



Judicial Council of California · Administrative Office of the Courts

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on October 26, 2012

Title

Family Law: Correcting Substantive Issues in Forms for Dissolution of Domestic Partnership or Marriage

Agenda Item Type

Action Required

Effective Date

January 1, 2013

Rules, Forms, Standards, or Statutes Affected

Revise forms FL-103 and FL-123

Date of Report

September 10, 2012

Recommended by

Family and Juvenile Law Advisory Committee

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

Contact

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Executive Summary

The Family and Juvenile Law Advisory Committee recommends revising forms FL-103 and FL-123 to correct substantive omissions and formatting errors that have caused confusion to parties and court clerks and made them unusable by some parties for whom the forms were intended. The committee proposes correcting the forms so that they are consistent with their stated purpose.

Recommendation

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council revise *Petition—Domestic Partnership/Marriage* (form FL-103) and *Response—Domestic Partnership/Marriage* (form FL-123), effective January 1, 2013, as follows:

- Revise the caption areas and item 1 of forms FL-103 and FL-123 to allow parties to choose whether the action relates to a domestic partnership or a marriage or both;

- Revise item 2 on both forms to include persons eligible to become domestic partners (persons of the same sex and persons of the opposite sex over the age of 62 years) who want to dissolve the domestic partnership as well as the marriage;
- Revise items 4 and 5 to require the parties to attach a separate property declaration instead of listing the property on the form itself; and
- Make other revisions to correct typographical errors, and make technical changes.

Previous Council Action

The Judicial Council adopted new forms FL-103 and FL-123, effective January 1, 2005, to implement changes to procedures for terminating domestic partnerships under Family Code section 299 (Assembly Bill 205 (Stats. 2003, ch. 421).)

The Judicial Council revised forms FL-103 and FL-123, effective January 1, 2012, to implement the mandates of Assembly Bill 2700 (Stats. 2010, ch. 397) and Senate Bill 651 (Stats. 2011, ch. 721).

Rationale for Recommendation

Family law practitioners have indicated that forms FL-103 and FL-123, revised by the Judicial Council effective January 1, 2012, contain substantive omissions and formatting errors that make them inconsistent with their stated purpose.

Various areas of the forms are missing information necessary for the parties to clearly indicate the nature of the relief requested in the petition or response. For example, the forms were intended for use whether the parties are married or domestic partners; however, the caption in each form included only the term domestic partnership and not marriage. The lack of check boxes before the term “domestic partnership” in item 1 did not accurately reflect that some users may be married and may have never registered a domestic partnership. Further, neither form’s item 2 offered a place for a party to indicate that they meet the residency requirements for a marriage that was established in California or in a place outside of California, even though it recognizes and will dissolve the same sex marriage. Finally, the forms did not acknowledge that persons using the forms may be domestic partners of the opposite sex.

Addressing the omissions on forms FL-103 and FL-123 will eliminate the possibility that parties or their counsel will file two separate petitions relating to a marriage and a domestic partnership. It will also eliminate confusion for court clerks who file the two petitions and will avoid the need to refund filing fees.

Comments, Alternatives Considered, and Policy Implications

The invitation to comment was circulated from April 17, 2012, through June 15, 2012, to the standard mailing list for family and juvenile law proposals. Included on the lists were appellate presiding justices, appellate court administrators, trial court presiding judges, trial court

executive officers, judges, court administrators and clerks, attorneys, social workers, probation officers, and other family law professionals, such as family law facilitators and family court services directors, managers, supervisors, and staff.

Of a total of five commentators, all agreed with the proposal, if modifications were made. A chart of comments providing the full text of the comments and the committee’s responses is attached at pages 10–15.

Changes to caption

One commentator stated that the captions in the forms were confusing because they repeated the terms *domestic partnership* and *marriage* three times. The commentator suggested that the caption be revised as follows:

- | | |
|--|---|
| <input type="checkbox"/> Dissolution of: | <input type="checkbox"/> Legal Separation of: |
| <input type="checkbox"/> Nullity of: | <input type="checkbox"/> Domestic Partnership |
| <input type="checkbox"/> Marriage | |

The committee did not recommend the proposed changes because they could cause confusion for the parties and the court. The caption on the forms were revised effective January 1, 2012, to comply with the mandate of Assembly Bill 2700 and allow parties to request dissolution, legal separation, or nullity of both their domestic partnership and their marriage in a single court proceeding, instead of having to file two separate actions.

The commentator’s proposed changes to the caption do not consider the statutory requirements of AB 2700. For example, if a petitioner checked “Dissolution,” “Legal separation,” “Marriage,” and “Domestic Partnership,” the court clerk could not know whether the petitioner wanted to file an action to dissolve the marriage or domestic partnership or whether the request for legal separation related to the marriage or domestic partnership.

The terms *domestic partnership* and *marriage* are repeated three times because the forms are meant to be used to request or respond to multiple actions, specifically, (1) dissolution of a domestic partnership and/or marriage, (2) legal separation of a domestic partnership and/or marriage, or (3) nullity of a domestic partnership and/or marriage. To increase a party’s understanding that the forms may be used for any these purposes, the committee recommended reformatting the information in the caption into rows and columns as follows:

- | | | |
|--|---|-----------------------------------|
| <input type="checkbox"/> Dissolution of | <input type="checkbox"/> Domestic Partnership | <input type="checkbox"/> Marriage |
| <input type="checkbox"/> Legal Separation of | <input type="checkbox"/> Domestic Partnership | <input type="checkbox"/> Marriage |
| <input type="checkbox"/> Nullity of | <input type="checkbox"/> Domestic Partnership | <input type="checkbox"/> Marriage |

Changes to item 2

Another commentator stated that the proposed changes are acceptable; however, he indicated that he believed that a box in 2c appears to be missing. The commentator suggested that a box be

inserted between the two sentences “We are the opposite sex and are married” and “We are also domestic partners.” The committee did not agree that item 2c on the forms is missing a box and did not recommend revising the forms as suggested because the change would not comply with the requirements of Assembly Bill 2700.

As indicated in the invitation to comment, effective January 1, 2012, forms FL-103 and FL-123 were revised to comply with the mandate of AB 2700 and allow parties who are married and who also have a domestic partnership to request relief relating to both in one proceeding. However, the revised forms did not account for all persons eligible to become domestic partners under Family Code section 297(b). Specifically, the revisions did not include those domestic partners of the opposite sex, one or both of whom are over the age of 62 years.

As previously noted, this item in 2c has limited application. The part of 2c identified by the commentator has only one box before the two sentences (“We are the opposite sex and are married. We are also domestic partners.”) to indicate that married persons of the opposite sex may use forms FL-103 and FL-123 only if they are also domestic partners under Family Code section 297(b).

New notice box under caption

A commentator suggested that the form include a notice to clarify when parties who are of the opposite sex should start an action using form FL-103 or *Petition-Marriage (Family Law)* (form FL-100). The commentator suggested that the notice state that married persons of the opposite sex who are not domestic partners must complete form FL-100. The committee agreed to recommend the following language in the notice box on form FL-103: Notice: If petitioner and respondent are of the same sex, use this form. If petitioner and respondent are of the opposite sex and are *not* also domestic partners, use form FL-100.”

By adding the first sentence in the above notice, the committee does not intend to preclude same-sex married persons from using form FL-100 to request a dissolution, legal separation or nullity of their marriage if they meet the jurisdictional requirements set out in FL-100. Instead, the committee recalled the rationale of having two initiating forms (FL-100 for opposite-sex couples and FL-103 for same-sex couples) in the report to the Judicial Council dated November 29, 2011. On page 5 of that report, the committee noted that:

Different forms allow the courts to keep track of the number of dissolutions filed for domestic partners and same-sex married couples. They also prompt judicial officers—when making orders regarding property division, partner or spousal support, and other rulings—to consider the fact that federal and state laws differ for same-sex couples.

Changes to items 4 and 5

A third commentator suggested several changes to the language in items 4 and 5 relating, respectively, to separate property and to community and quasi-community property assets and debts. Some of the suggested changes were to (1) make item 4 consistent with the language in

item 5 by including the statement “There are no such assets and debts subject to disposition by the court in this proceeding,” and (2) add a phrase to item 4 to indicate that the request is that all separate property assets and debts listed in *Property Declaration* (form FL-160) or in Attachment 4b be confirmed to the petitioner or the respondent as separate property. The committee recommended these changes.

The same commentator suggested adding a phrase to item 5 so that the party would be requesting that all community and quasi-community property assets and debts listed in *Property Declaration* (form FL-160) or in Attachment 5 be confirmed to the petitioner or the respondent as separate property. Community and quasi-community property assets and debts can be confirmed to the petitioner or the respondent as his or her sole and separate property. However, they can also be sold, with proceeds divided between the parties. Therefore, the committee believed that the proposed language would be too narrow to characterize the range of possible dispositions of these assets. Instead, the committee recommended revising the language in item 5 to state, “All such assets and debts are listed in *Property Declaration* (form FL-160) Attachment 5b and should be divided between petitioner and respondent as indicated in form FL-160 or Attachment 5b.”

Additional suggestions included using alternative language to clarify that the term “Attachment 4,” for example, does not refer to a Judicial Council form with this title. The alternative language included “in separate attachment” or “in attachment labeled attachment 4 [or 5]” to avoid confusing parties who might search for a Judicial Council form with those titles. The committee did not recommend this change. The reference to attachments identified by the commentator follows the conventions for Judicial Council forms to state the title and form number where a specific Judicial Council form is required or to specify how a litigant-created attachment should be labeled in those circumstances where there is not a specific Judicial Council form but where additional text is necessary. The committee is mindful of space limitations on the forms and the difficulties associated with multipage forms for the public and the courts. It recommends that information on the use and labeling of attachments be imparted through instructional materials rather than on the forms themselves.

Changes to item 7

Two commentators noted a typographical error in item 7c, which should read “Attachment 7c” instead of “Attachment 9c.” The committee recommended this change.

Alternatives considered

The advisory committee considered including the changes in a technical report to the council. After further consideration of the number of substantive changes required to revise the forms, the committee concluded that the proposal would not fall within the Judicial Council’s purview to adopt a proposal without circulation under rule 10.22(d)(2) of the California Rules of Court because the proposed changes are not purely technical. In addition, education, training, or guidelines would be insufficient to correct the substantive omissions on the forms identified in this proposal.

The committee also considered deferring the action but recommends making the required changes now to simplify the situation for litigants and court clerks. Litigants are currently faced with filing separate cases or hand-marking forms to indicate a request to dissolve both a marriage and a domestic partnership. Court clerks are currently faced with spending additional time reviewing and filing the hand-marked forms or consolidating separately filed cases and refunding filing fees.

Implementation Requirements, Costs, and Operational Impacts

The implementation requirements, costs, and operational impacts should be minimal and may save the court resources that otherwise would be needed to establish and maintain two separate actions. These forms are not generated by a court case management system. Courts will incur reproduction costs to distribute the revised forms only if the courts provide those forms. Litigants and counsel may also obtain the forms on the California Courts website and from public law libraries, thus reducing the need for courts to maintain a large number of copies on site.

Relevant Strategic Plan Goals and Operational Plan Objectives

The proposed revisions to forms FL-103 and FL-123 support the policies underlying Goal I, Access, Fairness, and Diversity, because they remove barriers to the courts for parties who have both domestic partnerships and marriages.

Attachments

1. Forms FL-103 and FL-123, at pages 7–10
2. Chart of comments, at pages 11–16

Petitioner: _____	CASE NUMBER: _____
Respondent: _____	

4. **DECLARATION REGARDING SEPARATE PROPERTY AS CURRENTLY KNOWN**
- a. There are no such assets or debts subject to disposition by the court in this proceeding.
- b. All such assets and debts listed are listed in *Property Declaration* (form FL-160) Attachment 4b and should be confirmed as petitioner's or respondent's separate property as indicated in form FL-160 or Attachment 4b.
5. **DECLARATION REGARDING COMMUNITY AND QUASI-COMMUNITY ASSETS AND DEBTS AS CURRENTLY KNOWN**
- a. There are no such assets or debts subject to disposition by the court in this proceeding.
- b. All such assets and debts are listed in *Property Declaration* (form FL-160) Attachment 5b and should be divided between petitioner and respondent as indicated in form FL-160 or Attachment 5b.

6. **Petitioner requests**
- a. dissolution of the domestic partnership marriage based on
 (1) irreconcilable differences. (Fam. Code, § 2310(a).) (2) incurable insanity. (Fam. Code, § 2310(b).)
- b. legal separation of the domestic partnership marriage based on
 (1) irreconcilable differences. (Fam. Code, § 2310(a).) (2) incurable insanity. (Fam. Code, § 2310(b).)
- c. nullity of void domestic partnership marriage based on
 (1) incest. (Fam. Code, § 2200.) (2) bigamy. (Fam. Code, § 2201.)
- d. nullity of voidable domestic partnership marriage based on
 (1) petitioner's age at time of registration of domestic partnership or marriage. (Fam. Code, § 2210(a).) (3) unsound mind. (Fam. Code, § 2210(c).)
 (2) prior existing marriage or domestic partnership. (4) fraud. (Fam. Code, § 2210(d).)
 (5) force. (Fam. Code, § 2210(e).)
 (6) physical incapacity. (Fam. Code, § 2210(f).)

7. **Petitioner requests** that the court grant the above relief and make injunctive (including restraining) and other orders as follows:
- | | Petitioner | Respondent | Joint | Other |
|--|--------------------------|--------------------------|--------------------------|--------------------------|
| a. Legal custody of children to | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Physical custody of children to | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Child visitation granted to | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
- As requested in form: FL-311 FL-312 FL-341(C) FL-341(D) FL-341(E) Attachment 7c.
- d. Determination of parentage of any children born to the petitioner and respondent prior to the domestic partnership or marriage.
- e. Attorney fees and costs payable by
- f. Partner or spousal support payable to
- g. Terminate the court's jurisdiction (ability) to award partner or spousal support to respondent.
- h. Determine property rights.
- i. Restore petitioner's former name (*specify*):
- j. Other (*specify*):
 Continued on Attachment 7j.

8. **Child support:** If there are minor children who were born to or adopted by the petitioner and respondent before or during this domestic partnership or marriage, the court will make orders for the support of the children on request and submission of financial forms by the requesting party. An earnings assignment may be issued without further notice. Any party required to pay support must pay interest on overdue amounts at the "legal" rate, which is currently 10 percent.

9. **I HAVE READ THE RESTRAINING ORDERS ON THE BACK OF THE SUMMONS, AND I UNDERSTAND THAT THEY APPLY TO ME WHEN THIS PETITION IS FILED.**

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

Date: _____ _____
 (TYPE OR PRINT NAME) (SIGNATURE OF PETITIONER)

Date: _____ _____
 (TYPE OR PRINT NAME) (SIGNATURE OF ATTORNEY FOR PETITIONER)

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

ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>Name, State Bar number, and address</i>): TELEPHONE NO.: _____ FAX NO. (<i>Optional</i>): _____ E-MAIL ADDRESS (<i>Optional</i>): _____ ATTORNEY FOR (<i>Name</i>): _____	FOR COURT USE ONLY DRAFT NOT APPROVED BY THE JUDICIAL COUNCIL
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
<input type="checkbox"/> DOMESTIC PARTNERSHIP OF <input type="checkbox"/> MARRIAGE OF PETITIONER: RESPONDENT:	
RESPONSE <input type="checkbox"/> and REQUEST FOR <input type="checkbox"/> AMENDED <input type="checkbox"/> Dissolution of <input type="checkbox"/> Domestic Partnership <input type="checkbox"/> Marriage <input type="checkbox"/> Legal Separation of <input type="checkbox"/> Domestic Partnership <input type="checkbox"/> Marriage <input type="checkbox"/> Nullity of <input type="checkbox"/> Domestic Partnership <input type="checkbox"/> Marriage	CASE NUMBER:

NOTICE: Use this form to respond to *Petition—Domestic Partnership/Marriage* (form FL-103).

1. STATISTICAL FACTS

- a. (1) Registration date of domestic partnership with the California Secretary of State or other state equivalent:
 (2) Date of separation:
 (3) Time from date of registration of domestic partnership to date of separation (*specify*): _____ Years _____ Months
- b. (1) Date of marriage: _____ (2) Date of separation: _____
 (3) Time from date of marriage to date of separation (*specify*): _____ Years _____ Months

2. RESIDENCE (*check all that apply*)

- a. Our domestic partnership was established in California. Neither of us has to be a resident or have a domicile in California to dissolve our partnership here.
- b. Our domestic partnership was established in a place other than California. Petitioner Respondent has been a resident of the state of California for at least six months and of this county for at least three months immediately preceding the filing of this *Petition*.
- c. We are the same sex and are married. We are the opposite sex and are married. We are also domestic partners. Petitioner Respondent has been a resident of the state of California for at least six months and of this county for at least three months immediately preceding the filing of this *Petition*.
- d. We are the same sex and were married in California but are not residents of California. Neither of us lives in a state or nation that will dissolve the marriage. This case is filed in the county in which we married.
 Petitioner's residence (*state or nation*): _____ Respondent's residence (*state or nation*): _____

3. DECLARATION REGARDING MINOR CHILDREN (*include children of this relationship born or adopted prior to or during this domestic partnership or marriage*)

- a. There are no minor children.
- b. The minor children are
- | | | | |
|---------------------|------------------|------------|------------|
| <u>Child's name</u> | <u>Birthdate</u> | <u>Age</u> | <u>Sex</u> |
|---------------------|------------------|------------|------------|

Continued on Attachment 3b.

- c. If there are minor children of the petitioner and the respondent, a completed *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)* (form FL-105) must be attached.

NOTICE: You may redact (black out) social security numbers from any written material filed with the court in this case other than a form used to collect child or partner support.

Petitioner: _____	CASE NUMBER: _____
Respondent: _____	

4. **DECLARATION REGARDING SEPARATE PROPERTY AS CURRENTLY KNOWN**
- a. There are no such assets or debts subject to disposition by the court in this proceeding.
- b. All such assets and debts listed are listed in *Property Declaration* (form FL-160) Attachment 4b and should be confirmed as petitioner's or respondent's separate property as indicated in form FL-160 or Attachment 4b.
5. **DECLARATION REGARDING COMMUNITY AND QUASI-COMMUNITY ASSETS AND DEBTS AS CURRENTLY KNOWN**
- a. There are no such assets or debts subject to disposition by the court in this proceeding.
- b. All such assets and debts are listed in *Property Declaration* (form FL-160) Attachment 5b and should be divided between petitioner or respondent as indicated in form FL-160 or Attachment 5b.
6. **Respondent contends** that there is not a valid domestic partnership, marriage, or equivalent.
7. **Respondent denies** the grounds stated in item 6 of the petition.
8. **Respondent requests**
- a. dissolution of the domestic partnership marriage based on
 (1) irreconcilable differences. (Fam. Code, § 2310(a).) (2) incurable insanity. (Fam. Code, § 2310(b).)
- b. legal separation of the domestic partnership marriage based on
 (1) irreconcilable differences. (Fam. Code, § 2310(a).) (2) incurable insanity. (Fam. Code, § 2310(b).)
- c. nullity of void domestic partnership marriage based on
 (1) incest. (Fam. Code, § 2200.) (2) bigamy. (Fam. Code, § 2201.)
- d. nullity of voidable domestic partnership marriage based on
 (1) respondent's age at time of registration of domestic partnership or marriage. (Fam. Code, § 2210(a).) (3) unsound mind. (Fam. Code, § 2210(c).)
 (2) prior existing marriage or domestic partnership. (Fam. Code, § 2210(b).) (4) fraud. (Fam. Code, § 2210(d).)
 (5) force. (Fam. Code, § 2210(e).) (6) physical incapacity. (Fam. Code, § 2210(f).)
9. **Respondent requests** that the court grant the above relief and make injunctive (including restraining) and other orders as follows:
- | | Petitioner | Respondent | Joint | Other |
|--|--------------------------|--------------------------|--------------------------|--------------------------|
| a. Legal custody of children to | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Physical custody of children to | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Child visitation granted to | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| As requested in form: <input type="checkbox"/> FL-311 <input type="checkbox"/> FL-312 <input type="checkbox"/> FL-341(C) <input type="checkbox"/> FL-341(D) <input type="checkbox"/> FL-341(E) <input type="checkbox"/> Attachment 9c. | | | | |
| d. <input type="checkbox"/> Determination of parentage of any children born to the petitioner and respondent prior to the domestic partnership or marriage. | | | | |
| e. Attorney fees and costs payable by | <input type="checkbox"/> | <input type="checkbox"/> | | |
| f. Partner or spousal support payable to | <input type="checkbox"/> | <input type="checkbox"/> | | |
| g. <input type="checkbox"/> Terminate the court's jurisdiction (ability) to award partner or spousal support to the petitioner. | | | | |
| h. <input type="checkbox"/> Determine property rights. | | | | |
| i. <input type="checkbox"/> Restore respondent's former name (<i>specify</i>): | | | | |
| j. <input type="checkbox"/> Other (<i>specify</i>): | | | | |
| <input type="checkbox"/> Continued on Attachment 9j. | | | | |
10. **Child support:** If there are minor children who were born to or adopted by the petitioner and respondent before or during this domestic partnership or marriage, the court will make orders for the support of the children on request and submission of financial forms by the requesting party. An earnings assignment may be issued without further notice. Any party required to pay support must pay interest on overdue amounts at the "legal" rate, which is currently 10 percent.

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

Date: _____

 (TYPE OR PRINT NAME)

▶

 (SIGNATURE OF RESPONDENT)

Date: _____

 (TYPE OR PRINT NAME)

▶

 (SIGNATURE OF ATTORNEY FOR RESPONDENT)

The original response must be filed in the court with proof of service of a copy on petitioner.

SPR12-17: Family Law: Amend Forms for Dissolution of Domestic Partnership or Marriage to Correct Substantive Omissions and Other Issues (Revise forms FL-103 and FL-123)

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

	Commentator	Position	Comment	Committee Response
1.	Association of Certified Family Law Specialists by Jill L. Barr, Legislative Director Sacramento	AM	The proposed changes are acceptable, however, in 2c., there appears to be a missing box. We suggest that a box be inserted between 2c “We are the opposite sex and are married” and “We are also domestic partners”.	<p>The committee did not agree that item 2c on the forms is missing a box and did not recommend revising the forms as suggested as the change would not comply with the requirements of Assembly Bill 2700.</p> <p>As indicated in the invitation to comment, effective January 1, 2012, forms FL-103 and FL-123 were revised to comply with the mandate of AB 2700 and allow parties who are married and who also have a domestic partnership to request relief relating to both in one proceeding. However, the revised forms did not account for all persons eligible to become domestic partners under Family Code section 297(b). Specifically, the revisions did not include those domestic partners of the opposite sex, one or both of whom are over the age of 62 years.</p> <p>As previously noted, this item in 2c has limited application. The part of 2c identified by the commentator has only one box before the two sentences (“We are the opposite sex and are married. We are also domestic partners”) to indicate that married persons of the opposite sex may use forms FL-103 and FL-123 only if they are also domestic partners under Family Code section 297(b). All other married persons of the opposite sex who want to request a dissolution, legal separation, or nullity would complete a different form, specifically, Petition-Marriage (Family Law) (form FL-100).</p>
2.	Superior Court of Los Angeles County	AM	Proposed modifications/recommendations on form FL-103 <i>Response</i> . For consistency	

SPR12-17: Family Law: Amend Forms for Dissolution of Domestic Partnership or Marriage to Correct Substantive Omissions and Other Issues (Revise forms FL-103 and FL-123)

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

	Commentator	Position	Comment	Committee Response
			<p>purposes, on #4 SEPARATE PROPERTY, please change to:</p> <p>a. There are no such assets and debts subject to disposition by the court in this proceeding.</p> <p>b. All such assets and debts are listed in Property Declaration (form FL-160) in Attachment 4b be confirmed to petitioner or respondent as separate property.</p> <p>On #5 DECLARATION REGARDING COMMUNITY AND QUASICOMMUNITY ASSETS AND DEBTS AS CURRENTLY KNOWN Remove: below (specify):</p> <p>Add: be confirmed to petitioner or respondent as separate property.</p> <p>#7c there is a typo on the last box for Attachment. It currently has 9c and it should</p>	<p>a. The committee agrees with the suggestion and has included it, with minor alterations, with the changes it is recommending for adoption.</p> <p>b. The committee agrees with the suggestion and has included it, with minor alterations, with the changes it is recommending for adoption.</p> <p>The committee recommends making this change.</p> <p>Because community property assets can be confirmed to petitioner or respondent as his or her sole and separate property or sold and proceeds divided among the parties, the committee believes that the proposed language is too narrow to characterize the range of possible dispositions of these assets. Instead of the proposed language, the committee recommends changing the language in item 5 to state, , “All such assets and debts are listed in <input type="checkbox"/> Property Declaration (form FL-160) <input type="checkbox"/> Attachment 5 and should be divided between Petitioner and Respondent as indicated in form FL-160 or Attachment 5b.”</p> <p>The committee recommended making this technical change.</p>

SPR12-17: Family Law: Amend Forms for Dissolution of Domestic Partnership or Marriage to Correct Substantive Omissions and Other Issues (Revise forms FL-103 and FL-123)

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

	Commentator	Position	Comment	Committee Response
			<p>read 7c.</p> <p>7g. Terminate the court’s jurisdiction (ability) to award partner or spousal support to respondent. Add: Terminate the court’s jurisdiction (ability) to award partner or spousal support to Petitioner Respondent.</p> <p>Proposed modifications/recommendations on form FL-123 <i>Response</i>. For consistency purposes, on #4 SEPARATE PROPERTY, please change to:</p> <p>a. There are no such assets and debts subject to disposition by the court in this proceeding.</p> <p>b. All such assets and debts are listed in Property Declaration (form FL-160) in Attachment 4b be confirmed to petitioner or respondent as separate property.</p> <p>#5 DECLARATION REGARDING COMMUNITY AND QUASI-COMMUNITY ASSETS AND DEBTS AS CURRENTLY KNOWN Remove: below (specify):</p> <p>Add: be confirmed to petitioner or respondent as separate property</p>	<p>The committee does not recommend the proposed change as it is beyond the scope of the invitation to comment.</p> <p>a. The committee agrees with the suggestion and has included it, with minor alterations, with the changes it is recommending for adoption.</p> <p>b. The committee agrees with the suggestion and has included it, with minor alterations, with the changes it is recommending for adoption.</p> <p>The committee has made this change.</p> <p>Because community property assets can be confirmed to petitioner or respondent as his or her sole and separate property or sold and proceeds divided among the parties, the committee believes that the proposed language is too narrow to characterize the range of possible dispositions of</p>

SPR12-17: Family Law: Amend Forms for Dissolution of Domestic Partnership or Marriage to Correct Substantive Omissions and Other Issues (Revise forms FL-103 and FL-123)

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

	Commentator	Position	Comment	Committee Response
			<p>9g. Terminate the court’s jurisdiction (ability) to award partner or spousal support to Petitioner or Respondent.</p>	<p>these assets. Instead of the proposed language, the committee recommends changing the language in item 5 to state, “All such assets and debts are listed in <input type="checkbox"/> Property Declaration (form FL-160) <input type="checkbox"/> Attachment 5 and should be divided between Petitioner and Respondent as indicated in form FL-160 or Attachment 5b.”</p> <p>The requested change is beyond the scope of the invitation to comment.</p>
3.	Superior Court of Orange County by Linda Daeley Family Law Unit Manager	AM	<p>Language in item 4 is confusing and might lead petitioner and respondent to search for a document entitled “Attachment 4”. We suggest using “in separate attachment” or “in attachment labeled attachment 4” as alternative language.</p> <p>Additional comments: 1) Add “if petitioner and respondent are opposite sex and are not domestic partner, use form FL-100” to read:</p> <p>1. STATISTICAL FACTS (if petitioner and</p>	<p>The reference to attachments identified by the commentator follows the conventions for Judicial Council forms, to state the title and form number where a specific Judicial Council form is required or to specify how a litigant-created attachment should be labeled in those circumstances where there is not a specific Judicial Council form but where additional text is necessary. The committee is mindful of space limitations on the forms and the difficulties associated with multi-page forms for the public and the courts. It recommends that information on the use and labeling of “attachments” be imparted through instructional materials rather than on the forms themselves.</p> <p>The committee agrees with the suggestion and has included it, with minor alterations, with the changes it is recommending for adoption.</p> <p>The committee agrees to recommend this</p>

SPR12-17: Family Law: Amend Forms for Dissolution of Domestic Partnership or Marriage to Correct Substantive Omissions and Other Issues (Revise forms FL-103 and FL-123)

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

	Commentator	Position	Comment	Committee Response						
			<p>respondent are opposite sex and are not domestic partners, use form FL-100).</p> <p>2) Form FL-103 item 7(c), last check box states “Attachment 9c”, should that be “attachment 7c”? “Attachment 5b”, “Attachment 7j” should read “in separate attachment” or “in attachment labeled attachment...” to mirror reason stated above.</p> <p>3) Form FL-123 “Attachment 3b”, “Attachment 4”, “Attachment 5b”, “Attachment 9c”, “Attachment 9j” should read “in separate attachment” or “in attachment labeled attachment...” to mirror reason stated above.</p>	<p>technical change to the form.</p> <p>The committee agrees with this change and is recommending it for adoption.</p> <p>The reference to attachments identified by the commentator follows the conventions for Judicial Council forms, to state the title and form number where a specific Judicial Council form is required or to specify how a litigant-created attachment should be labeled in those circumstances where there is not a specific Judicial Council form but where additional text is necessary. The committee is mindful of space limitations on the forms and the difficulties associated with multi-page forms for the public and the courts. It recommends that information on the use and labeling of “attachments” be imparted through instructional materials rather than on the forms themselves.</p>						
4.	Superior Court of Riverside County Michael J. Capelli General Counsel	AM	<p>The caption in these forms is confusing because it repeats the terms “Domestic Partnership” and “Marriage” three different times. Consider the following:</p> <table border="0" style="width: 100%;"> <tr> <td><input checked="" type="checkbox"/> Dissolution of:</td> <td><input checked="" type="checkbox"/> Legal Separation of:</td> </tr> <tr> <td><input checked="" type="checkbox"/> Nullity of:</td> <td><input checked="" type="checkbox"/> Domestic Partnership</td> </tr> <tr> <td><input checked="" type="checkbox"/> Marriage</td> <td></td> </tr> </table>	<input checked="" type="checkbox"/> Dissolution of:	<input checked="" type="checkbox"/> Legal Separation of:	<input checked="" type="checkbox"/> Nullity of:	<input checked="" type="checkbox"/> Domestic Partnership	<input checked="" type="checkbox"/> Marriage		<p>The committee did not recommend the proposed changes because they would cause confusion for the parties and the court. The caption on the forms were revised effective January 1, 2012, to comply with the mandate of Assembly Bill 2700 and allow parties to request dissolution, legal separation, or nullity of both their domestic partnership and their marriage in a single court proceeding, instead of filing two separate actions.</p> <p>The proposed changes to the caption do not consider the statutory requirements of AB 2700.</p>
<input checked="" type="checkbox"/> Dissolution of:	<input checked="" type="checkbox"/> Legal Separation of:									
<input checked="" type="checkbox"/> Nullity of:	<input checked="" type="checkbox"/> Domestic Partnership									
<input checked="" type="checkbox"/> Marriage										

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				<p>For example, if a petitioner checked “Dissolution”, “Legal separation”, “Marriage”, and “Domestic Partnership”, it would not be clear to the court clerk whether the petitioner wanted to file an action to dissolve the marriage or domestic partnership or whether the request for legal separation related to the marriage or domestic partnership.</p> <p>The terms “domestic partnership” and “marriage” are repeated three times because the forms are meant to be used to request or respond to multiple actions; specifically: (1) dissolution of a domestic partnership and/or marriage; (2) legal separation of a domestic partnership and/or marriage; or (3) nullity of a domestic partnership and/or marriage. To increase a party’s understanding that the forms may be used for these purposes, the committee recommended reformatting the information in the caption into rows and columns.</p>
5.	Superior Court of San Diego County by Michael M. Roddy Executive Officer	AM	On FL-103, Reverse Item 1.a.(2) with (3); and Item 1.b(2) with (3). It is more intuitive to ask a party to state the date of marriage followed by the date of separation, and then calculate the number of years and months from the date of marriage to the date of separation.	The committee agrees with the suggestion and has included it, with minor alterations, with the changes it is recommending for adoption.