

# JUDICIAL COUNCIL OF CALIFORNIA

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## INVITATION TO COMMENT

**SPR20-19**

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Title	Action Requested
Family Law: Changes to Spousal Support and Property Division Forms	Review and submit comments by June 10, 2020
Proposed Rules, Forms, Standards, or Statutes	Proposed Effective Date
Approve form FL-349; revise forms FL-157, FL-343, and FL-345	January 1, 2021
Proposed by	Contact
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Hon. Mark A. Juhas, Cochair	

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### Executive Summary and Origin

The Family and Juvenile Law Advisory Committee proposes revising two optional forms (FL-157, FL-343) and approving one new optional form (FL-349) relating to spousal support, as well as revising one optional form (FL-345) relating to property division in family law cases.

Form FL-157 would be revised to reflect the changes made to Family Code section 4320 by Assembly Bill 929 (Rubio; Stats. 2018, ch. 938). The proposed changes to form FL-343 respond to suggestions made specifically about this form by the court in *In re the Marriage of Craig and Cynthia Martin*. Proposed new form FL-349 responds to the needs of judicial officers who are required to make findings under Family Code section 4320 when issuing or modifying a judgment for spousal or partner support. Proposed revisions to form FL-345 respond to requests made by judicial officers to simplify a specific item relating to the assignment of debts in a judgment.

### The Proposal

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

This optional form helps a party seeking a judgment for spousal or partner support comply with the factors that the courts must consider before issuing a judgment under Family Code section 4320. The form includes each statutory factor that the court must consider in ordering support and provides space for the party to write facts that address each factor.

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 These proposals are circulated for comment purposes only.*

The committee proposes revising this form to include the amendments to Family Code section 4320 enacted by AB 929. That bill amended section 4320(i) by describing the types of documented evidence of domestic violence that a party may submit for the court to consider before issuing a judgment for support. Specifically, the documented evidence of domestic violence under section 4320 can include but is not limited to (1) a plea of nolo contendere (no contest), (2) emotional distress resulting from domestic violence perpetrated against the supported party by the supporting party, (3) any history of violence against the supporting party by the supported party, (4) issuance of a protective order after a hearing under Family Code section 6340, and (5) a finding by the court during the pendency of a divorce, separation, or child custody proceeding that the spouse or domestic partner has committed domestic violence.

To conform to the changes to Family Code section 4320 enacted by AB 929, a new item titled “Family Code section 4320(i)” would be added to form FL-157 as item 13 and include the kind of “documented evidence of any history of domestic violence ... between the parties” that is listed in the statute.

The committee also proposes a minor change to match the form’s title in the footer with the correct title. The title in the footer appears as “Spousal or Partnership Support Declaration Attachment.” The word “Partnership” in the footer would be changed to “Partner.”

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

The committee proposes extensive changes to form FL-343, including a major reorganization that would expand the form from two to three pages.<sup>1</sup> As noted below, the major substantive changes proposed to the form relate to the termination of support and findings that the court must make under Family Code section 4320 before ordering support.

### ***Termination of support***

This form can be used by the court to make temporary orders and judgments for spousal or domestic partner support. The committee proposes several changes to this form.

The first change would be to make revisions that are consistent with the opinion of the Court of Appeal in *In re Marriage of Craig and Cynthia Martin* (2019) 32 Cal.App.5th 1195. In that case, the court urged the Judicial Council and local courts to change the language in their forms relating to Family Code section 4337.

Section 4337 provides that “[e]xcept as otherwise agreed by the parties in writing, the obligation of a party under an order for the support of the other party terminates upon the death of either party or the remarriage of the other party.”

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<sup>1</sup> Generally, when more extensive changes are proposed to Judicial Council forms, to ensure that the form is easy read, proposed changes are not highlighted. To better analyze the proposed changes, commenters may want to review the current form FL-334 at [courts.ca.gov/documents/fl343.pdf](https://courts.ca.gov/documents/fl343.pdf).

Form FL-343 currently includes a check box at item 6b to incorporate the language of section 4337. Item 6b provides that “[s]upport 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.”

Because section 4337 applies by operation of law, the court stated that a party should not have to check a box (affirmatively “opt-in”) to have section 4337 apply to the party’s case. Instead, the court stated that:

...logic suggests that the parties should affirmatively opt-out of the statutory requirement in order to waive section 4337’s application. We urge the Judicial Council of California and the local courts to revise their forms so that the parties must specifically check a box to waive section 4337’s application.

In response, the committee proposes striking the current language in item 6b and reorganizing the text under a new heading. In the revised form, items 6a and 6b would be added, as follows:

**6. Termination (end) of support**

- a. By law, unless the parties otherwise agree in writing, the support payor's obligation to pay support will end on the death of either party, remarriage, or registration of a new domestic partnership of the support payee.
  
- b.  Parties' agreement
  - (1)  The parties agree that the support payor's obligation to pay support will not end as described in a, but will continue on the death of either party, remarriage, or registration of a new domestic partnership of the supported party.
  - (2)  The parties agree that the support payor's obligation to pay support will end on (*specify*):

***Findings on Family Code section 4320 factors***

The second substantive change to the form would be to include a new item 3d for the court to indicate that its findings under Family Code section 4320 are either specified on the form itself, included in a numbered attachment, or specified in proposed new form FL-349, which would be attached to form FL-343.

The proposed changes to form FL-343 relating to section 4320 factors (along with proposed new form FL-349 [described below] would help judicial officers comply with their obligations before issuing or modifying an order for spousal or domestic partner support. Whereas Family Code section 4320 states that the court must “consider” each factor, case law provides that courts must make findings.

For example, the court in *In re Marriage of Geraci* (2006) 144 Cal.App.4th 1278 stated that “the trial judge must both recognize and *apply* each applicable statutory factor in setting spousal support. ... Failure to do so is reversible error.”

More recently, in *In re Marriage of Shimkus* (2016) 244 Cal.App.4th 1262, the court held that before terminating spousal support based on the changed circumstances, the trial court was required to issue a statement of decision and make findings on all of the statutory factors for ordering spousal support, since the court determined that obligor's counsel had made a request for findings.

### ***Reorganization of form***

The committee also proposes reorganizing the content of the items under more specific subject headings, breaking content up under the specific heading to make it easier to read and understand, and adding a third page to allow more space for the court to make its orders or the parties to write their agreement.

### ***Property Order Attachment to Judgment (form FL-345)***

From time to time, committee staff receive suggestions to improve rules of court and Judicial Council forms from court professionals outside the regular invitation to comment cycle. These suggestions are recorded and considered for inclusion with other relevant proposals.

Staff received requests from judicial officers to change language in form FL-345, at item 2, Division of community property debts, relating to the assignment of debts in a judgment. Rather than circulating the form in its own invitation to comment, the committee proposes including it with forms FL-157 and FL-343 because, like those forms, FL-345 also relates to orders issued in a judgment.

Judicial officers requested that the following underlined sentences in item 2f be stricken from the form because they are not court orders:

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

In response to the comment, the first sentence of 2f would be incorporated into another item on the form. However, the committee would appreciate comments about whether the form should still include language in the above section to inform the parties about how a creditor is not bound by the judgment, but that the person who has to pay the debt can go back to court and seek an order for reimbursement.

### ***Findings re Spousal or Partner Support Under Family Code Section 4320—Attachment (form FL-349)***

As previously described, this new form would respond to the request of judicial officers who need to make findings before issuing or modifying a judgment for spousal or domestic partner support.

The five-page form would serve as an attachment to *Findings and Order After Hearing* (form FL-340), *Restraining Order After Hearing* (form DV-130), *Judgment* (form FL-180), the parties' written agreement, or another document specified by the party. The form itself would organize all Family Code section 4320 factors under the following headings: "Preliminary Findings," "Findings Regarding the Supported Party," "Findings Regarding the Supporting Party," "Documented Evidence of Domestic Violence and Criminal Convictions," and "Findings on Other Factors."

## **Alternatives Considered**

### **Form FL-343**

The committee considered different ways to revise the form before proposing the specific language to respond to the suggestions from the court in *In re the Marriage of Craig and Cynthia Martin*. Because of the clear direction from the court, the committee did not consider delaying the proposed changes to a future cycle.

The committee also considered removing references to "family support" from the form because of the changes made to the Internal Revenue Code with the enactment of the Tax Cuts and Jobs Act (TCJA) of 2018.<sup>2</sup> For federal tax purposes, family support used to be treated like spousal support (taxable as income to the recipient and tax deductible to the payor). After December 31, 2018, initial orders for spousal support are no longer taxable as income to the recipient and tax deductible to the payor for federal purposes. Modifications of spousal support, however, would maintain pre-TCJA tax treatment, unless the parties otherwise expressly agree in writing.

Although the federal tax laws changed relating to spousal and family support, state law did not change. California Revenue and Taxation Code was not amended to reflect the new federal tax treatment of spousal support. Thus, spousal support (or domestic partner support) and family support will continue to be taxable as income to the recipient and tax deductible to the payor for state tax purposes after December 31, 2018. So, despite the change to the federal tax laws, the committee decided to maintain references on the form to "family support" because the form could still be used by a party seeking an initial order for family support for *state* tax purposes. Similarly, it might be used to modify support orders. The committee seeks comments on whether this form continues to be used for family support.

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<sup>2</sup> The Tax Cuts and Jobs Act (Pub.L. No. 115-97 (Dec. 22, 2017) 131 Stat. 2054) amended the spousal support provisions of the Internal Revenue Code (IRC) by repealing the income tax deduction to the person who pays spousal support under a divorce or separation instrument. In addition, the new law repeals the corresponding inclusion of spousal support in the gross income of the recipient. These amendments apply to (1) any divorce or separation instrument executed after December 31, 2018, and (2) any modification of a divorce or separation instrument that expressly provides that the amendments made by this section of the IRC apply to such modifications.

**Forms FL-157, and FL-345**

The committee considered proposing changes to these optional forms in a later cycle, but believed it was appropriate to combine them with the proposed changes to FL-343.

**Fiscal and Operational Impacts**

The committee anticipates that this proposal will result in minor costs incurred by the courts to revise the form, train staff, and create new codes for case management programs. Those costs would likely be outweighed by the time saved by the court in obtaining the information necessary to make appropriate orders and findings.

## Request for Specific Comments

In addition to comments on the proposal as a whole, the advisory committee is interested in comments on the following:

- Does the proposal appropriately address the stated purpose?
- Should references to “family support” be removed from form FL-343?
- Questions about form FL-345:
  - (1) Should the information on the current form FL-345 (underlined below) continue to be included on the form?  
The parties understand that the creditors are not bound by this judgment. If a creditor seeks payment from the party who is not listed as responsible for the debt, that party can file a motion to seek reimbursement from the defaulting party.
  - (2) If it should be included, please provide suggestions on the best way to convey the information.

The advisory committee also seeks comments from *courts* on the following cost and implementation matters:

- Would the proposal provide cost savings? If so, please quantify.
- What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?
- Would three months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?
- How well would this proposal work in courts of different sizes?

## Attachments and Links

1. Forms FL-157, FL-343, FL-345, and FL-349, at pages 8–21
2. Link A: In re the Marriage of Martin, <https://law.justia.com/cases/california/court-of-appeal/2019/e069481.html>
3. Link B: Assem. Bill 929, [https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201720180AB929](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB929)

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**SPOUSAL OR PARTNER SUPPORT DECLARATION ATTACHMENT**

- Declaration for Default or Uncontested Judgment (form FL-170)**  
  **Supporting Declaration for Attorney's Fees and Costs Attachment (form FL-158)**  
 **Other (specify):**

1. **Spousal or domestic partner support.** I request that the court (*check all that apply*)
- a.  enter a judgment for spousal or domestic partner support for  Petitioner  Respondent.
  - b.  modify the judgment for spousal or domestic partner support for  Petitioner  Respondent.
  - c.  deny the request to modify the judgment for spousal or domestic partner support.
  - d.  terminate jurisdiction to award spousal or domestic partner support to  Petitioner  Respondent.
2.  **Attorney fees and costs.** I request that the court (*check one*)
- a.  order my attorney fees and costs to be paid by  my spouse or domestic partner  a joined party (*specify*):
  - b.  deny the request for attorney fees and costs.

**FACTS IN SUPPORT OF MY REQUEST**

<b>3. Length of marriage or domestic partnership (legal relationship)</b> (Family Code section 4320(f))	<u>Length of legal relationship</u>
<b>a. (1) Date of marriage:</b> _____	
<b>(2) Date of separation:</b> _____	
<b>(3) Time from date of marriage to date of separation:</b> .....	_____ years      _____ months
<b>b. (1) Date domestic partnership was registered:</b> _____	
<b>(2) Date of separation:</b> _____	
<b>(3) Time from date of registration of the domestic partnership to date of separation:</b>	_____ years      _____ months
<b>c. If applicable, total combined years and months for the marriage (3a(3)) and the domestic partnership (3b(3)):</b> .....	_____ years      _____ months

4. **Standard of living of the marriage or domestic partnership** (Family Code section 4320(a))  [See Attachment 4](#)

The standard of living established during the marriage or domestic partnership was (*describe, for example, type and frequency of vacations, value of home and other real estate, value of investments, type of vehicles owned, credit card use or nonuse*):

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

See Attachment 5a

a. The supported party has the following training, job skills, and work history:

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

See Attachment 5b

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

See Attachment 6

Provide any facts that indicate the supported party's earning ability is, or is not, lower than it might be if the supported party had not had periods of unemployment because of the time needed to attend to domestic duties:

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

See Attachment 7

Provide any facts that indicate that the supported party contributed to the education, training, career position, or license of the supporting party:

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

See Attachment 8

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

b. The supporting party's current gross income from employment or self-employment is:

c. The supporting party's current income from investments, retirement, other sources is:

d. The supporting party's current assets and their values and balances are:

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8. e. The supporting party's standard of living is *(describe, for example, type and frequency of vacations, value of home and other real estate, value of investments, type of vehicles owned, credit card use or nonuse)*:

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

The supported party  does  does not need support to maintain the standard of living enjoyed during the marriage or domestic partnership.

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

[See Attachment 10a](#)

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

b. The supporting party's assets and obligations, including separate property, are *(list values and balances)*:

[See Attachment 10b](#)

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**11. Family Code section 4320(g)**  [See Attachment 11](#)

Provide any facts indicating whether the supported party is able to work without unduly interfering with the interests of the children in the supported party's care:

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

- a. Petitioner's age is: Respondent's age is:
- b. Petitioner's current health condition is *(describe)*:  [See Attachment 12b](#)
- c. Respondent's current health condition is *(describe)*:  [See Attachment 12c](#)

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

Provide all documented evidence of any history of domestic violence, as defined in Family Code section 6211, between the parties or perpetrated by either party against either party's child, including but not limited to:

- a. A plea of nolo contendere ("no contest")  [See Attachment 13a](#)
- b. Emotional distress resulting from domestic violence perpetrated against the supported party by the supporting party.  [See Attachment 13b](#)
- c. Any history of violence against the supporting party by the supported party.  [See Attachment 13c](#)
- d. Issuance of a protective order after hearing under Family Code section 6340.  [See Attachment 13d](#)
- e. A finding by a court during the pendency of a divorce, separation, or child custody proceeding, or other proceeding under Family Code sections 6200–6409, that the spouse or domestic partner has committed domestic violence.  [See Attachment 13e](#)

**14. Additional factors (Family Code section 4320(j)–(n))**  [See Attachment 14](#)

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

- a. The immediate and specific tax consequences for each party;
- b. The balance of the hardships on each party;
- c. The criminal conviction of an abusive spouse in reducing or eliminating support in accordance with Family Code section 4325;
- d. The goal that the supported party will be self-supporting within a reasonable period of time; and
- e. Any other factors the court determines are just and equitable.

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

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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):  
 Parties' Stipulation (Written Agreement)

- THE COURT FINDS  
 THE PARTIES STIPULATE (AGREE)

**1. Temporary spousal or partner support**

- a.  Modifies an order entered on (date):  
b. **Net income.** The parties' monthly income and deductions are as follows (complete (1), (2), or both):

		Total gross monthly income	Total monthly deductions	Total hardship deductions	Net monthly disposable income
(1) Petitioner:	<input type="checkbox"/> receiving TANF/CalWORKS	\$	\$	\$	\$
(2) Respondent:	<input type="checkbox"/> receiving TANF/CalWORKS	\$	\$	\$	\$

- c.  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).

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

- a.  Modifies a judgment entered on (date):  
b.  The parties were married for (specify): \_\_\_\_\_ months and \_\_\_\_\_ years.  
c.  The parties were registered as domestic partners or the equivalent for (specify): \_\_\_\_\_ months and \_\_\_\_\_ years.  
d. Findings on Family Code section 4320 factors. The court considered the parties' declarations and supporting documents regarding each Family Code section 4320 factor as stated in testimony, in Spousal or Partner Support Declaration Attachment (form FL-157) or in a similar written declaration filed with the court. The court's findings on the factors are  
(1)  included in Attachment 2d.  
(2)  included in Findings re Spousal or Partner Support Factors Under Family Code Section 4320—Attachment (form FL-349).  
(3)  specified below:

THIS IS A COURT ORDER.

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- 2. e.  The parties are both self-supporting.
- f.  The standard of living established during the marriage or domestic partnership was (*describe*):  [See Attachment 2f.](#)

**THE COURT ORDERS**

**3. Jurisdiction**

- a.  The issue of spousal or partner support for the  petitioner  respondent is reserved for later determination.
- b.  The court terminates jurisdiction over the issue of spousal or partner support for the  petitioner  respondent.
- c.  The court's jurisdiction over the issue of spousal or partner support will end on (*specify date*):

**4. Support amount and payment terms**

- a. The  petitioner  respondent must pay to the  petitioner  respondent as  temporary  permanent  spousal support  family support  partner support the following amount each month: \$
- b. Support payments will begin (*date*):
- c. Support payments are:
  - (1)  payable through (*specify end date*):
  - (2)  payable on the:                      day of each month.
  - (3)  Other (*specify*):

**5. Earnings assignment**

- a.  An earnings assignment for the support will issue as requested by  petitioner  respondent.  
**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 earnings, and for any support not paid by the assignment.
- b.  Service of the earnings assignment is stayed provided the payor is not more than (*specify number*):                      days late in paying spousal, family, or partner support.

**6. Termination (end) of support**

- a. By law, unless the parties otherwise agree in writing, the support payor's obligation to pay support will end on the death of either party, remarriage, or registration of a new domestic partnership of the support payee.
- b.  **Parties' agreement**
  - (1)  The parties agree that the support payor's obligation to pay support will not end as described in 6a, but will continue on the death of either party, remarriage, or registration of a new domestic partnership of the supported party.
  - (2)  The parties agree that the support payor's obligation to pay support will end on (*specify*):

**THIS IS A COURT ORDER.**

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7.  **Family support orders.** This order is for family support.
- a. 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.
  - b. The parents must notify the court of any change of information submitted within 10 days of the change by filing an updated form.
  - c. 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 to the court order.
8.  **Notice of change of employment**  
 The parties must promptly inform each other of any change of employment, including the employer's name, address, and telephone number.
9.  **Duty to become self-supporting**
- a. Notice: It is the goal of this state that each party must make reasonable good-faith efforts to become self-supporting as provided in Family Code section 4320. Failure to make reasonable good-faith efforts may be one of the factors considered by the court as a basis for modifying or terminating support.
  - b.  The  petitioner  respondent should make reasonable good-faith efforts to become self-supporting.
  - c.  Other (*specify*):
10.  **Attachment to Restraining Order After Hearing (form DV-130)**
- a. This form is attached to *Restraining Order After Hearing (CLETS-OAH) (Order of Protection)* (form DV-130).
  - b. The orders issued on this form (FL-343) do not expire on termination of the restraining orders issued on form DV-130.
  - c. The parties must promptly inform each other of any change of employment, including the employer's name, address, and telephone number.
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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PROPERTY ORDER ATTACHMENT TO JUDGMENT

1. Division of community property assets

- a.  There are no community property assets.
- b.  The court finds that the net value of the community estate is less than \$5,000 and that the  petitioner  respondent cannot be found. Under Family Code section 2604, the entire community estate is awarded to the  petitioner  respondent.
- c.  The petitioner will receive the following assets:  [See Attachment 1c.](#)
- d.  The respondent will receive the following assets:  [See Attachment 1d.](#)
- e. The  petitioner  respondent will be responsible for preparing and filing a *Qualified Domestic Relations Order* (QDRO) to divide the following plan or retirement account(s) (*specify*):

The fee for preparation of the QDRO will be shared as follows:

- f.  Other orders:
- g.  Each spouse will receive the assets listed above as his or her sole and separate property. The parties must execute any and all documents required to carry out this division.
- h. The court reserves jurisdiction to divide any community assets not listed here and enforce the terms of this order.

2. Division of community property debts

- a.  There are no community property debts.
- b.  All community debts have been paid by the  petitioner  respondent. The  petitioner  respondent must reimburse the other party: \$  
The payment plan is as follows:
- c.  The petitioner
  - (1) is assigned the debts listed below;
  - (2) is solely responsible for paying the debts listed below; and
  - (3) will hold the respondent harmless from the debts. [See attachment 2c.](#)

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- d.  The respondent
- (1) is assigned the debts listed below;
  - (2) is solely responsible for paying the debts listed below; and
  - (3) will hold the petitioner harmless from the debts.
- See attachment 2d.

e.  Other orders:

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

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

4. **Separate property**

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

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

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

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

7.  Other orders (*specify*):

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**FINDINGS RE SPOUSAL OR PARTNER SUPPORT  
UNDER FAMILY CODE SECTION 4320—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):*  
 *Parties' Stipulation (Written Agreement)*

**THE COURT FINDS**

**PRELIMINARY FINDINGS:**

1. **Standard of living of the marriage or domestic partnership** (Family Code section 4320(a))  [See Attachment 1](#)  
 The standard of living established during the marriage or domestic partnership was (*describe*):

2. **Length of marriage or domestic partnership (legal relationship)** (Family Code section 4320(f)) Length of legal relationship
- a. (1) Date of marriage: \_\_\_\_\_  
 (2) Date of separation: \_\_\_\_\_  
 (3) Time from date of marriage to date of separation:..... \_\_\_\_\_ years \_\_\_\_\_ months
- b. (1) Date domestic partnership was registered: \_\_\_\_\_  
 (2) Date of separation: \_\_\_\_\_  
 (3) Time from date of registration of the domestic partnership to date of separation: \_\_\_\_\_ years \_\_\_\_\_ months
- c. If applicable, total combined years and months for the marriage (2a(3)) and the domestic partnership (2b(3))..... \_\_\_\_\_ years \_\_\_\_\_ months

3. **Goal to become self-supporting** (Family Code section 4320(l))  [See Attachment 3](#)

With respect to the goal that the supported party will become self-supporting within a reasonable period of time, the court finds:

- a. this  is  is not a marriage or domestic partnership of long duration under Family Code section 4336.  
 b.  the supported party should make reasonable efforts to become self-supporting.  
 c.  Other (*specify*):

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4. **Age and health of the parties** (Family Code section 4320(h))

- a. The supported party's age is:
- b. The supporting party's age is:
- c. The supported party's current health condition is *(describe)*:  [See Attachment 4c](#)
- d. The supporting party's current health condition is *(describe)*:  [See Attachment 4d](#)

**FINDINGS REGARDING THE SUPPORTED PARTY:**

5. **Earning capacity** (Family Code section 4320(a)(1)–(2))

The supported party's earning capacity  is  is not sufficient to maintain the standard of living established during the marriage or domestic partnership.

- 6.  Findings regarding the supported party's earning capacity.
  - a. The supported party's marketable skills (training, job skills, and work history) are *(describe)*:  [See Attachment 6a](#)
  - b. The current job market for the job skills of the supported party is *(describe)*:  [See Attachment 6b](#)
  - c. The supported party would need the following time and expense to acquire the education or training to develop the skills for the job market described in (b) *(describe)*:  [See Attachment 6c](#)
  - d. To develop other, more marketable job skills or employment, the supported party would need the following retraining or education *(describe)*:  [See Attachment 6d](#)

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7. **Earning ability** (Family Code section 4320(a)(2))  [See Attachment 7](#)

- a. The supported party  has  has not had periods of unemployment because of the time needed to attend to domestic duties. *(Complete (b) if the supported party had such periods of unemployment.)*
- b. Because the supported party had periods of unemployment to attend to domestic duties, the supported party's present or future earning ability  is  is not lower *(explain):*

8. **Contributions to supporting party's education and training** (Family Code section 4320(b))  [See Attachment 8](#)

The supported party  did  did not contribute to the education, training, career position, or license of the supporting party.

9. **Care for children** (Family Code section 4320(g))  [See Attachment 9](#)

The supported party  is  is not able to be gainfully employed without unduly interfering with the interests of the children in the supported party's care *(If needed, use the space below to clarify the finding.)*

10. **Assets and obligations** (Family Code section 4320(e))  [See Attachment 10](#)

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

11. **Other findings** regarding the supported party *(specify):*  [See Attachment 11](#)

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**FINDINGS REGARDING THE SUPPORTING PARTY:**

12. **Earning capacity** (Family Code section 4320(a)(1))  [See Attachment 12](#)

The supporting party's earning capacity  is  is not sufficient to maintain the standard of living established during the marriage or domestic partnership.

13. **Ability to pay support** (Family Code section 4320(c))

a. The supporting party  is  is not able to pay spousal or domestic partner support.

b. The supporting party's current gross income from employment or self-employment is:

c. The supporting party's current income from investments, retirement, other sources is:

d. The supporting party's current assets and their values and balances are:  [See Attachment 13d](#)

e. The supporting party's standard of living is *(describe, for example, type and frequency of vacations, value of home and other real estate, value of investments, type of vehicles owned, credit card use or nonuse)*:  [See Attachment 13e.](#)

14. **Assets and obligations** (Family Code section 4320(e))  [See Attachment 14](#)

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

15. **Other findings** regarding the supporting party *(specify)*:  [See Attachment 15](#)

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**DOCUMENTED EVIDENCE OF DOMESTIC VIOLENCE AND CRIMINAL CONVICTIONS**

16. **Documented history of domestic violence** (Family Code section 4320(i))  [See Attachment 16](#)

- a. There  is  is not documented evidence of any history of domestic violence, as defined in Family Code section 6211, between the parties or perpetrated by either party against either party's child.
- b.  The court received the following documented evidence of domestic violence in this case:
  - (1)  A plea of nolo contendere ("no contest").
  - (2)  Emotional distress resulting from domestic violence perpetrated against the supported party by the supporting party.
  - (3)  Any history of violence against the supporting party by the supported party.
  - (4)  Issuance of a protective order after hearing under Family Code section 6340.
  - (5)  A finding by a court during the pendency of a divorce, separation, or child custody proceeding, or other proceeding under Family Code sections 6200–6409, that the spouse or domestic partner has committed domestic violence.
  - (6)  Other (*specify*):

17. **Documented evidence of criminal conviction** (Family Code section 4320(m))  [See Attachment 17](#)

- a. There  is  is not documented evidence of a criminal conviction of a party against the other party in the case that would entitle the injured spouse or domestic partner to a prohibition of any permanent award for support—or medical, life, or other insurance benefits or payments—to the other spouse or domestic partner under Family Code section 4324.5
  - Based on the criminal conviction described in a, the injured spouse or domestic partner, who is the  supported  supporting party is entitled to a prohibition of any permanent award for support—or medical, life, or other insurance benefits or payments—to the other spouse or domestic partner.
- b. There  is  is not documented evidence of a criminal conviction of a party against the other party in the case as described in Family Code section 4325.
  - Based on the criminal conviction, the  supported  supporting party is prohibited from an award of spousal or domestic partner support from the other spouse or domestic partner under Family Code section 4325.

**FINDINGS ON OTHER FACTORS**

18. **Tax consequences for each party** (Family Code section 4320(j))  [See Attachment 18](#)

The immediate and specific tax consequences for each party are:

19. **Balance of hardships for each party** (Family Code section 4320(k))  [See Attachment 19](#)

The balance of the hardships for each party is:

20. **Other factors** (Family Code section 4320(n))  [See Attachment 20](#)

Other factors the court finds are just and equitable in ordering spousal or domestic partner support are (*describe*):