



Judicial Council of California · Administrative Office of the Courts

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on: February 28, 2012

Title

Family Law: Information Sheet for
Dissolution of Marriage

Agenda Item Type

Action Required

Effective Date

July 1, 2012

Rules, Forms, Standards, or Statutes Affected

Approve form FL-107-INFO

Date of Report

February 3, 2012

Recommended by

Family and Juvenile Law Advisory
Committee

Contact

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Elkins Family Law Implementation Task

Force

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Executive Summary

The Family and Juvenile Law Advisory Committee and the Elkins Family Law Implementation Task Force recommend approval of a new optional form designed to provide basic information regarding the process for starting and finalizing the dissolution of a marriage, opportunities for alternative dispute resolution, and help in finding legal assistance. The Elkins Family Law Task Force recommended this type of form, which is designed to increase court efficiency by providing key information about the divorce process to assist parties to complete their cases.

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:

Approve *Legal Steps for a Divorce (Dissolution)* (form FL-107-INFO) to provide information to litigants about the dissolution process and how to get help in resolving their case.

A copy of the form is attached at pages 6–7.

Previous Council Action

The Judicial Council accepted the *Final Report and Recommendations* of the Elkins Family Law Task Force at the council’s April 23, 2010, meeting, which included a recommendation to provide basic information to litigants on the marriage dissolution process.

Rationale for Recommendation

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

The Elkins Family Law Task Force’s *Final Report and Recommendations* (final report) contained recommendations regarding the need to provide basic information for litigants about the family law process.¹ The final report states at page 63: “The family law process can be confusing and intimidating. Education for litigants about the court process and basic legal principles can help minimize stress, encourage appropriate agreements, and assist the parties in resolving their cases in a timely manner. When litigants understand their legal rights and procedural requirements, court processes can be more effective and efficient, less frustrating, and more responsive to litigants’ needs.”

This proposal responds to recommendation III B.2 of the final report: “Courts should provide introductory information to parties upon the filing of initiating papers or a response in family law cases that describes the steps in the process.”

California Rule of Court 5.83(g)(A), which became effective January 1, 2012, also provides that, as part of family centered case resolution, that courts provide the following information upon the filing of first papers to the filing party:

- (A) Written information summarizing the process of a case through disposition;
- (B) A list of local resources that offer procedural assistance, legal advice or information, settlement opportunities, and domestic violence services;
- (C) Instructions for keeping the court informed of the person's current address and phone number, and e-mail address;

¹The final report of the task force is at www.courts.ca.gov/xbcr/cc/elkins-finalreport.pdf.

- (D) Information for self-represented parties about the opportunity to meet with court self-help center staff or a family law facilitator; and
- (E) Information for litigants on how to request a status conference, or a family centered case resolution conference earlier than or in addition to, any status conference or family centered case resolution conferences scheduled by the court.

A number of courts have contacted the AOC for a form to help them comply with this requirement. FL-107 will meet these requirements with a simple local attachment regarding the resources in their community and procedures they have developed in response to section (E).

To help litigants understand the basic process for dissolutions and find assistance, the Family and Juvenile Law Advisory Committee and the Elkins Family Law Implementation Task Force propose that the Judicial Council, effective July 1, 2012, approve *Legal Steps for a Divorce (Dissolution)* (form FL-107-INFO). Upon approval of this form in English, it will be translated into Spanish and other languages commonly spoken in California as funding permits.

Comments, Alternatives Considered, and Policy Implications

The invitation to comment was circulated for public comment from April 21, 2011, through June 20, 2011, to the standard mailing list for family and juvenile law proposals. Included on the list were appellate justices, appellate court administrators, trial court presiding judges, trial court executive officers, judges, court administrators and clerks, attorneys, legal services agencies, and other family law professionals, such as family law facilitators, family court services directors, managers, supervisors, and staff.

Of a total of 22 commentators, 3 agreed with the original proposal, 13 agreed if modifications were made, 4 did not agree, and 2 did not indicate whether they agreed but suggested modifications to the form. A chart of comments providing the full text of the comments and the task force and advisory committee's responses is attached at pages 8–39.

The commentators' major concern with the form was whether it would be easily understood by self-represented litigants and other nonattorneys coming before the court. A number of commentators thought that it is understandable. Others were concerned that it is not and suggested adapting versions of materials that their court or agency had prepared. The committees reviewed a number of excellent forms provided with this request for comment and made many changes to the proposed form as a result. The committees recognize that litigants learn in different ways and that courts may choose to provide this information in a different format. Hence, they recommend that this be made an optional form so that courts may decide on a different approach.

A number of commentators noted that it is difficult to develop a standard chart for the process of a divorce as some self-help centers encourage disclosure with the first papers in a case, others with default papers. Some made suggestions for services that are offered in their courts, but not in others.

The task force and advisory committee focused on key issues that must be covered in the form and have identified other items for inclusion on the California Courts Online Self-Help Center, www.courts.ca.gov/selfhelp.htm, which allows for more in-depth discussion of the dissolution process.

In response to suggestions from commentators, information was added to the form noting that an agreement regarding the terms of the divorce must be in writing and meet legal requirements. The term “notarized” was added for cases involving a defaulting respondent who signs a marital settlement agreement. A sentence was added to clarify that the divorce case can be finalized even if one side does not comply with the disclosure requirements.

The information on the reverse of the form was clarified to indicate that legal advice can be provided only by attorneys and that the list of referrals is designed to help litigants find a variety of sources of information. Court clerks were removed as a source of information.

Many other typographical and stylistic corrections were made based on the comments received as detailed in the comment chart. The form was streamlined to make it much easier to read and a key point, that the divorce is not final until the parties submit the final paperwork was reinforced on both sides of the form.

Alternatives considered

Option 1. The advisory committee and task force considered not proceeding with the form, however, commentators provided much positive feedback about the benefits of the form. Given the large numbers of self-represented litigants who have difficulty understanding the basic divorce process, it seems advantageous to have such a form. Because it is an optional form that can be adapted by the courts as appropriate, the benefit of adopting the form appears to outweigh any costs involved.

Option 2. The advisory committee and task force considered making the form mandatory, however, because some courts expressed concern over the format and wanted to be able to modify the form to fit their practices more effectively, this approach is not recommended.

Option 3. The advisory committee and task force recommend approval of FL-107-INFO as an optional form for use by the courts and adding it to the California Courts Online Self-Help Center (www.courts.ca.gov/selfhelp.htm) so that parties can easily find the information referenced on the form. They also recommend making translations of the form available to the courts as funding is available. The committees believe that this option meets the needs of the courts for an effective and efficient process and makes information available to all litigants.

Implementation Requirements, Costs, and Operational Impacts

This proposal is intended to save the courts money by providing them with a form that they can make available to parties to explain the court process for a divorce, as well as to provide resources for resolving the case out of court. Once adopted, the form will be translated into

commonly spoken languages as resources permit, and thus, the courts will not have to pay for their own translations. Standard reproduction costs will be incurred only in distributing the revised forms if courts provide those forms. Litigants and counsel may also obtain the forms on the California Courts website and from public libraries, thus reducing the need for courts to maintain copies on site.

Relevant Strategic Plan Goals and Operational Plan Objectives

The new proposed form supports the policies underlying Goal I, Access, Fairness, and Diversity, because it helps explain the dissolution process for all parties, including self-represented litigants.

The form addresses Goal III, Modernization of Management and Administration, by implementing effective practices to foster the fair, timely, and efficient processing and resolution of all cases.

The form also serves Goal IV, Quality of Justice and Service to the Public, by implementing effective practices in a high-volume court such as family law to enhance procedural fairness and reduce the time and expense of court proceedings.

Attachments

1. Form FL-107-INFO, at pages 6–7
2. Chart of comments, at pages 8–38

FL-107 INFO Legal Steps for a Divorce (Dissolution)

STEP 1. File Forms

- The **petitioner** (the person who files the first divorce forms with the court) fills out and files at least a *Petition—Marriage* (Form FL-100) and a *Summons* (Form FL-110) and, if there are children in the marriage, Form FL-105.
- The **clerk** will stamp and return copies to the petitioner.
- The forms needed to start a divorce, as well as information about filing fees and fee waivers, are available at “Filing Your Case,” at <http://courts.ca.gov/selfhelp-divorcesteps.htm>.

STEP 2. Serve the Forms

- **Someone 18 or older**—not the petitioner—serves the spouse (called *the respondent*) with all the forms from Step 1 plus a blank *Response—Marriage* (Form FL-120) and files with the court a proof-of-service form, such as *Proof of Service of Summons* (Form FL-115), telling when and how the respondent was served. (To *serve* means “to give in the proper legal way.”) See “Serving Your First Set of Court Forms” at <http://courts.ca.gov/selfhelp-divorcesteps.htm> for more information.
- The **petitioner** must wait 30 days after Step 2 is complete before continuing the divorce.
- The **respondent** has these 30 days to file and serve a *Response*.

STEP 3. Disclose Financial Information

- The **petitioner** must fill out a *Declaration of Disclosure* (Form FL-140), an *Income and Expense Declaration* (Form FL-150), and a *Schedule of Assets and Debts* (Form FL-142) and have them served on his or her spouse.
- If the **respondent** files a *Response*, he or she must also complete and serve the disclosure documents listed in step 3.
- The **petitioner** and the **respondent** each then file a *Declaration Regarding Service* (Form FL-141) with the court saying they did this. If the respondent does not give petitioner these papers, the petitioner can still finish the case without them. Read the information on “Fill Out Your Financial Declaration of Disclosure Forms” at <http://courts.ca.gov/selfhelp-divorcesteps.htm>.

STEP 4. Finish the Divorce Case in One of Four Ways

Respondent does not file a *Response* (called “default”)

No Response and NO written agreement:
Petitioner waits 30 days after step 2 is complete and prepares a proposed *Judgment* (Form FL-180), together with all other needed forms. See “True Default Case” at <http://courts.ca.gov/selfhelp-divorcesteps.htm> for more information.

No Response WITH agreement: Petitioner attaches the signed and notarized agreement to the proposed *Judgment* (Form FL-180), together with all other needed forms. See “Default Case with Written Agreement” at <http://courts.ca.gov/selfhelp-divorcesteps.htm> for more information.

Respondent files a *Response*

Response AND agreement:
Either party files *Appearance, Stipulations, and Waivers* (Form FL-130) and the proposed *Judgment* (Form FL-180) with written agreement attached and other needed forms. See “Uncontested Case” at <http://courts.ca.gov/selfhelp-divorcesteps.htm> for more information.

Response and NO agreement: The court may try to help the parties reach an agreement. Otherwise, parties must go to trial. See “Contested Case” at <http://courts.ca.gov/selfhelp-divorcesteps.htm> for more information.

IMPORTANT NOTICES

- The earliest you can be divorced is six months and one day from the date the respondent (1) was served, (2) filed a *Response—Marriage* (Form FL-120), or (3) filed an *Appearance, Stipulations, and Waivers* (Form FL-130). You must complete step 4 to get your divorce. You are NOT divorced until you receive a *Judgment* signed by the court.
- If you need court orders for child support, custody, parenting time (visitation), spousal support, restraining orders, or other issues before the divorce is final, you can file a *Request for Order* (Form FL-300) asking for temporary orders. See “Request for Order Information” at <http://courts.ca.gov/selfhelp-divorcerequests.htm> for more information.
- You must keep the court and the other party informed of your mailing address. File *Notice of Change of Address* (Form MC-040) to tell the court if you have moved.

Ways to resolve divorce cases out of court

You may prefer to resolve some or all of the issues in your divorce without having the court decide for you. You and your spouse can put your agreement in writing and file it in your divorce case. But your agreement must follow all legal requirements. There are several ways you can get help.

Court Services (free):

- **Family Court Services.** Provide mandatory mediation or child custody recommending counseling to parents who are unable to agree on child custody and parenting issues. They cannot help with financial issues.
- **Family Law Facilitators and Self-Help Centers.** Can provide samples of agreements and other information and, in some cases, help with mediation.
- **Settlement Conferences.** An informal process in which a judge or an experienced lawyer meets with the parties and their lawyers to discuss the case and their positions and suggests a resolution. The parties can either agree to that suggestion or use it to help in further negotiations.

Private services (which you can hire to help you resolve your case):

- **Lawyers.** A professional who can help work out agreements between the parties and represent you at court hearings and trials.
- **Mediators.** A lawyer or counselor who helps the parties communicate to explore options and reach a mutually acceptable resolution.
- **Collaborative Lawyers.** Lawyers who represent each party but do not go to court. They try to reach an agreement. If court is necessary, the parties must hire new lawyers.

For more information about these services, see www.courts.ca.gov/selfhelp-adr.htm.

Where can I get help?

This information sheet gives you only basic information on the divorce and is not legal advice. If you want legal advice, ask a lawyer for help. You may also:

- Contact the family law facilitator or self-help center in your court for information, court forms, and referrals to local legal resources.
- Find a lawyer through your local bar association, the State Bar of California at <http://calbar.ca.gov>, or the State Bar's Lawyer Referral Services at 866-442-2529 (toll-free).
- Hire a private mediator. Contact your local bar association, court Alternative Dispute Resolution (ADR) program, or Family Court Services for a referral.
- Find information on the California Courts Online Self-Help Center website: www.courts.ca.gov/selfhelp.
- Find free and low-cost legal help (if you qualify) at www.lawhelpcalifornia.org.
- Find information at your local law library or public library.

What if there is domestic violence or a restraining order?

If there is domestic violence or a protective or restraining order, talk to a lawyer, counselor, or mediator before making agreements.

For domestic violence help, call the National Domestic Violence Hotline: 800-799-7233; TDD: 800-787-3224; or 211 (if available in your area).

Remember - The earliest you can be divorced is six months after you serve the divorce papers. AND, to be divorced, you MUST have a divorce judgment signed by a Judge. You have to finish Step 4 (see other side) to be divorced.

SPR11-40**Family Law- Information Sheet** (approve form FL-107-INFO)

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

	Commentator	Position	Comment	Committee Response
1.	Association of Certified Family Law Specialist (ACFLS) Diane Wasznicky, President	AM	FL-107-INFO: At the end of the first page of the form, there are bulleted paragraphs under the title "Important Notices". ACFLS proposes that the last sentence in the first bullet and the last sentence in the last bullet be bolded to bring attention to the significance of the content.	While the committees agree that these are very important points, readability is negatively impacted by bolding items on the form. For example, just bolding "You must complete step 4 to get your divorce" as suggested seems somewhat confusing if you have not read the earlier sentence about the soonest you can finish your divorce.
2.	Family Violence Law Center Kristie Whitehorse Oakland	A	No narrative comment.	No response required.
3.	Roberta Fitzpatrick San Jose	AM	Form FL-107-INFO, Step 4: Insert the word Divorce between (The) and (Case). Please make it clear if the actual divorce can be effective without agreement and settlement on Custody and Child Support, or if those issues are separate and ongoing. If a trial is necessary, how long can these proceedings be dragged out? Please give an estimate of how long the worst scenario would take.	The committees have inserted the word Divorce between "the" and "case." The instruction sheet currently says, "If no agreement, parties will need to go to trial." This is a very basic description of the process and one cannot predict how long proceedings can take. The issue of bifurcation of issues is also fairly complicated and one that is best addressed by individualized advice from an attorney.
4.	Harriett Buhai Center Erin Dabbs Senior Staff Attorney	AM	We support the Judicial Council's decision to create an information sheet on the procedural flow of a dissolution case. It is important that litigants understand that the filing of the Petition does not terminate their marriage. There are a number of steps that they must take before their dissolution and other orders are granted. Perhaps this form should include an admonition at the top, such as "You are not divorced until you receive a judgment signed by a Judicial Officer. You will need to take several steps	The committees think that this message is conveyed effectively through the flowchart and warning at the bottom of both pages regarding the earliest the divorce can be finalized. The links provide additional information on all steps.

SPR11-40

Family Law- Information Sheet (approve form FL-107-INFO)

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			<p>before you receive your divorce.”</p> <p>We recognize the difficulties in creating a flow chart that is both easy to follow and comprehensive. However, we worry that the proposed form might be confusing and possibly misleading to self-represented litigants because it provides a great deal of detail, yet it leaves out several crucial pieces of information and references to other relevant forms. This might lead litigants to think that they must only file the paperwork listed on this information sheet.</p> <p>Perhaps this concern would be ameliorated by a disclaimer at the top stating that the below list of documents and procedures is not complete and recommending that the litigant seek advice from an attorney or help from the self-help resource center before proceeding with his or her case.</p> <p>The words “petitioner” and “respondent” should be made consistent throughout the document, either upper- or lower-cased.</p> <p>At Step 1: We suggest making it clear that there are additional forms that litigants may file, such as the Child Custody and Visitation Application Attachment and related forms, and the Request to Waive Court Fees. This step implies that the three listed forms are the only forms necessary, but for many litigants, it will be appropriate and important to prepare other forms as well.</p>	<p>The committees have added other references to materials on the California Courts self help website to make it clear that there are additional materials.</p> <p>The committees have attempted to address this concern by putting information about referrals on the second page.</p> <p>This change has been made.</p> <p>This change has been made and is further reinforced at the links on the California Courts self-help website which the form refers to.</p>

SPR11-40

Family Law- Information Sheet (approve form FL-107-INFO)

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			<p>At Step 2: There is no information about how the other side is to be served. We think it would be appropriate to alert litigants to the fact that the Respondent should be personally served whenever possible, but that the Code of Civil Procedure provides for other forms of service under certain conditions.</p> <p>At Step 4: The documents listed at each of the options under 4A and 4B are incomplete. For example, obtaining a default uncontested judgment is much more complicated than attaching the agreement to the judgment. There are additional forms that must be completed by both sides and the respondent’s signature must be notarized. Again, this step would be improved by a disclaimer at the top of the form that additional forms may be necessary.</p> <p>In paragraph 2, we think it would clarify things to change the word “then” at the start of line 2 to “you obtain your final judgment.” This would emphasize that the dissolution is not final until judgment is entered, and it would clarify what is meant by “then.”</p> <p>In paragraph 4, we suggest adding “and the other party” after the word “court” because the <i>Notice of Change of Address</i> form must always be served on the other side in addition to being filed at the court. Additionally, for the sake of consistency, consider adding “a” in front of <i>Notice of Change of Address</i>, as all other forms listed on the page are preceded by “a.”</p>	<p>The committees have added a reference to finding more information about service on the California Courts self help website.</p> <p>The committees have added information noting that the Judgment must be submitted with “other forms” and link to the California Courts self-help website.</p> <p>The committees have made this clarification.</p> <p>The committees have made this change.</p>

SPR11-40**Family Law- Information Sheet** (approve form FL-107-INFO)

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			On page 2, there is an extra space between the bullet points for “Family Law Facilitators and Self-Help Centers” and “Settlement Conferences and Discussions.”	The space has been removed.
5.	Los Angeles Center for Law and Justice Suma Mathai, JD/MSW Supervising Family Law Attorney Los Angeles	AM	Form FL-107-INFO We applaud the inclusion of an informational form to assist litigants in understanding the litigation process. We recommend that the information on Page 1 of the form be included on at least two pages, to allow for clear headings and an easier to read format. Attached hereto are materials that the Los Angeles Center for Law and Justice has created through a Partnership Grant from the State Bar of California’s Legal Services Trust Fund that may be of assistance in revising this form.	The committees understand this concern and reviewed a number of excellent forms provided with this request for comment. Many changes were made in response to comments to simplify the form. This is an optional form and courts may decide on a different approach.
6.	Sasha Morgan Managing Attorney Self Help Center / Family Law Facilitator Superior Court of Santa Cruz County	AM	I believe that the process makes more sense by changing the order of Step 3 and Step 4. At the SHC we always describe Step 3 of the process as either filing a Response or Default – no one knows that the next step until this 30 days passes. We describe Step 4 as filing the Disclosures. This is important because it is not required that the Respondent do disclosures if the case is proceeding by Default. I have worked very hard to change my court’s opinion on this issue, even getting a legal opinion from the AOC. This is such an exciting new handout that I would love to use, but I would not use if it stays in the current format. At the very least I hope that step 3 could state that no disclosures from respondent may be required if the case proceeds through the default process.	The difficulty with this suggestion is that many self-help centers have parties prepare their disclosures with the very first set of papers. A sentence has been added clarifying that even if the Respondent does not comply with the disclosure requirements, the Petitioner can finish the case without them.

SPR11-40**Family Law- Information Sheet** (approve form FL-107-INFO)

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7.	Neighborhood Legal Services of Los Angeles County Carmen McDonald-Goldberg, Esq. Pacoima	N*	Form FL107 Legal Steps for Divorce Comments: We ask the committee not to use this form. We feel that the informational flow chart provided can be overwhelming for self-represented litigants. There is too much information on the first page and it is difficult to follow. We propose making changes to the flow chart to make it more readable and easy to follow. We also propose that the "Important Notices" information be moved to the back page to allow for a clearer flow chart. We have attached a proposed sample for your consideration.	The committees understand this concern and reviewed a number of excellent forms provided with this request for comment. Many changes were made to simplify the form in response to comments received. This is an optional form and courts may decide on a different approach.
8.	Orange County Bar Association John Hueston, President Newport Beach	A	No narrative comment.	No response required.
9.	Sonoma County Bar Association Joyce MacLaury Family Law Facilitator, Sonoma Court Santa Rosa	N	General comment: We agree that a flow chart should be developed and provided to parties at the time of filing their case informing litigants about service of process, completion of disclosure, and the entry of a judgment. There are concerns about limited options, and assumptions made in the procedures. CONCERN: Limitation of Options for Stipulated Judgments: This makes it appear that agreements must be submitted only in MSA format, and not through the use of forms. This is burdensome on self-represented litigants and attorneys who are helping people in low cost services. SUGGESTION: Allow a stipulated judgment	No response required regarding benefit for a flow chart. The committees have included references to the California Courts self help website on the form. The information on the website states that an agreement can be created using forms. This proposal for a new form will be considered

SPR11-40

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			<p>form to attach to the 180 that would be used in addition to the rest of the attachment forms (such as the FL-240 in Paternity Judgments).</p> <p>Assumptions in the Details of Language: 1. Step 3 assumes both Petitioner and Respondent will be filling out Declarations of Disclosure which would not happen in a true default judgment.</p> <p>Confusion in flow chart: Step 4 says the case will finish in one of 4 ways, and refers to 4A and 4B which looks like only 2 ways. Renumber 4 to "4a through 4d". Renumber 4A to "4a - 4b"; and 4B to "4c - 4d", then label the four final boxes accordingly (4a, 4b, 4c, 4d).</p>	<p>by the Family and Juvenile Law Advisory Committee in the future.</p> <p>The information may still be exchanged in a true default. The language has been revised to make it clear that the case can be completed even if the Respondent does not serve a declaration of disclosure.</p> <p>The committees have changed the numbering for step 4.</p>
10.	The State Bar of California Family Law Executive Committee (FLEXCOM) Jill L. Barr, FLEXCOM Saul Bercovitch, State Bar Legislative Counsel	AM	<p>A. <u>FL-107-INFO</u>: Information sheet entitled <i>Legal Steps for Divorce (Dissolution)</i>.</p> <p>FLEXCOM suggests the following modifications to this form:</p> <p>1. "Petitioner" and "Respondent" should be capitalized everywhere on the form for purposes of uniformity.</p> <p>2. Under "Methods for Resolving Cases" add "ADR-Alternative Dispute Resolution."</p>	<p>This change has been made.</p> <p>Two methods of Alternative Dispute Resolution are listed – mediation and collaborative law. The court ADR program is listed as a place to get help.</p>
11.	The State Bar of California Standing Committee on the Delivery of Legal Services (SCDLS)	AM	<p>This informational sheet is helpful to understand the divorce process. It attempts to provide a road map for litigants to understand that</p>	<p>The form has been revised to refer to a "notarized agreement."</p>

SPR11-40

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<p>Office of Legal Services Sharon Ngim Program Developer and Staff Liaison, San Francisco</p> <p>[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.]</p>		<p>obtaining a divorce in California takes time. The only caution is that in the situation where the respondent has not appeared in the action and has been defaulted by the court, if an agreement is reached later, the signature must be notarized for the papers to be processed.</p> <p>In addition, to the comments above, technical changes are suggested below:</p> <p><u>Form FL-107-INFO</u></p> <ul style="list-style-type: none"> • Replace “Visitation” with “Parenting Time” throughout form FL-107-INFO. • Step 1 should read “...who files the <u>first</u> papers <u>with the</u> court is the Petitioner.” • Move last sentence of Step 1 to header; this is important information that may not be referenced. • Remove “STEP 4A” and “STEP 4B” from the boxes directly under Step 4; labeling them “A” and “B” indicates two steps, not the four stated above. This will also make it easier to identify the different form packets noted below, they can be identified as 4A, 4B, 4C and 4D. • In the left-hand box in the second to last row of the diagram, the language should read “Petitioner must file default papers. Default can be filed 30 days after Step 2. See <u>DEFAULT PACKET*</u> for forms and instructions.” • Left-most box in bottom row should be labeled STEP 4A. • Second box in bottom row should be labeled STEP 4B. Also, this step should have a forms packet available. 	<p>The term “parenting time” has been added along with visitation. This change has been made.</p> <p>This placement has been changed.</p> <p>These numbers have been changed.</p> <p>This has been changed.</p> <p>This has been changed.</p> <p>This has been changed.</p>

SPR11-40

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			<ul style="list-style-type: none"> • Third box in bottom row should be labeled STEP 4C. • Final box in bottom row should be labeled STEP 4D. • In all applicable steps, replace word “PACKAGE” with “PACKET”. • In first bullet under “IMPORTANT NOTICES”, should read “The <u>earliest</u> you can be divorced...” • In second bullet under “IMPORTANT NOTICES”, should read “If you need orders foror other orders before <u>the divorce is final.</u>” • Page 2 is labeled as page 1 in the footer. • Page 2, first paragraph, third sentence, should read, “People can prepare written agreements to file in their divorce case, <u>however the agreement must contain all the legal requirements.</u>” To leave the sentence as is makes it sound very simple and will result in rejected documents and/or the parties not seeking help. • On page 2, in right column, delete number 7; court clerks do not perform this task and this is not included on other “Where Can I Get Help” sections. • Spacing issues include: <ul style="list-style-type: none"> o Not enough space before final sentence in first paragraph on left side. o Extra space before Settlement Conferences and Discussions. o Extra space before Attorney section toward the bottom left. 	<p>This has been changed.</p> <p>This has been changed.</p> <p>This has been changed.</p> <p>This has been changed.</p> <p>This has been changed.</p> <p>This has been changed.</p> <p>This has been changed.</p> <p>This has been changed. Many clerks do perform this function, but the committees do not want to raise an expectation if that is not common.</p> <p>This has been changed.</p> <p>This has been changed.</p> <p>This has been changed.</p>
12.	Superior Court of Los Angeles County	AM	In Step 1, the Summons is mistakenly identified as form FL-100 when it should be FL-110. The	This has been corrected.

SPR11-40

Family Law- Information Sheet (approve form FL-107-INFO)

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	Commentator	Position	Comment	Committee Response
			Petition for Dissolution is mistakenly identified as FL-110. The Petition form is FL-100.	
13.	Superior Court of Monterey County Minnie Monarque Director of Civil & Family Law Division	A	<p>Agree with proposed changes. Proposed form FL-107-INFO-<i>Legal Steps for Divorce (Dissolution)</i>. It is proposed that the word “written” be inserted prior to the word “agreement.”</p> <p>It is also proposed that the Council emphasize under IMPORTANT NOTICES that the parties are <i>not</i> divorced until and unless they complete Step 4, and they receive a <u>JUDGMENT</u> back from the court. It is not automatic at six months, the parties will need to be proactive to receive a <u>JUDGMENT</u>.</p> <p>There may be 4 ways to complete, but you refer me to 7 boxes.</p> <p>The first bullet under “Important Notices” should be rephrased to use proper grammar and terminology. At the fourth bullet remove the following: <i>signed by the judge</i>.</p>	<p>The term “written” has been added before agreement.</p> <p>Language has been added to emphasize this point.</p> <p>The boxes have been renumbered to clarify this point. This change has been made.</p>
14.	Superior Court of Orange County Family Law Operations Staff Santa Ana	AM	<p>Form FL-107-INFO</p> <ul style="list-style-type: none"> • “Visitation” should be replaced with “Parenting Time” throughout form FL-107-INFO • Step 1 should read “...who files the first papers in with the court is the Petitioner.” • Suggest last sentence of Step 1 be moved to header; this is important information that may not be referenced. • “STEP 4A” and “STEP 4B” should be removed from the boxes directly under Step 4; labeling them “A” and “B” indicates two steps, not the four stated above. This will also make it 	<p>The term “parenting time” has been added along with visitation.</p> <p>This has been changed.</p> <p>This has been changed.</p> <p>This has been changed.</p>

SPR11-40

Family Law- Information Sheet (approve form FL-107-INFO)

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	Commentator	Position	Comment	Committee Response
			<p>easier to identify the different form packets noted below, they can be identifies as 4A, 4B, 4C and 4D.</p> <ul style="list-style-type: none"> • In the left-hand box in the second to last row of the diagram, the language should read “Petitioner must file default papers. Default can be filed 30 days after Step 2. See DEFAULT PACKAGE PACKET* for forms and instructions.” • Left-most box in bottom row should be labeled STEP 4A. • Second box in bottom row should be labeled STEP 4B. Also, this step should have a forms packet available. • Third box in bottom row should be labeled STEP 4C • Final box in bottom row should be labeled STEP 4D • In all applicable steps, replace word “Package” with “Packet” • In first bullet under IMPORTANT NOTICES, should read “The earliest soonest you can be divorced...” • In second bullet under IMPORTANT NOTICES, should read “If you need orders for.....or other orders before then the divorce is final.” • Page 2 is labeled as page 1 in the footer • Page 2, first paragraph, third sentence, should read, “People can prepare written agreements to file in their divorce case, however the agreement must contain all the legal requirements.” To leave the sentence as is makes it sound very simple and will result in 	<p>This has been changed..</p> <p>This has been changed.</p> <p>This has been changed.</p> <p>This has been changed.</p> <p>This has been changed.</p> <p>This has been changed.</p> <p>This has been changed.</p> <p>This has been changed.</p> <p>This has been corrected.</p> <p>This has been changed.</p>

SPR11-40

Family Law- Information Sheet (approve form FL-107-INFO)

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	Commentator	Position	Comment	Committee Response
			<p>rejected documents and/or the parties not seeking help.</p> <ul style="list-style-type: none"> • On page 2, in right column, number 7 should be deleted; court clerks do not perform this task and this is not included on other “Where Can I Get Help” sections. • Spacing issues include: <ul style="list-style-type: none"> o Not enough space before final sentence in first paragraph on left side o Extra space before Settlement Conferences and Discussions o Extra space before Attorney section toward the bottom left 	<p>This change has been made. Many clerks do perform this function, but the committees would not want to raise an expectation if that is not common.</p> <p>This has been changed.</p> <p>This has been changed.</p> <p>This has been changed.</p>
15.	<p>Superior Court of Riverside County Staff Michael Capelli, General Counsel Riverside</p>	AM	<p>FL-107 Info</p> <p>While the flow chart has good information, it is too wordy and confusing for the average litigant who is already overwhelmed by the amount of paperwork they are required to complete. The chart is a visual minefield. It is admittedly very difficult to provide a comprehensive overview of the dissolution process on one page.</p> <p>The flow chart should be something that people can glance at but not have to study. A better initial flowchart would be more of a conceptual overview, which directs parties to other resources for more detailed and specific information. Please see the flow chart from the Riverside Superior Court as an example of a more generalized document.</p> <p>Other Comments:</p>	<p>The committees understand this concern and reviewed the sample provided by the Superior Court of Riverside County and other excellent forms provided in response to this request for comment. Many changes were made in response to the comments received to address these concerns.</p> <p>This is an optional form and courts may decide on a different approach.</p>

SPR11-40

Family Law- Information Sheet (approve form FL-107-INFO)

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	Commentator	Position	Comment	Committee Response
			<p>Minor typo, page 2 of 2 on the FL-107-INFO reads as page 1 of 2.</p> <p>Minor typo on page 2 under Where Can I Get Help?; #4 - add a w to the website address www.courts.ca.gov/self-help</p>	<p>This has been corrected.</p> <p>This has been corrected.</p>
16.	<p>Superior Court of Sacramento County Robert Turner, ASO II, Finance Division Sacramento</p>	NI	<p>Form FL-107:</p> <p>Step 1. Add "must"...petitioner must also file a... This document is written as both descriptive and directive. We recommend all directive language.</p> <p>Step 2. The blank UCCJEA is not listed.</p> <p>Step 3.</p> <ul style="list-style-type: none"> • This language implies to do a 2336 all you need is a proposed judgment. • Why no reference to uncontested package in this box. • If waiving right to trial, both parties need to file. <p>Step 4a. This language implies to do a 2336 all you need is a proposed judgment.</p> <p>Step 4b. Why no reference to uncontested package in this box. If waiving right to trial, both parties need to file.</p>	<p>Language has been revised to be directive wherever possible.</p> <p>A reference has been added to finding out about additional forms that may be needed on the California Courts self help website.</p> <p>This language has been modified to refer to a packet for uncontested forms.</p> <p>This language has been modified to refer to a packet for uncontested forms.</p> <p>This language has been modified to refer to a packet for uncontested forms.</p>

SPR11-40

Family Law- Information Sheet (approve form FL-107-INFO)

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	Commentator	Position	Comment	Committee Response
			FL-107-INFO, page 1 of 2: [where to get help] In Court: <ul style="list-style-type: none"> • Should be rewritten to state: "some courts, in some cases, may help with mediation." • Remove reference to sample agreements. 	Language has been revised to make it clear that all of these services may not be offered by every court.
17.	Superior Court of San Bernardino County Debra Meyers Director	N	<p>An information sheet would be very helpful to the litigants to have a better understanding of the case processing flow. The parties should be educated about the process, especially those persons who are unable to hire an attorney.</p> <p>However, it is difficult to create one sheet that accurately represents the flow in every county. For example, in Step 1, there needs to be a reference to any local forms required in addition to the Judicial Council forms. Also, by separating out Step 3 from Step 1, the Information Sheet suggests that it is incorrect to prepare all the financial disclosure documents at the time that the Summons & Complaint was prepared. However, to complete all the forms at one is a more economical choice for the litigants, since service of all the documents can be completed at once and recorded on the Proof of Service of Summons. Also, if they are going to be working on their forms, why not do them all --especially with the proposed new requirement that all disclosures be completed within 60 days of filing the Petition or Response.</p>	<p>No response required.</p> <p>More references have been added to materials on the California Courts self help website. These materials discuss how parties can prepare and serve the disclosures earlier in the case.</p>

SPR11-40

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			<p>When discussing how to finish the case, important details are left out of the box regarding a default agreement. For example, the agreement must be notarized per FC 2338.5. There are also questions regarding appearance fees and financial disclosures.</p> <p>In the instruction section below the flow chart, the third bullet point states that “You or your lawyer prepared all the papers for the court to review and sign...” This comment suggests that all the documents filed need to be signed by the Court, or that the Court is going to be providing some type of analytic review regarding completeness.</p> <p>On page 2, there is a reference to free services at Family Court Services. I have heard some counties discuss limiting the number of times that the parties may attend mediation within 12 months. The current language could suggest to someone that the FCS services are unlimited and always free, which may not match the reality for each county.</p>	<p>The committees have added a reference to notarization and information about fees.</p> <p>This bullet has been removed</p> <p>As noted in <i>Hogoboom v. Los Angeles Superior Court</i>, mandatory services at Family Court Services must be provided without charge. As courts review their policies regarding services provided by Family Court Services, they will certainly be informing litigants of any charges for non-mandated services.</p>
18.	Superior Court of San Diego County Michael M. Roddy Court Executive Officer San Diego	NI	Form FL-107-INFO, general: Our court recommends removing the arrows and reformatting so that the form is less busy. Too much information is included and it is overwhelming. Since this form is optional, San Diego will not be using this form as written and will create a local version instead. If this form is to be used, our court recommends the following changes:	Many changes have been made to try to make the form less busy. The committees also reviewed a number of excellent forms provided with this request for comment and made many changes based on the comments received. This is an optional form and courts may decide on a different approach.

SPR11-40

Family Law- Information Sheet (approve form FL-107-INFO)

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			<p>1) There is no mention of fees that will be required (or fee waiver). A section addressing fees should be added.</p> <p>2) Change in Step 3: Our court suggests changing the first sentence to read, "The petitioner and respondent <i>each fill out a Declaration of Disclosure form</i> (FL-140)..." [In addition, please note that in this sentence neither petitioner nor respondent are capitalized, while in step 1 they are. Our preference is that they NOT be capitalized on any Judicial Council form, unless starting the sentence.]</p> <p>3) Changes in Step 4:</p> <ul style="list-style-type: none"> • In the box immediately below step 4A. it would be better to state, "Petitioner <i>files</i> default papers..." • The boxes immediately below that box should be numbered 1 and 2. • The boxes immediately below step "4B." should be numbered 3 and 4. <p>Making these changes will allow a reader to clearly see the "four ways" a case is finished.</p> <p>4) Important Notices, 3rd bullet: Should read "You or your lawyer prepare (delete the 's').</p> <p>5) Changes on Page 2:</p> <ul style="list-style-type: none"> • At the Family Court Services 	<p>A reference has been added about filing fees.</p> <p>This sentence was changed and capitalization of petitioner and respondent is now consistent.</p> <p>This has been changed.</p> <p>The numbering in this section has been changed to improve clarity.</p> <p>The numbering in this section has been changed to improve clarity.</p> <p>The "s" has been deleted as suggested.</p> <p>The term Child Custody Recommending</p>

SPR11-40

Family Law- Information Sheet (approve form FL-107-INFO)

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	Commentator	Position	Comment	Committee Response
			<p>bullet: Why is mediation being used instead of child custody recommending counseling? The issue will make it confusing with the “mediation” referred to under Family Law Facilitators and Self-Help Centers, which is more likely private mediation?</p> <p>At the Family Law Facilitators and Self-Help Centers bullet: consider changing the word "mediation" to "settlement conference."</p>	<p>Counseling has been added to the form as well as mediation.</p> <p>Since many facilitators provide mediation and this is a more commonly known term than settlement conference, the committees think that the term “mediation” is clearest.</p>
19.	<p>Superior Court of Santa Clara County Family Court Judges: Hon. Mary Ann Grilli Hon. Mary E. Arand Hon. L. Michael Clark Hon. Neal Cabrinha,</p>	AM	<p>FL-107-INFO, FAMILY LAW INFORMATION SHEET: First, each box would benefit from a heading. For example, Step 1 could read Filing Case or Filing Petition and Step 2 could read Service of Papers.</p> <p>STEP 1- This indicates that the family law forms are available for free from the clerk’s office. Is it correct that every family law form is available at the clerk’s office at no cost?</p> <p>STEP 2- The person serving may not be either the Petitioner or a party to the case. The sentence should read that the Respondent is served “personally”. The last sentence should indicate that a Proof of Service, not just a Proof is completed by the person serving the papers and filed with the court. *NOTE- somewhere on this document it should clearly state that people should always keep copies of anything</p>	<p>The committees have tried to incorporate headings, but this impacts the very limited space on the form and is difficult to be comprehensive yet short.</p> <p>The form states that they are available on the internet for free.</p> <p>The form does note that the Petitioner cannot serve the petition. The term “personally” is somewhat confusing, but parties are directed to the California Courts self-help website to get comprehensive information on how to effectuate service.</p>

SPR11-40**Family Law- Information Sheet** (approve form FL-107-INFO)

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			<p>that is filed with the court and that there is no charge to stamp a copy as filed when the original is filed with the court.</p> <p>STEP 3- as written, this statement would eliminate true default situations. While it is correct that both sides are supposed to exchange preliminary declarations of disclosure, there are a number of cases where the Respondent fails to submit anything. This issue should be addressed. Step 3 should also indicate the timing required for the serving of the PDD by each party.</p> <p>QUERY-does the filing of the Respondent's Proof of Service of the PDD cause the Respondent to incur a filing fee?</p> <p>STEP 4A- In the section referencing an agreement, add that the written agreement must be signed by both parties and their attorneys, if any. This agreement may be called a Marital Settlement Agreement or a Stipulation for Judgment. Petitioner should be capitalized in the agreement section. The word final should be deleted before Judgment.</p> <p>STEP 4B- Respondent should be capitalized in the first box. The term final papers is a bit confusing. The Judgment is not called a final judgment currently and the word final should be deleted.</p> <p>IMPORTANT NOTICES- First bullet, replace "soonest" with "earliest date that".</p>	<p>This language has been revised to note that the divorce can be finalized even if Respondent does not complete disclosure forms.</p> <p>This question has been referred for legal review and will be addressed on the California Courts self help website when answered.</p> <p>The reader is directed to additional information on the California Courts self-help website which includes this information. The word "final" has been deleted.</p> <p>These changes have been made.</p> <p>This has been changed to "earliest" rather than "soonest."</p>

SPR11-40

Family Law- Information Sheet (approve form FL-107-INFO)

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			<p>Second bullet: Should be amended to read: If you need orders before the date of the Judgment for..., then you can file, etc.</p> <p>Third bullet, this section needs to be revised grammatically. For example, it is not clear what process is referred to in the second sentence.</p> <p>Fourth bullet, the change of address is needed at every step of the process so that the court can communicate with you. In addition, the only need for a party’s address is if they are self represented and the form should so indicate.</p> <p>Somewhere on the face of the form should be a reference to what is on the back of the form. People tend not to read the back unless they are pointed to it for a reason.</p> <p>METHODS FOR RESOLVING FAMILY LAW CASES- This section begins with the words that “some people” prefer to resolve some or all of their cases without having the court decide, as if this were not a preferred alternative, and then says the court does not prefer one method over another. This is not a true statement. The law encourages parties, at every step of the case, to work toward resolution of their issues, and this should be clearly stated. A number of courts have ADR or settlement notices and perhaps some of their language</p>	<p>This language has been changed.</p> <p>This third bullet has been removed.</p> <p>This language regarding change of address has been changed. The committees anticipate that attorneys will explain that no need for a change of address form is required if there is an attorney of record. However, if a litigant has an attorney who is providing limited scope services such that the party is still remaining attorney of record, a change of address is required. Thus, the committees do not recommend a change.</p> <p>Page numbers now reference that this is page 1 of 2.</p> <p>This language has been removed.</p>

SPR11-40

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			<p>might be used here.</p> <p>“In Court” section: The FCS option should not be referred to as In court. Perhaps as an alternative, the term “court based services” might be used. Above the FCS section, it should state that FCS is for custody and visitation.</p> <p>In the section about Facilitators and Self Help Centers, it should be clear that mediation services are available if both sides are self represented.</p> <p>The discussion of settlement conferences almost sounds like a trial. This should be revised to reflect a process where the parties are encouraged to discuss options for resolving outstanding issues and to resolve them.</p> <p>Query, should there be mention of other settlement options offered by some courts, such as Early Neutral Evaluations, Court Settlement Officers, etc.? Should courts be able to modify this form to reflect local options that are available?</p> <p>Out of Court section- attorneys are not just out of court, for they are involved in and out of the courtroom.</p> <p>Mediation- the definition of mediation should be simplified and clarified. A mediator is an attorney or other professional who helps the parties work out agreements in a confidential</p>	<p>This terminology has been changed to be more clear.</p> <p>This practice varies by county and actual procedures should be explained by the facilitator or self-help staff.</p> <p>The committees recognize that settlement conferences are different in different jurisdictions. The intent of this form is to provide only a brief description and to refer litigants to the California Courts self help website which includes more information.</p> <p>Courts may want to adapt this form or provide additional information about services available in their county.</p> <p>The reference to attorneys refers to the fact that attorneys are not court-connected rather than where the attorneys provide services, which can be in or out of the courtroom. This section has been revised to make this clearer.</p> <p>Given the different issues concerned with confidentiality in family mediations (such as mandatory reporting of child abuse), the committees do not think that the definition should</p>

SPR11-40

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			<p>process. The mediator does not make decisions for the parties.</p> <p>Collaborative Law: Each party hires an attorney to assist them in working out agreements in the case. If agreements are reached, the attorneys prepare the agreements. If no agreements are reached, the collaborative law attorneys will withdraw from the case and new attorneys must be hired.</p> <p>Arbitration or Private Judging- a new section should be added to indicate that parties may hire someone to decide some or all of the issues in their case.</p> <p>WHERE CAN I GET HELP? It would be helpful if local courts could add local resources to this form and print them out. If that is not feasible, then this section should be modified to put the part about finding a lawyer first. Low cost legal services should follow the first section. In the section about the facilitator, the part about referrals to attorneys should be deleted, as most do not make referrals at all.</p> <p>WHAT IF THERE IS DV OR A PROTECTIVE ORDER? Add that parties can also ask the court or the facilitator if there is a list of local DV resources available.</p>	<p>be changed.</p> <p>The committees think that the definition used is shorter and will be sufficient.</p> <p>The committees recognize that different services are available in different communities and thinks that this is best left up to a local court to add if they choose. Most litigants who can afford these services are likely to have counsel who can explain those options.</p> <p>Because this form is proposed for optional sue, local courts will be able to add their own resources. Family Code section 10004 directs facilitators to provide referrals to resources for litigants. While it is not appropriate to make referrals to individual attorneys, referrals to lawyer referral services and similar resources are totally appropriate.</p>
20.	Superior Court of Shasta County Stacy Larson, Family Law Facilitator	AM	<ul style="list-style-type: none"> On the FL-107-INFO, since the information sheet purports to apply to both divorces and dissolution of domestic partnerships, we may want to change the title from “Legal Steps for a Divorce (Dissolution)” 	Given the differences in procedure, the reference to domestic partners has been removed.

SPR11-40

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			<p>to “Legal Steps to End a Marriage or Domestic Partnership (Dissolution).</p> <ul style="list-style-type: none"> • On the FL-107-INFO, pertaining to Step 1: In the first sentence, the word “Petitioner” and “Respondent” should not be capitalized as they are being used as common nouns, not proper nouns. • On the FL-107-INFO, pertaining to Step 1: It may be helpful to include a brief sentence informing the parties that their party designations remain constant for the entirety of the case (e.g., once a petitioner always a petitioner). • On the FL-107-INFO, pertaining to Step 1: since the information sheet is intended to apply to domestic partnerships as well, we should include those form numbers [e.g., Petition (FL-103)]. • On the FL-107-INFO, pertaining to Step 1: In the third sentence, we need to capitalize “petitioner” to be consistent with the rest of the form and because it’s being used as a proper noun (e.g., “Petitioner also files a Declaration Under Uniform . . .”). • On the FL-107-INFO, pertaining to Step 2: “Petitioner” should not be capitalized in the first sentence as it is not being used as a proper noun unless we remove the “the” (e.g., “not the petitioner” or “not Petitioner”). • On the FL-107-INFO, pertaining to Step 2: Since the information sheet is intended to apply to domestic partnerships as well, we should include those form numbers [e.g., blank Response (FL-123)]. 	<p>“Petitioner” and “Respondent” have now been capitalized consistently through the document.</p> <p>The proposed information has been added to the California Courts self-help website in the sections to which the parties are referred. This conserves space on this form to allow it to remain on one sheet.</p> <p>References to domestic partnerships have been removed.</p> <p>“Petitioner” and “Respondent” have now been capitalized consistently through the document.</p> <p>“Petitioner” and “Respondent” have now been capitalized consistently through the document.</p> <p>References to domestic partnerships have been removed.</p>

SPR11-40

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			<ul style="list-style-type: none"> • On the FL-107-INFO, pertaining to Step 2: We should reword the last sentence and remove the italics for clarity to read “A proof of that service (form FL-115) is filed with the court.” • On the FL-107-INFO, pertaining to Step 3: For clarity and to ensure that the sentence reads consistently either in the plural or singular form, we should reword the first sentence to read, “The petitioner and respondent each fill out a Declaration of Disclosure (form FL-140) with an Income and Expense Declaration (form FL-150), and Schedule of Assets and Debts (form FL-142) and give them to each other with the last two years of tax returns. Petitioner and Respondent must each file a . . . court.” See DECLARATIONS OF DISCLOSURE PACKAGE* for forms and instructions.” • On the FL-107-INFO, pertaining to Step 3: on the last line, we need to capitalize “Respondent” as it is being used as a proper noun and to ensure consistency with the rest of the form. • On the FL-107-INFO, pertaining to Step 4: The heading indicates the case will be finished in one of FOUR ways, but only two ways are listed. • On the FL-107-INFO, pertaining to Step 4A: We should not capitalize “Response.” • On the FL-107-INFO, pertaining to Step 4A: At the second layer, we should capitalize “Step 2.” • On the FL-107-INFO, pertaining to 	<p>That change has been made.</p> <p>That change has been made.</p> <p>“Petitioner” and “Respondent” have now been capitalized consistently through the document.</p> <p>The numbering has been changed to improve clarity.</p> <p>The term “Response: is capitalized to make it clear that it refers to a specific form. This change has been made.</p> <p>This information is included in the information on</p>

SPR11-40

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			<p>Step 4A: At the third layer, where we explain that the petitioner must prepare a judgment, we should explain that a Notice of Entry of Judgment (FL-190) must also be filled out along with any relevant attachments. We should also add a line that the petitioner will need to submit three envelopes and sufficient stamps for postage with the judgment (e.g., “If there is no agreement, Petitioner prepares and submits to the court a proposed Notice of Entry of Judgment (form FL-190) and Judgment (form FL-180) asking only for the orders requested in the Petition accompanied by any relevant attachments. Petitioner must also submit three envelopes and sufficient postage for the court to mail the judgment to the parties once it is signed. See the DEFAULT PACKAGE for forms and instructions.”)</p> <ul style="list-style-type: none"> • On the FL-107-INFO, pertaining to Step 4A: At the third layer, we should reword for clarity, capitalize “Petitioner,” and inform litigants that the MSA must be notarized as follows: “If there is an agreement, Petitioner attaches the signed, notarized agreement to the proposed final Judgment (form FL-180). • On the FL-107-INFO, pertaining to Step 4B: At the first layer, we should not capitalize “Response.” • On the FL-107-INFO, pertaining to Step 4B: At the second layer, we should reword for clarity, maintain consistency, capitalize “Respondent,” and inform the parties that the written agreement must be notarized, as follows: “If the parties have an agreement, Respondent 	<p>the California Courts self help website along with other specific information that would be needed by the litigant beyond a general overview of the process.</p> <p>The form now notes that the agreement must be notarized.</p> <p>“Response” is capitalized to make it clear that it refers to a specific form.</p> <p>Family Code section 2338.5 only requires notarization of the signature of a defaulted spouse.</p>

SPR11-40

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			<p>files an Appearance, Stipulation & Waiver (form FL-130) with the proposed Judgment (form FL-180) attached to the notarized, written agreement. See UNCONTESTED PACKAGE* for forms and instructions.”</p> <ul style="list-style-type: none"> • On the FL-107-INFO, pertaining to Step 4B: At the second layer, we should reword for clarity and maintain consistency, as follows: “If there is no agreement, the court may assist the parties in reaching an agreement. If no agreement is reached, the parties must go to trial. See TRIAL PACKAGE* for forms and instructions.” • On the FL-107-INFO, pertaining to “IMPORTANT NOTICES,” at the first bullet, we should not capitalize “Respondent” on the first line as it is not being used as a proper noun, or in the alternative, we should eliminate the word “the” before “Respondent.” We should also put a comma after “(form FL-120).” The last sentence of this section should be worded for clarity, consistency, and to include domestic partnerships, as follows: “Serving the respondent does not complete your dissolution. Your dissolution will not be final until you have completed Step 4, and the judge has signed your judgment.” • On the FL-107-INFO, pertaining to “IMPORTANT NOTICES,” at the second bullet, we should reword for clarity, as follows: “If you need . . . or other orders before your dissolution judgment is final, you can . . .” • On the FL-107-INFO, pertaining to “IMPORTANT NOTICES,” at the third bullet, 	<p>This change has been made.</p> <p>This language has been reworded.</p> <p>This language has been revised to reference the divorce judgment.</p> <p>This notice has been removed.</p>

SPR11-40

Family Law- Information Sheet (approve form FL-107-INFO)

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			<p>on the first line, we should capitalize “Step 4” and move the period to appear after the parentheses (e.g., “including the proposed Judgment—Step 4).”</p> <ul style="list-style-type: none"> • On the FL-107-INFO, pertaining to “IMPORTANT NOTICES,” at the last bullet, we should replace the words “can get” with “can receive.” We should place the word “the” before “Notice of Change of Address.” • The first page of the form shifts from third person in the section above IMPORTANT NOTICES and then second person throughout IMPORTANT NOTICES. This shift appears fluid and works well. However, on the second page of the FL-107-INFO, pertaining to “Methods for Resolving Family Law Cases,” we shift back to third person, and it reads awkwardly. I suggest we rework page 2 of the FL-107-INFO to be in the second person and to include terms more familiar to the layperson. For example, the first sentence should be reworked, as follows: “You may prefer to resolve some of your issues without the court’s involvement. The court does not . . . over another. You and the other party can prepare a written agreement to file in your case . . .” • There appears to be an extra line of blank space on page 2 of the FL-107-INFO between Family Law Facilitators and Self Help Centers and Settlement Conferences and Discussions. • On the second page of FL-107-INFO, pertaining to “Settlement Conferences and Discussions,” we should make “attorneys” 	<p>These changes have been made.</p> <p>Revisions have been made to try to make the shift in tense clearer between information for both litigants and for the person reading the form.</p> <p>This blank space has been removed.</p> <p>This has been made singular.</p>

SPR11-40

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			<p>singular and reword to read, “an informal process . . . or experienced attorney meets with the parties . . . considers the facts and issues . . . and suggests a resolution . . .”</p> <ul style="list-style-type: none"> • On the second page of FL-107-INFO, pertaining to “Out of Court,” this section should be reworked using the second-person “you.” E.g., “You can choose . . . to assist you . . . resolving your case: . . . agreements between you and the other party or parties . . . A mediator helps you and the other party/parties . . . • On the second page of FL-107-INFO, pertaining to “Where Can I Get Help?” the first paragraph should replace “divorce” with “dissolution” to include domestic partnerships. • On the second page of FL-107-INFO, pertaining to “Where Can I Get Help?” the heading makes it sound like all of the bulleted points provide methods for obtaining legal advice, which is not the case. Subsection (2) should be moved into the heading, and the heading should be reworked to clarify that facilitators, mediators, the Courts’ website, etc., will not provide legal advice. E.g., “This information sheet gives only basic information on dissolution proceedings and is not legal advice. If you want legal advice . . . for assistance. You may find a lawyer through your local bar association, the State Bar of California at http://calbar.ca.gov, or the Lawyer Referral Service at 866-442-2529. In the alternative, you may also:” The remaining bulleted list could be renumbered to omit (2). 	<p>This section has been revised.</p> <p>Since domestic partnerships are deleted from this form, this reference has been deleted.</p> <p>This language has been changed to make it clear that not all of these services provide legal advice.</p>

SPR11-40

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			<ul style="list-style-type: none"> • On the second page of FL-107-INFO, pertaining to “Where Can I Get Help?” at present subsection (3), “ADR” should be placed in parentheses and “Alternative Dispute Resolution” should be placed before the parentheses. E.g., “court Alternative Dispute Resolution (ADR) . . .” • On the second page of FL-107-INFO, pertaining to the informational box entitled “What if there is Domestic Violence or a Protective Order?” we should hyphenate “domestic-violence help,” in the second paragraph as the two words “domestic-violence” act as an adjective for the noun “help.” 	<p>This change has been made.</p> <p>This follows the Judicial Council forms style.</p>
21.	Superior Court of Ventura County Caron Smith, Family Law Case Coordinator Ventura	N	<p>Providing litigants with basic information is very important. Ventura Superior Court has developed several information sheets for litigants. However, FL-107 gives too much information. The form is overwhelming. Litigants should not receive something such as this at the time of filing their action. It may have an unintended consequence of persuading litigants that it is not possible for them to complete their divorce. Litigants are filing their first documents. They may already be discouraged. At the point of filing, litigants have no idea how their case will progress. Providing this information at this time will serve no purpose.</p> <p>This form is not accessible to most self-represented litigants. It does not matter how important we may think the information is to</p>	<p>The committee is very mindful of the importance of making this form as understandable as possible and reviewed instructional materials from local courts and legal services agencies in developing this form.</p> <p>Many changes have been made to the proposed form in response to comments received to make it easier to understand.</p> <p>This is an optional form and courts may decide on a different approach.</p>

SPR11-40**Family Law- Information Sheet** (approve form FL-107-INFO)

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			<p>receive. With this document, litigants will not receive it. This is not in a format that most people will find accessible. The purpose of the form is to give the litigants a basic overview of the process. This document is much more than a basic overview. Judicial Council form numbers are included. The authors of FL-107 did not design this form to be used as a guide to do your own divorce, but rather a basic process overview. The form names and numbers should not be on the form.</p> <p>At the time litigants pick up the petition packet, they should be given a simple sheet on where they can find assistance. An overview of the process can be given at the self-help center or at case status conference.</p> <p>Readability Access to justice is a principle embraced by the Judicial Council. However, without a commitment to creating useful information for the low literacy reader, the commitment to access is 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. According to readability experts 43% of the population read at or below the 4th grade level. Readability experts use two readability</p>	

SPR11-40

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			<p>instruments to initially evaluate written documents. The instruments evaluate the grade level and the reading ease of the text. Reading ease looks at the quantifiable aspects of text and grammar. Reading ease is rated 0 to 100, with 0 being very difficult; and 100 being very easy. FL-107 was evaluated with the readability instruments. The results were:</p> <p style="text-align: center;">Grade Level 9.8</p> <p style="text-align: center;">Reading Ease; 47.9</p> <p>FL-107 should be rewritten using principles of plain language. The timing of the distribution of the information needs to be carefully considered. Many courts have developed user-friendly information sheets. These should be considered when producing another version of this form.</p>	
22.	John Zeis Asst. Court Executive Officer Superior Court of Shasta County	AM	<p>Proposed changes:</p> <p>Step 1:</p> <ul style="list-style-type: none"> • Summons (form FL-110) is the correct form number; • Petition for Dissolution (form FL-100) is the correct form number; • In order to avoid confusion for the general public, it would be better to have the form names on the information sheet exactly match the form names on the website. For example, Petition-Marriage (form FL-100), Petition-Domestic Partnership (form FL-103), Proof of Service of Summons (form FL- 	<p>This has been corrected.</p> <p>This has been corrected.</p> <p>The reference has been changed to <i>Petition-Marriage</i>. Since the Proof of Service of Summons, FL-115 is an optional form, this has been left as “Proof” – and include the form in the instructional package on the California Courts self help website.</p>

SPR11-40

Family Law- Information Sheet (approve form FL-107-INFO)

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			<p>115).</p> <p>Step 2:</p> <ul style="list-style-type: none"> List the entire name of ‘Proof (form FL-115)’ to Proof of Service of Summons (form FL-115) <p>Step 3:</p> <ul style="list-style-type: none"> Indicate that Preliminary Declaration Regarding Service of Declaration of Disclosure (form FL-141) is mandatory, but final can be waived by the parties. <u>Declaration of Disclosure package</u> on Self-Help does not contain instructions on form FL-141. <p>Step 4 A:</p> <ul style="list-style-type: none"> Default – depending on how Summons and Petition were served, it may take more than 30 days before default can be entered. Add: Personal Service – default may be taken on the 31st day; Service by Certified Mail (outside of California) – default may be taken on the 41st day after the first date of mailing; Substituted Service with follow-up mailing – default may be taken on the 41st date after the date of mailing; Service by Publication – default may be taken on the 59th day after the first date of publication; <p>Important notices:</p>	<p>Since FL-115 is not a mandatory form, it is listed as an example.</p> <p>This has been clarified on the California Courts self help website.</p> <p>The 30 days starts upon completion of service, which is indeed different depending upon the method of service. The committee does not think that it is wise to explain when service will be completed in the variety of methods of accomplishing service in this short form.</p>

SPR11-40**Family Law- Information Sheet (approve form FL-107-INFO)**

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			<ul style="list-style-type: none"> • Appearance, Stipulation and Waivers (form FL-130) establishes jurisdiction only if respondent appears by filing this form (box 1a checked). • Be consistent with the form name – Order to Show Cause instead of Request for Orders for form FL-300. Mention that Temporary Orders attachment form FL-305 must be attached to FL-300 if temporary orders are requested. Restraining orders <u>may not</u> be requested with FL-300. • There is no mention of Notice of Entry of Judgment and self-addressed stamped envelopes. 	<p>This is now explained in the information on the California Courts self help website.</p> <p>This reflects the proposed revision to the FL-300 to entitle it Request for Orders and make it a cover sheet for the request for temporary orders.</p> <p>This is included in the California Courts self help website that is referenced throughout the form..</p>

