachments to Judgment, or another option should be added that states “state proposed orders in an attachment to the Judgment.” • Item 2(i), “Notice of Entry of Judgment (F L-190) with 2 a self addressed, stamped envelopes...., one set addressed to Petitioner and one to Respondent each party (include joined parties.)” Parties frequently neglect to include a NOE for joined parties. • Item 2(l), Rule 5.260 makes a support calculation mandatory; this states “optional”. They are inconsistent. • There is no mention in Item 2 of the Spousal Support Order form (FL-343) or the Attorney Fees and Costs Order form (FL-346), both are mandatory forms and should be included. 	<p>force and the committee conclude that the process set out by the commentator is important for all courts to follow. With respect to Item 1j, the Task force and the committee did not want the court to reject default and uncontested paperwork solely on the basis that this form was not included. The parties are responsible for attaching it, but if this one thing has been overlooked, there is no reason why it cannot be attached by the court.</p> <p>The form will have to be put out for comment once again in order to make it mandatory. It will be referred for a future RUPRO cycle.</p> <p>See above response on same issue.</p> <p>See above response on same issue.</p> <p>FL-343 is actually an optional form. FL-346 is being modified to be an optional form.</p>

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			<ul style="list-style-type: none"> • Item 3(i), “Notice of Entry of Judgment (FL-190) with 2 a self addressed, stamped envelopes. . . ., one set addressed to Petitioner and one to Respondent each party (include joined parties.)” Parties frequently neglect to include a NOE for joined parties. • There is no mention in Item 3 of the Spousal Support Order form (FL-343) or the Attorney Fees and Costs Order form (FL-346), both are mandatory forms and should be included. • Suggest the form mention the Child Support Registry form; it can be submitted within 10 days, however it makes sense to send with Judgment. Form FL-341 <ul style="list-style-type: none"> • “Visitation” should be replaced with “Parenting Time” throughout the form • Item 7(b), to be consistent with other attachments and for ease of reference, this item should include instructions to title the attachment. • Item 9, suggest wording changed, “will 	<p>See response above on the same issue.</p> <p>See response above on the same issue.</p> <p>The task force and the committee discussed this form and decided not to include it in the Judgment Checklist because judgment can be entered without it. Courts should not require that it be included in the paperwork to complete a judgment.</p> <p>We are in the process of transitioning to the term “parenting time”. Not all visitation is parental, such as visitation time to grandparents or stepparents. It is important that consistency be maintained with other statutes and case law during this transition time. Item 7 clearly indicates that “Visitation” is also called “parenting time.”</p>

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			<p>have supervised visitation parenting time with the minor children according to the schedule set forth on page 1 in Item 7.” Much of the parenting time schedule is on page 2.</p> <ul style="list-style-type: none"> • Item 10, suggest “car or truck” be changed to “vehicle” or add all types of vehicles (for instance, a van would not be included as it is now worded.) <p>Form FL-342</p> <ul style="list-style-type: none"> • No Comments <p>Form FL-343</p> <ul style="list-style-type: none"> • Item 1, SRP will not know how to calculate a hardship deduction. This information should be gathered by guiding the party as in Item 4 on form FL-342. Also suggest “disposable” income be described in another way such as “subtract deductions and hardships from your gross monthly income to determine disposable income.” <ul style="list-style-type: none"> • Item 3(b), suggest wording change: “The parties were married for the time between marriage and date of separation is: 	<p>See above response with respect to language.</p> <p>The task force and the committee are confident that judges, litigants and attorneys will know that a van is a type of car or truck.</p> <p>No response necessary.</p> <p>This is an optional form for an order of the court. It would e the court that would determine whether or not there were any hardships. If the form is used to memorialize a temporary spousal support order, then a computer program is likely used to calculate hardship, just as it is in child support. If there is no guideline used for temporary spousal support, then a court may include hardships in its reasoning that may not be available in a guideline child support calculation. Calculation of hardship is not relevant to a judgment for spousal or partner support as the court must consider all of the FC section 4320 factors. Further, it is the court, not the parties that will be determining income levels.</p> <p>Again – this is a finding made by the court. This is different than in a request for an order where</p>

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			<p>years months.”</p> <ul style="list-style-type: none"> Item 3(e), “standard of living” is not a term normally dealt with; this item should include some guidance for the party. Suggest wording as in Item 3(e), form FL-157 be used here also. <p>Please amend the name field for all of the Family Law related rule/form revisions to “Family Law Operations”.</p>	<p>the litigant has to set out their position on the issue of the length of the marriage.</p> <p>The court makes the finding as to the marital standard of living. While this sort of prompting is appropriate on the FL-157 where the litigant is responsible for the content, it is not appropriate for the findings of the court.</p> <p>This has been done.</p>
20.	Superior Court of Riverside County, Staff	AM	<p>Proposed rule 5.407(a) states that the court review all documents submitted ... and notify [parties] of identified defects. Would ask that a definition be provided as to “defects”.</p> <p>On the FL-170 it is recommended that a section be added about fee waivers; Was a fee waiver filed in this matter?; If so, was the fee waiver granted or denied?; and Has the court already ordered waived fees to be reimbursed?</p> <p>This issue here, of course, is making the forms understandable to lawyers <i>and</i> self-represented</p>	<p>In this context, the word “defects” is commonly understood to mean errors or omissions in the paperwork submitted for judgment in dissolution or legal separation cases under Family Code section 2336. The paperwork required to complete judgment under Family Code section 2336 is determined by statute, California Rules of Court and local rules. If paperwork contains “defects”, judgment cannot be entered until the defects are corrected.</p> <p>It is fairly easy to discern from a case file if there has been an order for a fee waiver in it. Any other information (such as if one was requested and subsequently denied) is confidential information and cannot be included on a form that is part of the public record.</p>

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			<p>litigants.</p> <p>FL-182 Judgment Checklist</p> <p>Paragraph 1. Clarify case types: DEFAULT WITH NO AGREEMENT (no response <i>filed</i>, no written agreement between the parties)</p> <p>Inclusion of the forms listed in Paragraph 1 (k), (l), (m), and (r) should be optional. The topics covered in these forms are often included in local Addendum to Judgment forms, so requiring use of JDC forms is unnecessary.</p> <p>Paragraph 2. Clarify case types: DEFAULT WITH AGREEMENT (no response <i>filed</i>, parties have a written agreement.)</p> <p>Inclusion of the forms listed in Paragraph 2(j), (n) and (o) should be optional. The topics covered in these forms are often included in</p>	<p>The task force and the committee want to make these prompts as simple as possible. Expecting the inference that a response must be filed is not unreasonable even for self-represented litigants. The same is true for the understanding that an agreement, or lack thereof, would be between the parties, or among them if there are more than two.</p> <p>Use of this Judgment Checklist is optional. Proposed rule 5.405 does not mandate that courts require all the forms on the Judgment Checklist in every applicable case. The proposed rule simply limits the paperwork that a court may require to the choices listed on the Judgment Checklist. Unless required by statute or other California Rule of Court, local courts are not mandated to require the forms on the Judgment Checklist.</p> <p>See response above to similar comment about Item 1.</p> <p>Please refer to response above regarding mandatory and optional forms.</p>

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			<p>local Addendum to Judgment forms, so requiring use of JDC forms is unnecessary.</p> <p>Paragraph 3. UNCONTESTED CASE</p> <p>Inclusion of the forms listed in Paragraph 3(j), (l), and (n) should be optional. The topics covered in these forms are often included in local Addendum to Judgment forms, so requiring use of JDC forms is unnecessary.</p> <p>The goal of this Checklist is statewide consistency in documents required for a judgment. To the extent that a particular form exists and a litigant chooses to use that form, no additional local requirements should be imposed. However, litigants should retain the option of using local forms, such as an Addendum to Judgment.</p>	<p>Please refer to response above regarding mandatory and optional forms.</p> <p>There is nothing in the rule that would prevent a litigant from using some local form that may be helpful – such as an Addendum to Judgment. In that case, it seems as if it would be attached to form FL-180. However, the court would not be entitled to require that the litigant use the local form in order to complete their default or uncontested judgment under Family Code section 2336, nor to refuse to enter the judgment on the basis that the local form was not used.</p>
21.	<p>Superior Court of San Bernardino County Debra Meyers, Director</p>	N	<p>Strongly disagree with the principle of making the Checklist a mandatory form, as it adds another burden to the litigants to prepare the form and make copies of it, when it is not needed by the court to process the paperwork. It will add court processing time (reviewing the checklist to make sure all the boxes are checked and then checking the judgment), inputting the checklist into case management/docket systems and adding more pages to flip through in a file.</p> <p>Also, as written, the proposed rule would</p>	<p>It is agree that the Judgment Checklist should be an optional form</p> <p>The proposed rule does not seek to mandate that</p>

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			<p>mandate that only the Judicial Council forms be used for a family law judgment, contrary to the long tradition of many attorneys to use pleading paper to write the agreements of the judgment in a narrative form. By having the terms in a narrative form, it is harder to tamper with a copy of the final paperwork. It would be very simple for someone to simply check a few more boxes on their copy. Litigants should be allowed the freedom to have judgments which use the Judicial Council forms or not.</p> <p>Finally, all persons may not have ready access to run support calculations. XSPOUSE is not available on the internet to the public, and therefore the litigant would need the intervention of an attorney or paralegal or self help staff person. For someone wishing to use the California Guideline Calculator from the State of California, that person might find it difficult to navigate.</p> <p>Forms:</p> <ul style="list-style-type: none"> • Judgment Checklist (FL-182): (See comment above regarding the burden if made mandatory and if parties couldn't use pleading paper or other narrative attachments). • Page 1, Section 1 – Proof of Service of Summons is not written in italics, as are 	<p>the court require the forms listed on the Judgment Checklist, and the language of the proposed rule is being reviewed to make sure that this is clear. The rule only seeks to limit the paperwork a court may require to the choices set out on the Judgment Checklist. Whether or not the Judicial Council forms are mandatory is controlled by their designation as either “mandatory” or “optional,” it is not dictated by this Judgment Checklist.</p> <p>The task force and the committee discussed and were aware of the issue. It is certainly helpful to the court for a computer calculation of guideline child support to be submitted, but the task force and the committee did not want courts to mandate it because of the problem set out by the commentator. Rather than leaving it off the list entirely since there are many litigants who can comply with this request, it remained on the list as something that a litigant had the option of producing.</p> <p>It is agree that the Judgment Checklist should be an optional form.</p>

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			<p>the other forms listed. Also, no form number, perhaps because it’s optional.</p> <ul style="list-style-type: none"> • Section 1f: doesn’t list the 2 copies of the Notice of Entry from Rule 5.415. • Section 1g: typo in sentence – should be “form” and not “for” as stated in 2nd sentence. According to the checklist, if a party moves, then you must file a new UCCJEA even if the person moved down the street, which has no practical effect on the court’s jurisdiction over the children. If the person established the residency and then just moved as the judgment was being submitted, the court still has jurisdiction. That line regarding a new form must be filed should be removed. • Section 1l: what if the person doesn’t want a wage garnishment? According to this checklist, the person would need to submit the form anyway. It should at least read “Optional”. 	<p>It is not in italics because it does not refer to a specific form. The Proof of service, for FL-115 is an optional form. Proof of service may also be accomplished with a Notice and Acknowledgement of Receipt, form FL-117. Further, additional information will have to be provided if service was accomplished by publication or posting.</p> <p>The form will be modified to conform to rule 5.415.</p> <p>The typo will be corrected. The Judgment Checklist does not mandate what forms a court must require. It only seeks to limit the things a court may require in order to enter a judgment based on Family Code section 2336. A court may require a new UCCJEA Declaration, but it is not required to do so.</p> <p>The proposed rule does not seek to mandate that the court require the forms listed on the Judgment Checklist, and the language of the proposed rule is being reviewed to make sure that this is clear. The rule only seeks to limit the paperwork a court</p>

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			<ul style="list-style-type: none"> <li data-bbox="848 456 1360 586">• Section 1q: why is the Property Declaration being required in every case under this checklist, even though the law doesn't require it. <li data-bbox="848 626 1360 789">• Section 2: no mention is made of the filing fee for Respondent; same comment re: UCCJEA update; what about the Appearance, Stipulation and Waiver form? <li data-bbox="848 992 1360 1195">• Section 3: what if the parties are reserving on this issue? What about FL-191 Child Support Case Registry? Same issue regarding making a garnishment order mandatory. (in Section 3, too) 	<p data-bbox="1394 321 1974 516">may require to the choices set out on the Judgment Checklist. Whether or not the Judicial Council forms are mandatory is controlled by their designation and either “mandatory” or “optional,” it is not dictated by this Judgment Checklist.</p> <p data-bbox="1394 557 1633 589">See response above.</p> <p data-bbox="1394 727 1990 1052">Many courts do not require Respondent to pay a filing fee in cases of default with a written agreement. As stated previously, courts are not required to ask for a new UCCJEA, only allowed to if they so choose. There would be no Appearance, Stipulation and Waivers form used in a case of default with agreement. Submitting that form would constitute a general appearance for the respondent, and the case would then become an uncontested case. (Section 3 of the form)</p> <p data-bbox="1394 1092 1990 1393">The parties may agree to reserve issues in their written agreement. The Child Support Case Registry form is not required to complete an entry of judgment under Family Code section 2336. However, it does need to be filed within 10 days of entry of judgment. As stated above, the Judgment Checklist does not mandate that the court require a wage assignment, it merely includes it in the list of things a court may require.</p>

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	Commentator	Position	Comment	Committee Response
22.	Superior Court of San Diego County Mike Roddy, Court Executive Officer,	AM	<p>Our court recommends the following with regard to Form FL-170:</p> <ol style="list-style-type: none"> 1) Item 2: Suggest changing the sentence to read, "I agree that my case will be decided by this declaration..." – not "proven." 2) Item 7a(3): Item 7a(2) states that the information in the child support calculation attached to the proposed judgment is correct based on personal knowledge. Then, the next item is a request to have the order based on imputed income. Is the filing party supposed to attach a child support calculation based on the estimated income? And if so, does the party need a similar statement that the calculation is based upon the declarant's estimate of the other person's earning ability? 3) Item 7c: Since we now have a SDU where ALL SUPPORT PAYMENTS are sent, there should not be an order that support "be made payable to the local child support agency." If the party ordered to receive support is on public 	<p>The form FL-170 is actually defined as proof, in the form of a declaration in lieu of testimony that is authorized specifically for dissolution and legal separation. The declaration itself is proof in the record that the jurisdictional fact, in particular, is adequately proven by testimony of the witness, or in this case, the declarant.</p> <p>Item 7(a)(2) addresses the situation in a default case in which the Petitioner has personal knowledge of the actual income of the Respondent. Item 7(a)(3) addresses the situation in a default case in which the Petitioner had no information about the Respondent's income, or wants the court to assign an earning capacity to the Respondent. Whether or not to submit a calculation based on estimated income would be at the discretion of the litigant, or a judge may require it. However, the discretion to determine earning capacity rests with the judge and it might be difficult to know in advance what amount, if any, would be attributed to the Respondent. There would certainly be no prohibition to providing a calculation in advance, however.</p> <p>A Judgment in a family law case may include order for child support even if the party receiving the support received public assistance. The Title IVD court, or the designated IVD commissioner, does not have exclusive jurisdiction over the issue of child support such a case. The family court</p>

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			<p>assistance, the non IV-D court SHOULD NOT be making a child support order. The order should be reserved as jurisdiction lies with the IV-D court. The requirement that a representative of the local child support agency sign the proposed judgment should be deleted. This section needs to be rewritten in its entirety.</p> <p>4) Item 9: What if neither item a or b apply? Just check Item 9 and not a or b?</p> <p>Our court recommends the following with regard to Form FL-180:</p> <p>1) Item 4m(3): Our court suggests adding a place for the case number and court location to easily identify where we can find the other child support order.</p> <p>2) The last sentence above JO's signature: We suggest moving this sentence (Jurisdiction is reserved...) to follow the sentence immediately before it so it is all one paragraph.</p> <p>3) First big box, 2nd sentence: We suggest changing it to read, " Please complete the Judgment Checklist by marking the boxes next to the forms or other</p>	<p>may make a child support order in the dissolution case, as long as the child support agency agrees with the order. In fact, there are times when the family court can issue a child support order in a dissolution case more rapidly than the child support agency can accomplish by initiating the IVD case.</p> <p>The commentator is correct. Only check Items 9(a) or (b) if they apply. If neither applies, Item 9 may still be checked.</p> <p>The information suggested by the commentator will be available on form FL-170 at Item 7(a)(3) and is not required to be repeated in the Judgment.</p> <p>It is agreed that this change will be made.</p> <p>The commentator appears to be referring to form FL-182, Judgment Checklist. It is agreed that the first sentence should be removed to make it clear that it is an optional form.</p>

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			<p>documents you are <u>submitting...</u>" (instead of "filing").</p> <p>Our court suggests the following with regard to Form FL-182:</p> <ol style="list-style-type: none"> 1) Item 1b: San Diego has never required an envelope addressed to the petitioner for a Request to Enter Default (FL-165). This seems unnecessary. 2) Item 1f: Suggest changing to, "with 2 <u>stamped</u> (delete self-adhesive) envelopes: one envelope addressed to petitioner with sufficient postage to return the Judgment and Notice of Entry of Judgment, and one envelope addressed to respondent." Since respondent has been defaulted, you usually don't send a copy of the judgment, only the Notice of Entry of Judgment. 3) Item 1g: Typo – "A new <u>form</u>..." 4) Items 1g & 1h: Add parenthesis to the sentence following the form numbers. 	<p>As stated, whether or not the forms and other document contained in the Judgment Checklist are mandatory is controlled by statute or other California Rules of Court. The Judgment Checklist does not dictate which of the choices listed a court must require. If a court does not want to send a copy of the Request for Default to the Petitioner, it is not mandated to do so by this rule, or the Judgment Checklist form.</p> <p>It is agreed that the term "self-adhesive" will be deleted. Some courts do mail the Judgment to the Respondent in a default case. Those courts should be able to ask for materials sufficient to accomplish this. As stated previously, if a court does not want to require an envelope sufficient to send the Judgment to the Respondent, it need not do so.</p> <p>The typo will be corrected.</p> <p>It is agreed that the change will be made.</p>

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			<p>5) Item 1l: The correct title of the form is <i>Incoming Withholding Order/Notice for Support (IWO)</i>.</p> <p>6) Item 1j: Remove the last statement in the parenthesis, “(may be attached by the party or by the court.)” -- This statement makes it seem like they do not need to do it, and they should.</p> <p>7) Item 1s: Add parenthesis around "if request exceeds \$2,000."</p> <p>8) Add a new item 2p and 3o with a statement that if you are not using FL-341 in your written agreement, make sure to include Fam. Code § 3048 findings in your agreement.</p> <p>9) Item 2b: Add parenthesis to the sentence following the form numbers.</p> <p>10) Item 2k: Add parenthesis to the sentence following the form numbers.</p> <p>11) Item 2n: The correct title of the form is <i>Income Withholding Order/Notice for Support (IWO)</i>.</p> <p>12) Item 2o: Add parenthesis to the</p>	<p>The title will be corrected to match the form title.</p> <p>With respect to Item 1j, the Task force and the committee did not want the court to reject default and uncontested paperwork solely on the basis that form, FL-192 was not included. The parties are responsible for attaching it, but if this one thing has been overlooked, there is no reason why it cannot be attached by the court.</p> <p>That is the last part of the sentence and would not be in parenthesis.</p> <p>It is agreed that this addition will be made.</p> <p>It is agreed as stated above.</p> <p>It is agreed as stated above.</p> <p>Please see previous response on same issue.</p> <p>The wording completes a sentence and should be no in parenthesis.</p>

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	Commentator	Position	Comment	Committee Response
			<p>sentence following the form numbers.</p> <p>13) Item 3b: Add parenthesis to the sentence following the form numbers.</p> <p>14) Item 3l: The correct title of the form is <i>Income Withholding Order/Notice for Support (IWO)</i>.</p> <p>15) Item 3n: Add parenthesis to the sentence following the form numbers.</p> <p>16) In general: Clarify if this form is mandatory or optional. The footer states optional; however, the first sentence in the box states, “This checklist <u>must</u> be completed and filed...” IF this forms is optional, the first sentence should instead state, “This checklist <u>may</u> be completed and filed...”</p> <p>17) In general: Do we need to add Form FL-191 if this form is mandatory?</p> <p>Our court the following with regard to Form FL-341:</p> <p>1) The form should not be mandatory.</p>	<p>Please see above response on same issue.</p> <p>Please see response above on same issue.</p> <p>Please see response above on same issue.</p> <p>As stated above, this sentence will be deleted to clarify that the form is optional.</p> <p>The Child Support Registry form is not required in order to enter a judgment, so the task force and the committee did not want courts to refuse to enter judgments under Family Code section 2336 on the basis that this form was missing. However, this form should be filed within 10 days of the entry of the judgment.</p> <p>The task force and the committee agree that the form could be optional. However, there remains concern about judgments submitted on pleading</p>

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			<p>Attorneys quite often submit the information on pleading.</p> <p>2) Item 7b: Add, "See the attached ____ page document dated _____."</p> <p>3) Item 7c: Add "child custody recommending counseling" after the word "mediation."</p> <p>4) Page 3: Our court does not believe this page is needed. The other pages may be shortened by perhaps having a list of items 12-15 with a box top check off saying these specific orders are on an attachment.</p> <p>Form FL-342, Item 8: There should be language directing payment to the SDU unless the wage assignment is stayed.</p>	<p>paper that do not contain the statutory language required under Family Code section 3048. The Judgment Checklist has been modified to include a statement that orders not prepared on FL-341 or other Judicial Council form containing the statutory language, must include it in the written agreement between the parties.</p> <p>The task force and the committee anticipate that any document attached will have a date included in it.</p> <p>The task force and the committee have elected to use the term mediation so that both confidential and recommending processes can be included. Recommending counseling also satisfies the requirement of mandatory child custody mediation.</p> <p>Page 3 provides space that litigants can use to write in brief provisions on the items rather than having to use the Judicial Council attachment forms, or draft an additional page with the orders included.</p> <p>Wage assignments are not always issued.</p> <p>This item appears to conform to the "Other orders" boxes on other attachments.</p>

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	Commentator	Position	Comment	Committee Response
			Form FL-343: Duplicate "Other" boxes.	
23.	Superior Court of San Francisco County, Family Law Facilitator’s Office/Self Help Center Diana Leonida, Staff Attorney	AM	<p>I. FAMILY LAW JUDGMENT CHECKLIST FL-182 (number/letter reference to numbers/letters on form)</p> <ul style="list-style-type: none"> • Bold Box under the caption of FL-182 to be revised Form states that the checklist “must be completed and filed along with your Judgment” but the Form is listed as “Approved for Optional Use.” Inconsistency to be corrected. Unclear whether the form is required to be turned into the court for default judgment processing or if form is solely a guide to assist courts/parties in processing judgments. Form should not be mandatory to turn into clerks. • Inclusion of child support case registry form for all 3 types of cases in Judgment Checklist. In San Francisco, Local Rules require the Child Support Case Registry in all 3 types of cases, which ensures that the form is completed at the time the default judgment is submitted. Although the Child Support Case Registry Form state that a party has 10 days to submit this form, follow through by pro per litigants is not always reliable. Modify form to include requirement of case registry form for all new child support orders. Child Support Case Registry Form would only be required if support 	<p>The Judgment Checklist is an optional form. The first sentence in the instruction box will be deleted to clarify this.</p> <p>The Child Support Registry form is not required in order to enter a judgment, so the task force and the committee did not want courts to refuse to enter judgments under Family Code section 2336 on the basis that this form was missing. However, this form should be filed within 10 days of the entry of the judgment.</p>

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			<p>previously established as the form would have already been completed. From what I have learned previously, submission of multiple child support orders for the same order creates confusion at the SDU.</p> <ul style="list-style-type: none"> • Item 1.n of FL-182. Clarification and Modification required. Comments to the addition of FL-157 Spousal or Partnership Support Declaration Attachment seem to indicate that it is only required when there is a default request for spousal support or a request to terminate jurisdiction over spousal support in a long term marriage. Current law requires that the Court retain jurisdiction in a long term marriage. Completion of FL-157 in default cases for long term marriage is unnecessary if Petitioner is requesting a reservation order. FL-182 to be modified to not require FL-157 if Petitioner is requesting reservation order by default in long term marriage. • Items 2.b and 3.b of FL-182: Submission of updated UCCJEA with marital settlement. Considering that the parents have reached an agreement about custody and visitation and include the Family Code section 3048(a) provisions by form or agreement, an additional UCCJEA seems unnecessary 	<p>Form FL-182 only sets out the forms that a court may require of a litigant, it does not mandate that all the forms on the Judgment Checklist be required in all cases. In the example set out by the commentator, it is unlikely that a court would require a form like FL-157 that sets out all the factors under Family Code section 4320.</p> <p>As stated in previous comments, the Judgment Checklist is not intended to determine what forms are required in order to accomplish entry of judgment, but simply to limits the forms a court may require to those listed on the Judgment Checklist.</p> <p>Please refer to response above. The Judgment Checklist will be modified to clarify that any written agreement between the parties with respect to custody and visitation must include the language required under Family Code section 3048. If this is the case, then the court would be unlikely to require that a new UCCJEA be</p>

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			<p>and especially burdensome for pro per litigants.</p> <ul style="list-style-type: none"> • Item 2.k of FL-182. Updated Income and Expense Declaration with Marital Settlement Agreement by Default. Remove requirement that parties have to provide updated Income and Expense Declaration if they have a default by agreement case. This would create an additional burden for self represented litigants and in turn Self Help Centers to prepare an additional Income and Expense Declaration when there is an agreement. The proposed changes do not have a requirement for an updated Income and Expense Declaration if it is uncontested case. • Items 2.n and 3l of FL-182. Order/Notice to Withhold Income. Make submission of form optional if parties agree to stay service of wage assignment and/or there is a reserved order for support. Clerks may reject if it is not included in default packets but even if it is unnecessary. 	<p>required of the parties.</p> <p>Please to refer to responses above in the same issue with respect to child custody.</p> <p>The Judgment Checklist does not mandate a court to require an income withholding order. It does, however, allow a court to require one. The example given by the commentator provides facts in which such an order would most likely not be required. There will be training provided to clerks on the use of the Judgment Checklist so that there will be no misunderstanding of its purpose. The purpose of the Judgment Checklist is to limit the documents a court may require in order to accomplish entry of judgment under Family Code section 2336; it is not to mandate that courts require all the forms on the Judgment Checklist.</p>

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			<ul style="list-style-type: none">• Items 2.o and 3.n of FL-182. Allow inclusion of Family Code section 3048(a) language in agreement as opposed to use of form FL-341. Allow parties to reference previous order made in case without submission of FL-341, especially if already made by order of the Court. Otherwise, allow parties to use FL-341 or FL-355.<ul style="list-style-type: none">○ If there is a previous order for child custody and visitation already made in the case, parties should be allowed to simply reference the order's name and file date and not complete a new FL-341. Many cases will have a full custody trial with a statement of decision and orders regarding custody and visitation and then may end up their case by default/uncontested with agreement on all other issues. Parties should not have to recreate what has already been done by a judge in the courtroom simply to comply with this judgment checklist. Clerks should not be rejecting judgments for this reason as well.	An item addressing this issue will be included on the Judgment Checklist. There is nothing that would prevent parties to reference previous orders in their written agreement for judgment.

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			<ul style="list-style-type: none"> • New Requirement: With agreement for Default or Uncontested, include provision that agreements include a statement as to what current guideline support is so that court will be aware if current agreement is below or above guideline for future modifications. This is currently a local rule requirement in SF Superior Court and useful for helping people understand their child support agreement. <p>II. DECLARATION FOR DEFAULT FL-170</p> <ul style="list-style-type: none"> • Item 8.g of FL-170. Remove. This provision is unnecessary since the FL-157 should be included when there is a default request for a monetary support order (not a termination request). There is not enough room to explain why the Court should grant the requested default spousal support order. The reasons should be explained on FL-157. • Item 6.a. Remove requirement to include updated UCCJEA if there is an agreement. Or make requirement for updated UCCJEA in uncontested actions so there is consistency between FL-182 and FL-170. 	<p>It is not the purpose of the Judgment Checklist to mandate that court require anything, only to limit what they may require. That said, a statewide requirement that litigants provide the court with a guideline calculation is difficult as the ability to do this varies. Some litigants will not have access to a commonly used child support calculator, or will not be able to operate the statewide calculator.</p> <p>Form FL-157 will not be a mandatory form, it will be optional. However, the Item 8(g) will be deleted as unnecessary.</p> <p>The court does have the ability to request an updated UCCJEA currently on the form FL-182.</p>

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			<ul style="list-style-type: none"> • Item 9 of FL-170. For children born before marriage where there is no Voluntary Declaration of Paternity or other case establishing parentage, there should be an option for parents to provide a declaration regarding facts establishing parentage so parentage can be established for these children instead of having another UPA action opened for these parties. <p>III. JUDGMENT FL-180</p> <ul style="list-style-type: none"> • Item 4.m.(3) of FL-180. Revise. Include provision to allow litigant to include case number in which child support was previously established or reference previous order made in this family law action. • Item 4.m of FL-180. Addition. Add a 4th option to allow litigants to include reference to order for child support established in this action. Add a 5th option to include reference to child support as set forth in the attachment agreement or stipulated judgment. In Judgment Checklist, child support can be set for in FL-342, FL-350, or in an Acknowledgment under 4065 as set forth in the agreement. This implies 	<p>There is no statutory requirement for such a declaration of parentage supporting the judgment. The judgment is supported by the verified Petition stating under oath that the child is in common between the two parties.</p> <p>That information should be included in the form FL-170, Item 7(a)(3). It does not need to be repeated in the Judgment.</p> <p>The provision regarding the written agreement for child custody and child support will be added.</p>

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			<p>that FL-342 or FL-350 is not required in every case and therefore the Judgment FL-180 should be amended to allow parties to reference an agreement. Otherwise, Judgment Checklist FL-182 has to be modified to remove reference to use of an Acknowledgment under 4065 in agreement.</p> <ul style="list-style-type: none"> <p>Item 4.l of FL-180. Include an “other” box for cases where the Court does not have subject matter jurisdiction over the children who do not live in the State of California or the United States. In San Francisco, we have many where the child lives out of state/country, but we have jurisdiction over the dissolution because the Petitioner lives in San Francisco. For these cases, under the other box on the current FL-180, we write “The Court does not have jurisdiction over the minor child(ren) as California is not the child’s home state.” There is no current option for cases where California does not have jurisdiction. The “other” box would also be useful when there is a previous order for child custody and visitation already entered in the action. If the Judicial Council allows parties to include the FC 3048(a) language in an MSA as opposed to the FL-341 or FL-355 forms, there should be another</p> 	<p>If the court does not have jurisdiction, it would not be making a custody order. If the judge wants to state that lack of jurisdiction in the judgment, it can so state in Item 4(q) “Other.”</p>

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			<p>option to reference the child custody orders in the attached agreement.</p> <p>IV. GENERAL COMMENT REGARDING REQUIRED CHILD SUPPORT FORMS</p> <p>There are many cases where the custodial parent in a default proceeding (without agreement) does not want a child support order and instead requests the court reserve jurisdiction over the issue of child support. It would seem burdensome for Self Help Centers to help litigants prepare FL-342 and FL-342A for default cases where the custodial parent does not request a child support order and/or the non-custodial parent Respondent is out of the country and/or state and there is no personal jurisdiction over the issue of child support against Respondent. If there is an option to allow Petitioner in True Default provide a declaration explaining reasons for reservation and a place on FL-180 allowing reservation of child support jurisdiction without prejudice to the Department of Child Support (similar to proposed spousal support reservation option), it would lessen the burden of preparing additional forms.</p>	<p>The task force and the committee did discuss this issue and elected not to include this option on the form. The issue will be raised again with the task force and the committee. However, adding it to the form would likely generate enough discussion to require recirculation for comment on the addition.</p>

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24.	Superior Court of Santa Clara County Superior Judges: Hon. Mary Arand Hon. Mary Ann Grilli Hon. Neal Cabrinha Hon. Michael Clark	AM	RULE 5.407- there needs to be a clear distinction between the requirements for a preliminary declaration of disclosure and a default. What may be required in one is not in the other, or so it seems. They should be consistent, if at all possible.	The task force and the committee will review the wording of the rule to make it clear that it is applying to the entry of a judgment, not entry of a default. It is true as the commentator points out that a preliminary declaration of disclosure is required for a judgment to be entered on the basis of a default; it is not necessary for entry of a default.
25.	Superior Court of Shasta County Stacy Larson, Family Law Facilitator	AM	<ul style="list-style-type: none"> • All references to visitation should be replaced with “parenting time” or “visitation/parenting time” in accordance with Elkins recommendations. • CRC 5.405, et seq. Presumably, these rules also apply to dissolutions of domestic partnerships, so “domestic partnerships” should be added throughout. • CRC 5.407, heading: “Code” should be capitalized for consistency. • CRC 5.407 sentence after heading: We should remove the comma before “or” as there is no complete sentence after the conjunction and there are only two items in the list. We should also place a “the” before “respondent” as its current form is that of a proper noun, but it is not capitalized. We should also clarify in this sentence that the requirements listed below are not triggered until a party has submitted a 	<p>The transition to the use of “parenting time” to replace “visitation” will take place over time as forms to facilitate conformance with statutory and case law. For example, not all visitations is “parenting time” such as for grandparents or step-parents.</p> <p>The term “dissolution” and “legal separation” apply by statutory definition to both marriages and domestic partnerships.</p> <p>Comment will be handled by copyediting.</p> <p>Grammatical changes will be referred to copyediting.</p> <p>The meaning of the rule is clear as set out in Item (a).</p>

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	Commentator	Position	Comment	Committee Response
			<p>request for default/uncontested judgment. E.g., “Once a proof of . . . in the case and a party has requested default or uncontested judgment under Family Code section 2336:”</p> <ul style="list-style-type: none"> • CRC 5.409: “case by case” should be hyphenated as the three words act together as an adjective for “basis,” as follows: “be made on a case-by-case basis . . .” • FL-170, Caption: We should add a place to list the “Other Party” for circumstances in which DCSS has intervened in the dissolution/legal separation action. • FL-170, subsection 4(b)(2) and (c)(2): Both of these sections state that a copy of the written agreement has or is been submitted to the court. The form should state a uniform policy for how the form should be submitted to the court to assist those parties who do not seek help from an attorney or self-help office, e. g., “the original of which has already been, or is now being submitted to the court, attached to the FL-180, proposed judgment.” We should also specify that the agreement must be notarized pursuant to FC 2338.5. • FL-170, page 2, subsection 6(b): This section should be reworded to read “order for custody and parenting time/visitation . . .” 	<p>Grammatical change will be referred to copyediting.</p> <p>Addition of an additional party in the caption will be added.</p> <p>These sections simply denote the basis on which the judgment is being sought. It does not purport to set out the statutory requirements for written agreements.</p> <p>T</p> <p>he title sentence of Item 6 makes it clear that “parenting time” is the same as visitation for the purpose of this section.</p>

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			<ul style="list-style-type: none"> • FL-170, page 2, subsection 6(c) should be reworded to clarify that facts listed here are only those pertaining to custody/parenting time. For example, “Facts in support of the requested judgment pertaining to custody and parenting time/visitation are provided below. (In a default case, if you are asking for a judgment for supervised visitation or no visitation, complete this section by describing the facts that show your request is in the best interest of your child or children.” • FL-170, page 2, subsection 7(a): It would appear that parties are to check and complete (1) OR (2) and (3). This sentence should be reworded accordingly. • FL-170, page 2, subsection 8: This section should clarify that an Income and Expense Declaration is current only if it has been filed within the last three months and remains unchanged. • FL-170, page 2, subsection 8(d): “spousal support” should be replaced with “spousal/partner support.” • FL-180, Caption: We should add a space for “Other Party” for consistency and for cases in which DCSS has intervened as the “Other Party.” • FL-180, page 2, subsection 4(i): We 	<p>It should be sufficient that the Item asking for facts is under the title of child custody and visitation/parenting time.</p> <p>The form is being modified to ask that (1) be completed if applicable, and then either (2) or (3) be completed.</p> <p>The purpose of this parenthetical phrase is simply to identify the need for current financial information. The 3 month definition of current financial information is included in the Judgment Checklist, which is intended to be instructive.</p> <p>Partner support is referenced in Item 8(d).</p> <p>The previous response to this issue with respect to another form.</p>

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			<p>should add that the settlement agreement must be notarized pursuant to FC §2338.5.</p> <ul style="list-style-type: none"> • FL-180, page 2, subsection 4(l): “visitation” should be replaced with “parenting time/visitation.” A box/option should be added to allow parties to specify if custody/parenting time has been ordered already in another case with the name, case #, and county of the case. • FL-180, page 2, subsection (l) and (m) and (o) and (p): These sections should be reworded to establish that child custody/parenting time, etc., are ordered as set forth below with a colon for consistency. E.g., “Child custody and parenting time/visitation are ordered as set forth below:” • FL-180, page 2, subsection 4(m): Parties should be required to list the case number and county in which child support has been ordered. • FL-180, page 2, subsection 4(n)(4): “As” should be capitalized for consistency. • FL-180, page 2, subsection 4(n)(5): “Other” should be capitalized for consistency. • FL-180, page 2, subsection 4(o)(1) and (3): “Settlement” and “Other” should be capitalized for consistency. 	<p>Please refer to response above on the sam issue with respect to form FL-170.</p> <p>The addition will be made.</p> <p>Grammar issues will be referred to copyediting.</p> <p>This information is contained on the FL-170 and there is no need to repeat it in the judgment.</p> <p>This will be referred to copyediting.</p> <p>This will be referred to copyediting.</p>

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			<ul style="list-style-type: none"> • FL-180, page 2, subsection 4(p): “Other” should be capitalized for consistency. • FL-180, page 2: We should include a space and lines for the parties (including DCSS) to sign that they approve of the judgment as to form and content. • FL-182, Caption: We should add a space for “Other Party” for consistency and for cases in which DCSS has intervened as the “Other Party.” • FL-182, Bolded Information Box: We should include the form numbers for the judgment (FL-180). We should require the parties to provide a date on which they believe the previously filed documents were filed. • FL-182, subsections 1-3: We should provide a place for the parties to fill in the date the documents were allegedly previously filed. This will ensure the parties are certain (or at least believe) the documents were actually filed and assist the court in determining whether the documents were filed or not. • FL-182, subsection 1(c): We should distinguish between the Preliminary Declaration Regarding Service of Declaration of Disclosure (FL-141) and the final one. More often than not, the petitioner must file a final FL-141 to waive the other party’s FL-140 at the time of 	<p>This will be referred to copyediting.</p> <p>This will be referred to copyediting.</p> <p>The signature lines for the parties, including DCSS, when there is a written agreement will be contained in the agreement.</p> <p>See previous response to same issue with respect to other forms.</p> <p>The form number for the judgment is already included. The date upon which the forms were filed is not as important as the fact that they are in the file. Although this is an optional form, the task force and the committee did not want to increase the information a litigant would have to include to complete it.</p> <p>Please see above response.</p>

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			<p>default.</p> <ul style="list-style-type: none"> • FL-182, subsection 1(e), 2(h), and 3(h): We should add “and applicable attachments as described below.” • FL-182, subsection 1(f): Remove the period at the end of the sentence for consistency. • FL-182, subsection 1(g): We need to fix the typo “A new form . . .” • FL-182, subsection 1(h): This should be clarified that a new FL-150 is also required if facts have changed since the last FL-150 was filed within the last three months. • FL-182, page 2, heading prior to subsection 1(n): “Respondent” should not be capitalized as it is not being used as a proper noun. • FL-182, subsection 1(o): This should be clarified that a new FL-150 is also required if facts have changed since the last FL-150 was filed within the last three months. • FL-182, subsections 1(k), (m), (p), (t) and 2(j) and (m), and 3(j) and (m): These sections should provide the form number for the judgment where “attach to Judgment” is 	<p>Family Code Section 2110 does not require the Petitioner to serve a final declaration of disclosure in a default case. This would apply to Items 1 and 3. Separate choices for the preliminary and final declarations of disclosure are included in Item 3.</p> <p>Attachments to form FL-180 are incorporated by reference into the Judgment – the title of the document is “Judgment”. Applicable attachments are set out throughout the Judgment Checklist. It is reasonable to expect that attorneys and self-represented litigants will infer that attachments to a judgment will be attached to the judgment form (FL-180).</p> <p>The typo will be corrected.</p> <p>The term “financial declaration” refers to both the Income and Expense Declaration (form FL-150) and the Financial Statement (Simplified)(form FL-155.)</p> <p>This will be referred to copyediting.</p> <p>Please see response above in the same issue.</p>

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			<p>referenced (FL-180).</p> <ul style="list-style-type: none"> • FL-182, page 2, subsection 1(q): This form is not always required, e.g., if the parties either state they have no separate or community property on their petition or list the property directly on the petition and/or have a settlement agreement. The checklist would lead them to think they have to do this form regardless. This point should be clarified. • FL-182, page 2, subsection 1(s-t): The checklist should include the requirement that a declaration supporting the request should be submitted if the request is for more than \$2000 and not by agreement in a default judgment. • FL-182, page 2, subsection 2(i): The period should be removed for consistency. • FL-182, subsection 2(k): This should be clarified that a new FL-150 is also required if facts have changed since the last FL-150 was filed within the last three months. • FL-182, page 3, subsection 1(m), 2(o), 3(n): These forms reference FL-341, which should be renamed consistent with new terminology “Child Custody and Parenting 	<p>This will be referred to copyediting. The form number does appear on the first page of the form.</p> <p>The commentator is correct that the form is not always required. As stated, The proposed rule does not seek to mandate that the court require the forms listed on the Judgment Checklist, and the language of the proposed rule is being reviewed to make sure that this is clear. The rule only seeks to limit the paperwork a court may require to the choices set out on the Judgment Checklist. Whether or not the Judicial Council forms are mandatory is controlled by their designation and either “mandatory” or “optional,” it is not dictated by this Judgment Checklist</p> <p>Section 1 (s-t) do not refer to cases in which there is any agreement between the parties.</p> <p>This will be referred to copyediting.</p>

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			<p>Time/Visitation Attachment.”</p> <ul style="list-style-type: none"> • FL-182, page 3, subsection 1(m), 2(o), 3(n): This should be rephrased to state “if judgment for custody and parenting time/visitation is requested.” The heading should be changed accordingly to “If child custody and parenting time/visitation are included in your written agreement:” • FL-182, page 3 (g): We should specify that the written agreement must be notarized pursuant to FC §2338.5. • FL-182, subsection 3(j): This section should include reference to the need for an updated FL-150 if child support is at issue (similar to FL-182, subsections 1(h) and 2(k)). • FL-182, page 3: There should be a place for the party submitting the checklist to sign under penalty of perjury. • FL-341: This form should be renamed “Child Custody and Parenting Time/Visitation Attachment” consistent with the new nomenclature. • FL-341, subsection 5: The headings for “Child’s name” and “Date of birth” should be 	<p>Please see previous response to the same issue.</p> <p>The term “visitation” includes parenting time. There is visitation that is not with parents and would not be referred to in this manner. The process of clarifying this on all forms is an ongoing process. Currently, the reference to the custody and visitation attachment uses the accurate conforming language.</p> <p>Please see response above.</p> <p>Please see previous response with respect to including any detailed instructions in the form.</p> <p>Please see previous response to the same issue.</p>

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			<p>moved down one line, so the typed text will line up horizontally.</p> <ul style="list-style-type: none"> • FL-341, subsection (6): We need a closing parentheses at the end of the verbiage. • FL-341, subsection (7): There should be a period at the end of the heading “(visitation)” for consistency. • FL-341, subsection (a): We should add the verbiage (at the discretion of the party with physical custody” as this is the common order but will not be clear to a defaulted party without the necessary words. • FL-341, subsection (e): We should add a box for “Other Party” for those instances when DCSS files a case, but the parties obtain custody/parenting time orders. • FL-341, page 2, subsection (8): We may want to add a clause here that the criminal protective orders have priority “except for peaceful exchange of the children as ordered herein.” This is a common order in family-law cases but is frequently forgotten in criminal cases involving protective orders. • FL-341, page 2, subsection (9): We should add a box for “Other Party” for those instances when DCSS files a case, but the 	<p>The Judgment Checklist is not intended to be a declaration. It has no evidentiary content.</p> <p>Please see responses above on this issue.</p> <p>This will be referred to copyediting.</p> <p>The change will be made.</p> <p>This will be referred to copyediting.</p> <p>Different judicial officers use different wording to describe the manner in which reasonable visitation should work. There is no statutory wording required. It is within the discretion of the individual judge. It is not appropriate for a statewide form.</p> <p>See previous response to the same issue.</p>

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			<p>parties obtain custody/parenting time orders.</p> <ul style="list-style-type: none"> • FL-341, page 2, subsection (10): We should remove the box next to this section if we wish to make subdivision (a) mandatory. The remaining sections can be filled out at the election of the parties. • FL-341, page 2, subsection 10: This section should be renamed “Transportation for Parenting Time/Visitation” consistent with the new nomenclature. • FL-342, Caption: “Other Parent” should be changed to “Other Party” for consistency and for cases in which DCSS intervenes. • FL-343, Caption: “Other Parent” should be changed to “Other Party” for consistency and for cases in which DCSS intervenes. • FL-343, subsection 3(a): This section should be revised to include “judgment or order.” • FL-343: We should include an informational clause regarding FC §4320(l) that public policy’s goal that each party be self-supporting within a reasonable time. 	<p>This suggestion will be referred to the committee and the task force for consideration in a future RUPRO cycle.</p> <p>See previous response to same issue.</p> <p>The box on Item 10 merely brings attention to the fact that there are transportation orders.</p> <p>Please see above responses relating to nomenclature.</p> <p>Please see above responses regarding use of this terminology.</p> <p>Please see previous responses to same issue.</p>

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				<p>The addition will be made.</p> <p>The task force and the committee did not think that this clause should be included in an attachment to a judgment or an order. A suggestion has been made by another commentator that an Instruction Sheet regarding spousal/partner support be created to assist in completing proposed form FL-157. That would be a good place to include this information, and the suggestion will be referred to the task force and the committee for consideration.</p>
26.	Superior Court of Ventura County Caron Smith, Family Law Case Coordinator Ventura	AM	Rule 5.407(a): The use of the word "court" creates an ambiguity. As written, the rule could be interpreted to require the court clerk to review all documents for procedural defects and then send the file and documents to the judicial officer to identify substantive defects. The ambiguity could be resolved by either adding the word "clerk" after "court" or by adding the word "procedural" between "identified" and "defects".	The wording has been modified to clarify that the review referenced in the rule relates to a procedural review.
27.	Caron Smith, Superior Court of Ventura County Family Law Case Coordinator Ventura	N	Readability Access to justice is a principle embraced by the Judicial Council. However, without a commitment to creating useful forms for the low literacy reader, the commitment to access is	No response required.

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			<p>illusory. This is an opportunity to change how court forms are written in California. Many states and countries make readability of court forms a priority. On October 12, 2010, President Obama signed the Plain Writing Act of 2010. Using plain language in the government is now the law, at least in the federal government.</p> <p>In the discussion in SPR11-45, the justification for statewide uniformity is that it “creates confusion for attorney, litigants, and court staff.” This is not supported by the experience of the Ventura Superior Court. Very few attorneys practice family law in multiple counties. The Ventura Superior Court at the Simi Valley Court often encounters attorneys who practice in Los Angeles and Ventura counties. The attorneys understand they must know the local practice of the county in which they are appearing. This has not been raised as an issue. Self-represented litigants very rarely have filed cases in more than one county. The most significant problem self-represented litigants encounter is not understanding the process wherever they have filed..</p> <p>FL-170</p>	<p>The experience in Ventura County may not be representative of the experience throughout the state. For example, in the Bay Area, it is not uncommon for family law attorneys to have cases in several counties around the bay. In some of the northern California courts, attorneys practice in multiple counties. In some of the smaller northern courts, the services of the family law facilitator or self-help center attorney are shared by two or more courts in collaboration. In the larger courts with multiple court locations, there are often problems with different processes being used in the different locations within the same court. Even though a self-represented litigant may not file cases in more than one court, the self-help assistance they receive may be required to deal with more than one court or court location. Having to deal with significantly different local requirements and local forms has been reported by many attorneys and self-help providers as a serious problem.</p>

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			<p>The modifications to FL-170 create a 4 page form instead of the current 3 pages. It is very difficult to understand. The opportunity to rewrite the form in a readable manner is lost. Breaking out the type of case is not helpful for self-represented litigants. The type of case is not easily understood by the average self-represent litigant. The current form actually is a little easier in this regard. Requiring new UCCJEA information is confusing. It makes more sense to add the UCCJEA to number 3. The information gained does not justify adding a third page. There needs to be a strong justification to add more pages to a form given the overwhelming number of pages a litigant now must complete.</p> <p>The form should not be modified.</p> <p>FL-182</p> <p>FL-182 is a confusing form. It is an optional form, however, the first line on the form is “This checklist must be completed and filed along with your judgment. “(emphasis added) This will probably result in some counties requiring the form and some not, a step away</p>	<p>The task force and the committee determined that the current description of the three circumstances in which judgment can be accomplished under Family Code section 2336 should be clearly identified and titled on this form. A working group of operations staff, self-help attorneys and a judicial officer redesigned the form to address this issue. Any substantive changes would have to be circulated again for comment in a future RUPRO cycle.</p> <p>A new UCCJEA is only required if circumstances have changed.</p> <p>Modification of this form was made on the basis of a content review of the default and uncontested judgment processes in the local rules of all 58 of California’s courts in an effort to broaden its use in a manner that would significantly reduce the need felt by many courts to impose local form requirements on litigants in addition to the FL-170.</p> <p>The first line on the form will be deleted,</p>

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			<p>from uniformity. FL-182 is not user-friendly. Therefore it cannot achieve making “the requirements for obtaining the judgment more understandable to” self-represented litigants. The form presupposes that the litigants know the type of judgment they are filing. Self-represented litigants frequently do not know the forms they have filed or are filing, especially if they have not had the opportunity to go to the self-help center.</p> <p>The form is also confusing because it does nothing to help with uniformity. The form does not indicate that these are the only forms that can be requested. Additionally the clerks will not use it to guide their review of the judgment package.</p> <p>This form becomes another confusing step for a litigant that does not achieve any proposes.</p> <p>This form should not be implemented.</p>	<p>There is nothing in the Judgment Checklist that would require a self-represented litigants to have any information not already needed to accomplish entry of judgment under Family Code section 2336.</p> <p>The task force and the committee do not expect the Judgment Checklist or the proposed rules will accomplish uniformity throughout the state. The goal was to take a step in that direction by limiting the documents that a court may require without significant loss of critical information formerly the subject of local forms.</p>

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28.	Trial Court Presiding Judges Advisory Committee (TCPJAC)/ Court Executives Advisory Committee (CEAC)/ Joint Rules Working Group	AM	<p>The TCPJAC/CEAC Joint Rules Working Group agrees with this proposal if it is modified. Regarding proposed rule 5.407(a), the working group requests that the language be modified to make more clear that “court review” means a more procedural or administrative review (such as by a court clerk) to determine if the documents submitted are complete and otherwise in order. As currently worded, “court review” could be interpreted as review by a judicial officer.</p> <p>Operational impacts identified by the working group:</p> <p>Fiscal Impact The TCPJAC/CEAC Joint Rules Working Group did not identify any potential fiscal impacts related to proposed rules 5.405, 5.407, and 5.409.</p> <p>Proposed rule 5.407 requires completion of a judgment checklist (similar to what courts are doing in probate matters) for court personnel to review for compliance. Many courts already use checklists when judgments are submitted. For all courts- including those that do not currently have a judgment checklist procedure- staff would merely need to highlight the missing items on the checklist and keep that in the paper court file, noting the rejection information in their case management system. While a checklist may be added to a file, there should be</p>	<p>The proposed rule has been modified to clarify that court review mean a procedural/administrative review.</p> <p>The rule does not require use of the Judgment Checklist. The wording of the rule and the Judgment Checklist is being clarified to make sure that its use is to be optional. The task force and the committee agree that inclusion of required paperwork should be kept to a minimum.</p> <p>No response required – the task force and the committee agree.</p>

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			<p>no other major paper additions warranting additional file storage.</p> <p>Existing Court Staff Workload The TCPJAC/CEAC Joint Rules Working Group has concluded that proposed rules 5.405, 5.407 and 5.409 will not increase the existing workload of court staff. Courts statewide are already processing judgments and should be following the requirements mandated by statute. These new rules, if anything, streamline the processes around the state and make reviewing submitted judgments more effective through the use of a standardized checklist.</p> <p>Proposed rule 5.407 is broad enough to allow the courts to have great flexibility in how they will comply with the rule. This flexibility allows courts to not have to impact court staff workload or make drastic changes to current procedures. It requires “the court” to review the judgments and supporting documents- it doesn’t require a particular clerk or staff member to do so. Therefore, this can be done by a judge, research attorney, family law facilitator, or self-help center connected to the court. The court may choose the mechanism for compliance, thereby decreasing the impact on its staff workload. Many courts are now utilizing their Family Law Facilitators or Self-Help Centers to prepare judgments and instruct the parties of defects, which would comply with this rule and</p>	

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			not add any undue or additional burden upon the courts or their existing staff workloads.	
29.	Robert Turner, ASO II Superior Court of Sacramento County Finance Division Sacramento		<p>Comment on SPR 11-45, page 7, Rule 5.407 (a) Court review, line16: Does this preclude us from our practice of returning Defaults and advising party to seek legal assistance.</p> <p>How do you define basic information?</p> <p>To make this mandatory to pick out everything that may be wrong is unreasonable and over-reaching.</p> <p>The rule should provide guidelines to the clerk and staff and not dictate how the clerk should</p>	<p>The task force and the committee do not anticipate that courts are returning default or uncontested judgment paperwork to litigants if there are no errors or omissions in the paperwork. If the paperwork they submit meets all statutory requirements, and conforms to the California Rules of Court, then it is unclear why it would be returned. If after meeting all procedural requirements, a judicial officer finds some substantive problem with it, it may also be returned to the litigant. If there are procedural or substantive legal problems that are preventing entry of judgment, and the paperwork must be returned to the litigant, then advice to seek counsel seems like a good idea.</p> <p>“Basic information” is intended to refer to information that the litigant or the attorney must do to correct the procedural errors or omissions found during the court’s review.</p> <p>This rule addresses the procedural review by the court, and the language in the rule is being reviewed to make sure this is clear. However, requiring the court to conduct a procedural review of the complete set of paperwork is not unreasonable from an efficiency perspective. The</p>

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			<p>conduct him/herself. This is over-reaching. Asking the clerk to address substantive issues is an unauthorized practice of law.</p> <p>This rule is unreasonable. It's in the courts best interest to advise parties' of errors. However, to expect the court to identify all issues is unreasonable.</p> <p>Page 17, Form FL-182 (1)(a): Add "date field" to indicate when previous document was filed.</p> <p>Local courts should be able to maintain and use local forms.</p>	<p>rule seeks to address the time that is wasted by returning default and uncontested paperwork to litigants or their attorneys time and time again without having made a complete review of it in the first place. When court staff rejects paperwork on the basis of the first procedural error identified, and returns it without completing the review for any additional errors or omissions, there is created a revolving door of paperwork submissions that wastes everyone's time.</p> <p>That information is available in any Registry of Actions and is easily accessible to the court whenever it might be needed.</p> <p>The intent of the task force and the committee is to work simplify the process as much as possible and limit the forms that can be required. Local forms tend to change frequently as judges rotate in and out of family law assignments. This can create confusion even within the same court among different court locations.</p>
30.	John Zeis, Asst. Court Executive Officer Superior Court of Shasta County Redding		Form FL-180 <i>Judgment</i> , page 2, item 4m(3) add ‘, a copy of which is attached.’	The order in another case would not always be attached. For example, if the custody order was made in another jurisdiction, then there would be no jurisdiction to address the issue in the California action. If the orders were made in a case within the same jurisdiction and venue, the cases can be consolidated. If the orders are in a case in another venue, it might be helpful to attach to the judgment, but not necessary.

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

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	Commentator	Position	Comment	Committee Response
			<p>Since ‘visitation’ is now referred to as ‘parenting time’, I think all forms should reflect the correct term. See example below:</p> <p>Form FL-170 <i>Declaration for Default or Uncontested Dissolution or Legal Separation</i>, page 2, item 6 – the title is Child custody and parenting time (visitation), and sub-item b. references ‘parenting’, sub-item c. references visitation.</p> <p>Form FL-170 <i>Declaration for Default or Uncontested Dissolution or Legal Separation</i> Page 2, item 6a., custody is misspelled, it reads ‘Custody’.</p> <p>Form FL-170 <i>Declaration for Default or Uncontested Dissolution or Legal Separation</i> Page 2, item 6b, the word ‘time’ should be inserted after ‘parenting’.</p>	<p>The term “visitation” includes parenting time. There is visitation that is not with parents and would not be referred to in this manner. The process of clarifying this on all forms is an ongoing process. Currently, the reference to the custody and visitation attachment uses the accurate conforming language.</p> <p>Copyediting will review for misspelling.</p> <p>The change will be made.</p>