



JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on: October 28, 2014

Title	Agenda Item Type
Family Law: Petition and Response for Dissolution, Legal Separation, and Nullity of Marriage and Domestic Partnership	Action Required
	Effective Date
	January 1, 2015
Rules, Forms, Standards, or Statutes Affected	Date of Report
Amend Cal. Rules of Court, rule 5.76; revise forms FL-100, FL-107-INFO, FL-110, FL-115, FL-117, and FL-120; revoke forms FL-103, and FL-123	September 23, 2014
Recommended by	Contact
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Hon. Jerilyn L. Borack, Cochair Hon. Kimberly J. Nystrom-Geist, Cochair	Gabrielle D. Selden, 415-865-8085 gabrielle.selden@jud.ca.gov

Executive Summary

In light of the changes to federal and state laws legalizing marriages between persons of the same sex, the Family and Juvenile Law Advisory Committee recommends that the Judicial Council approve the use of one petition (*Petition—Marriage/Domestic Partnership* (form FL-100)) and one response (*Response—Marriage/Domestic Partnership* (form FL-120)) in actions for dissolution, legal separation, or nullity of a marriage or domestic partnership. The committee also recommends that the council revoke forms *Petition—Domestic Partnership/Marriage* (form FL-103) and *Response—Domestic Partnership/Marriage* (form FL-123), which were previously adopted for use by persons in a same-sex marriage or domestic partnership (or both); amend rule 5.76 (Domestic partnership); and revise other forms so they conform to these changes. In addition, the committee recommends revising forms FL-100 and FL-120 to implement amendments to Family Code sections 2310–2312 (Assem. Bill 1847; Stats. 2014, ch. 144),

effective January 1, 2015, by deleting references to the term “incurable insanity” and replacing them with the term “permanent legal incapacity to make decisions.”

Recommendation

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective January 1, 2015:

1. Amend rule 5.76 of the California Rules of Court to delete references to *Petition—Domestic Partnership/Marriage* (form FL-103) and *Response—Domestic Partnership/Marriage* (form FL-123) and include information about ending a domestic partnership through the superior court or the California Secretary of State;
2. Revise *Petition—Marriage* (form FL-100) to retitle it *Petition—Marriage/Domestic Partnership* (form FL-100), expand it to three pages to include the statutory provisions of the Family Code that are specific to domestic partnerships and same-sex marriages, and replace the reference to “incurable insanity” with “permanent legal incapacity to make decisions;”
3. Revise *Response—Marriage* (form FL-120) to retitle it *Response—Marriage/Domestic Partnership* (form FL-120), expand it to three pages to include the statutory provisions of the Family Code that are specific to domestic partnerships and same-sex marriages, and replace the reference to “incurable insanity” with “permanent legal incapacity to make decisions;”
4. Revise *Legal Steps for a Divorce or Legal Separation* (form FL-107-INFO) to delete references to revoked forms FL-103 and FL-123 and update information provided on page 2 regarding domestic partnerships;
5. Revise *Summons (Family Law)* (form FL-110) and *Proof of Service of Summons* (form FL-115) to delete references to forms FL-103 and FL-123;
6. Revise *Notice and Acknowledgment of Receipt* (form FL-117) to delete references to forms FL-103 and FL-123 and make formatting changes that help clarify how to complete the form;
7. Revoke *Petition—Domestic Partnership/Marriage* (form FL-103) and *Response—Domestic Partnership/Marriage* (form FL-123) since provisions integral to actions involving same-sex marriages and domestic partnerships will be consolidated into revised forms FL-100 and FL-123.

The text of the amended rule is attached at page 14. The revised and revoked forms are attached at pages 15–31.

Previous Council Action

To implement procedures for ending domestic partnerships under Family Code section 299 (Assem. Bill 205; Stats. 2003, ch. 421), effective January 1, 2005, the Judicial Council adopted

rule 5.28 (Domestic partnerships) and forms *Petition—Domestic Partnership/Marriage* (form FL-103) and *Response—Domestic Partnership/Marriage* (form FL-123). The rule was amended effective January 1, 2007, and was amended and renumbered as rule 5.76, effective January 1, 2013, when the Judicial Council approved the restructuring of the family law rules of court. Forms FL-103 and FL-123 were revised, effective January 2012, as mandated by Assembly Bill 2700 (Stats. 2010, ch. 397) and Senate Bill 651 (Stats. 2011, ch. 721). The forms were then revised, effective January 1, 2013, to correct substantive and technical omissions.

Petition—Marriage (form FL-100) and *Response—Marriage* (form FL-120) were last revised, effective January 1, 2005, as required by urgency legislation enacted on June 7, 2004. Assembly Bill 782 (Stats. 2004, ch. 45) required that the Judicial Council add notices to family law forms that parties may redact their social security numbers from all written materials in their case other than forms to enforce child or spousal support.

Legal Steps for Divorce or Legal Separation (form FL-107-INFO) was adopted effective July 1, 2012, to help courts comply with rule 5.83 (Family centered case resolution). The form was then revised, effective July 1, 2013, to reflect changes in the law regarding declarations of disclosure, provide information about legal separation cases, and include information pertinent to same-sex marriages and domestic partnerships

Summons (Family Law) (form FL-110), was revised effective January 1, 2014, to address the requirements of Assembly Bill 792 and Senate Bill 1206 to provide a notice to the parties in dissolution and adoption cases about eligibility for reduced or no-cost insurance coverage through the California Benefit Exchange or no-cost coverage through Medi-Cal, and include other restraining order provisions relating to minor children of the parties.

Proof of Service of Summons (form FL-115) was revised effective July 1, 2012, to replace references to *Order to Show Cause* (form FL-300) and *Notice of Motion* (form FL-301) with references to *Request for Order* (form FL-300).

Notice and Acknowledgment of Receipt (form FL-117) was revised, effective July 1, 2013, to replace references to *Order to Show Cause* (form FL-300) and *Notice of Motion* (form FL-301) with *Request for Order* (form FL-300).

Rationale for Recommendation

On June 26, 2013, the U.S. Supreme Court issued decisions in *United States v. Windsor*¹ striking down the federal Defense of Marriage Act and *Hollingsworth v. Perry*,² dismissing an appeal of an order that held that the ballot initiative known as Proposition 8 defining marriage as a union

¹ 570 U.S. 12 (2013).

² 570 U.S. ____ (June 26, 2013, Docket No.12-144).

between a man and a woman was unconstitutional. Further, on July 7, 2014, Governor Edmund G. Brown, Jr. approved Senate Bill 1306 (Stats. 2014, ch. 82), which among other things, repealed the statutory provisions indicating that only a marriage between a man and a woman is valid or recognized in California. Thus, marriages between persons of the same sex are legal in California.

As previously noted, the Judicial Council adopted a separate petition (form FL-103) and response (form FL-123) for use by married persons of the same sex and by domestic partners to file an action in family court. The separate forms alerted the court that there might be special issues to consider regarding the tax consequences of an order of spousal support, or different treatment of pensions under the Defense of Marriage Act, or special concerns regarding custody orders if same-sex parents leave the state of California. However, given the recent changes in the law relating to same-sex marriages, these differences have limited relevance.³ Thus, there does not appear to be a need for married persons of the same sex to use form FL-103 instead of form FL-100. Further, there does not appear to be a need to maintain forms FL-103 and FL-123 exclusively for use by domestic partners to file an action in family court.

Consolidate *Petitions* and *Responses*; revoke forms

In light of the changes to federal and state law relating to same-sex marriages, and to streamline procedures in family court, the Family and Juvenile Law Committee proposes, effective January 1, 2015, the use of one form for all petitions and one form for all responses filed in family court requesting dissolution, separation, or nullity of a marriage, domestic partnership, or both in one proceeding.

The committee also recommends revising forms FL-100 and FL-120 to incorporate additional substantive and technical changes suggested by courts and court users over the years outside of any particular comment period. The changes include reorganizing the forms under specific subject headings to make the petition and response easier for the parties to complete and easier for court clerks to read and process.

To this end, *Petition—Marriage* (form FL-100) is revised to include the necessary provisions of *Petition—Domestic Partnership/Marriage* (form FL-103) and *Response—Marriage* (form FL-120) is revised to incorporate items from *Response—Domestic Partnership/Marriage* (form FL-123). Forms FL-103 and FL-123 would then be revoked.

³ Domestic partnerships are still not recognized by the federal government. Therefore, in actions to dissolve a domestic partnership, there might be special issues to consider regarding the tax consequences of an order of domestic partner support, the different treatment of pensions under the Defense of Marriage Act, or special concerns regarding custody orders if same-sex parents leave the state of California.

Since the above changes require expanding forms FL-100 and FL-120 beyond the current two pages to three pages, the committee initially proposed incorporating into the petition and response the information that courts are required to convey to parties about the divorce process under rule 5.83 (Family centered case resolution) subdivision (g)(1)(A)–(E).⁴ Specifically, the committee proposed that *Legal Steps for Divorce or Legal Separation* (form FL-107-INFO), be included as pages 3 and 4 of forms FL-100 and FL-103. The committee believed that including the information from FL-107-INFO on these forms would streamline the process for courts in complying with rule 5.83 by eliminating the need to produce a separate form. In addition, the committee believed that the change could also improve litigant education by placing on the forms information about the legal process as well as references to court-provided and other resources that could help resolve their case.

Assembly Bill 1847 (Stats. 2014, ch.144) amended several California Codes, including Family Code sections 2310–2312, effective January 1, 2015.⁵ The bill changes the way in which a person with a mental disorder is referred to under California law. In terms of the Family Code, the reference to “incurable insanity” as a ground for divorce will be replaced with the term “permanent legal incapacity to make decisions.” The statutory change requires that item 5 on forms FL-100 and FL-120 be revised accordingly.

Due to the extensive revisions made to *Petition—Marriage/Domestic Partnership* (form FL-100) and *Response—Marriage/Domestic Partnership* (form FL-120), the specific changes made to the forms are not illustrated as they would normally be by grey shading.

⁴ (g) **Family centered case resolution information**

- (1) Upon the filing of first papers in dissolution, legal separation, nullity, or parentage actions the court must provide the filing party with the following:
 - (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;
 - (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.

⁵ The text of the bill may be found at:
http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB1847&search_keywords

Revise rule and forms to reflect consolidated forms

Rule 5.76 Domestic partnerships

Revising rule 5.76 implements the committee's recommendations by deleting references to forms FL-103 and FL-123 and updating the content with information about dissolving a domestic partnership either through the superior court or through the California Secretary of State.

Legal Steps for Divorce or Legal Separation (form FL-107-INFO)

The committee recommends revising this informational form to delete references to revoked forms (FL-103 and FL-123) and add other notices and procedures specific to domestic partnerships.

Revising *Summons (Family Law)* (form FL-110), *Proof of Service of Summons* (form FL-115), and *Notice and Acknowledgment of Receipt* (form FL-117) implements the committee's recommendations by deleting references to forms FL-103 and FL-123.

Comments, Alternatives Considered, and Policy Implications

Comments

This proposal circulated for comment as part of the spring 2014 invitation to comment cycle, from April 18 to June 18, 2014, to the standard mailing list for family and juvenile law proposals. Included on the list were appellate presiding justices, appellate court administrators, trial court presiding judges, trial court executive officers, judges, court administrators and clerks, attorneys, family law facilitators and self-help staff, social workers, probation officers, and other juvenile law professionals, and the National Center for Lesbian Rights. The proposal was also reviewed by the Trial Court Presiding Judges Advisory Committee/Court Executives Advisory Committee Joint Rules Working Group.

Sixteen individuals or organizations submitted comments on the proposal. Of these, 3 supported the proposal as circulated, 9 supported it with modifications, 3 did not indicate a position, but suggested additional changes to the forms, and 1 disagreed with the proposal. A chart with the full text of the comments received and the committee's responses is attached at pages 31-67.

The committee sought comment on whether forms FL-100 and FL-120 should be streamlined for use as multipurpose forms that incorporate actions for dissolution, legal separation, or nullity of a marriage or domestic partnerships, or both in one proceeding. The committee also asked if there would be any advantage to maintaining separate procedures for those who want to dissolve both a marriage and domestic partnership using forms FL-103 and FL-123, if there are any other changes that are important to make in response to the U.S. Supreme Court decisions striking down the Defense of Marriage Act, and if the changes would impact the courts.

Fifteen commentators agreed with the recommendation to combine form FL-100 with FL-103 as well as form FL-120 with FL-123 so that one *Petition* (form FL-100) and one *Response* (form FL-120) can be used by a petitioner or respondent in an action for dissolution, legal separation, or nullity of a same-sex marriage, a different-sex marriage, a domestic partnership, or both a

marriage and domestic partnership. None of the commentators expressed the opinion that there is an advantage to maintaining separate procedures. One commentator specifically stated that maintaining two separate sets of forms would only create confusion about the rights and responsibilities of same-sex spouses and unnecessarily stigmatize same-sex spouses.

Petition (form FL-100) and Response (form FL-120)

Expanding the forms.

While some commentators agreed with the proposal to integrate *Legal Steps for Divorce or Legal Separation* (form FL-107-INFO) as pages 3 and 4 of the petition and response, several commentators urged the committee to keep the instruction sheet on a separate form to avoid a number of problems for courts. For example, some courts cited the potential for increased costs to copy, process, and store the expanded mandatory forms, as well as increased costs to scan them into the case management system, and print them should a judicial officer in an electronic environment request a copy for reference.

In addition, some commentators expressed that the 4-page petition and response would have a negative impact on litigants. Some commentators stated that the proposed page 4 was too busy or too dense and would be confusing for self-represented litigants to understand. Other commentators stated that the 4-page form would also increase the costs for persons requesting a copy from the court file.

Further, some courts objected to including basic information on a mandatory form because all other Judicial Council information forms are separate from the mandatory form that is filed with the court. Other courts also indicated that they distribute a similar handout, which they prefer to use to comply with rule 5.83 of the California Rules of Court instead of form FL-107-INFO because their version contains county-specific information about self-help resources.

In response to these comments, the committee agreed that neither the petition nor the response should be expanded to four pages to integrate the information sheet FL-107-INFO. However, consolidating forms FL-100 and FL-120 with forms FL-103 and FL-123 necessarily requires expanding the petition and response beyond the current two pages to three pages to cover categories particular to actions involving same-sex marriages and domestic partnerships (i.e., legal relationship, residence requirements, and statistical facts). The issue for the committee, then, became how to use the extra space on page 3 of the *Petition* and *Response*. As noted below, commentators provided a few ideas for the committee to consider about the content of the revised *Petition* and *Response*.

Content changes to the Petition and Response.

Commentators suggested additional content for the petition and response:

- ***Caption.*** One commentator requested that the caption of forms FL-100 and FL-120 be revised to include a specific checkbox or more space for a party to note he or she is pleading in the alternative for a nullity of domestic partnership or a dissolution of domestic partnership (so that the dissolution could be granted if the nullity is denied).

Although rule 5.60(b) does require that the request for alternative relief be noted in the petition; it does not require that the alternative relief be stated in the caption of the petition. The committee was concerned that the term “alternate relief” might be confusing for many litigants and suggested that such a request can be noted more completely in the “Other requests” section of the petition.

- *Child custody.* Two comments related to the child custody section of the petition and response. One court requested that the section regarding minor children not be removed from page 1 of these forms. The court stated that having this information on the face page creates ease and efficiency for court staff and judicial officers referencing the petition and response. For example, they rely on the first page to capture the names and date of birth of minor children in their case management systems. In response, the committee agreed to recommend that statistical information about minor children in the case remain on page 1, while the specific request for child custody and visitation (parenting time) be moved to page 2, along with all other requests being made in the forms.

Another commentator stated that it would be helpful if there were a check box for a party to specify if a party to the marriage or domestic partnership is pregnant with the other party’s child at the time the petition or response is filed. The committee agreed with this suggestion and recommends revising form FL-100 and FL-120 to include a new item for a party to list a child who is not yet born at the time the action is filed. This addition would make form FL-100 and FL-120 consistent with other Judicial Council forms like *Petition to Establish Parental Relationship* (form FL-200), which provide a check box to capture this information.

- *Child support.* One commentator suggested adding a check box option to allow a party to indicate that he or she is attaching an *Income and Expense Declaration* (form FL-150) and proposed guideline child support calculation. The commentator believed that the change would maximize notice to respondent of the proposed child support order and minimize post-default court filings. Instead of a specific check box, the committee recommends adding a check box under the child support item titled “Other (*specify*):” and providing fillable space for a party to use as he or she needs.
- *Notice of intent to amend petition.* A commentator suggested revising the petition (on page 1 under “Residence Requirements”) to include a new check box for a petitioner to provide notice to the respondent of his or her intent to amend the petition for legal separation and seek a divorce once a party in the case meets the residency requirements for such an action. Given the space limitations of this form due to its expanded use, the committee prefers not to recommend a specific item on form FL-100 for such a notice. Instead, the committee recommends expanding the amount of fillable space under “Other Requests” for this purpose.

- *Property.* Three commentators requested more space for a party to list items of community and quasi-community property on the petition and response. One noted that the forms that circulated for comment had no blank space to list minimal community property items (cars, credit cards, bank accounts) typical for a self-represented litigant, but left ample space to list separate property. The other commentator noted that the lack of space can pose a notice problem if the attachment is not completed and there are issues involving real estate, or pensions, or other retirement accounts in a default situation. A third commentator requested that the “separate property” section of the forms include a check box similar to the one for community property that states that there is no separate property for the court to confirm.

In response, the committee recommends that the petition and response include two separate headings relating to property: one for community and quasi-community property and another for separate property. Further, the committee recommends expanding the amount of fillable space under each category of property to assist parties in listing such property. Providing additional fillable space in these two areas could assist parties and the courts by reducing the number of attachment required to be filed with these two forms. In addition, to be consistent with the community and quasi-community property heading on the forms, the committee recommends that a check box be included under the “Separate Property” item so that a party can indicate if there are no items of separate property to be confirmed by the court.

- *Notices about domestic partnerships.* Two commentators, the Executive Committee of the Family Law Section of the State Bar (FLEXCOM) and the National Center for Lesbian Rights (NCLR), requested that the petition and response be revised to include new notices relating to domestic partnerships. They noted that using the same form for dissolution of marriages and dissolution of domestic partnerships may send a message that the legal issues are the same when they are not.

Because marriages are federally recognized and domestic partnerships are not, “the tax consequences of interspousal transfers and inter-domestic partnership transfers are completely different. Among other issues, support calculations need to be done differently because support payments to a domestic partner are not deductible to the payor, and domestic partnership cases generally cannot use qualified domestic relations orders.”

FLEXCOM stated that they “support[] the combination of the two forms into one, as long as there is an admonishment on the form (preferably in bold font) that says something to the effect of: [¶] YOU ARE ADVISED THAT CALIFORNIA DOMESTIC PARTNERSHIPS ARE NOT RECOGNIZED AS MARRIAGES UNDER FEDERAL LAW. THEREFORE THE FINANCIAL ISSUES THAT COME UP IN DISSOLUTIONS (FOR EXAMPLE TAXABILITY OF INTERSPOUSAL

TRANSFERS, DEDUCTIBILITY OF SPOUSAL SUPPORT) MUST BE TREATED DIFFERENTLY.”

Similarly, NCLR recommended that a notice be included to state that “...couples who are only dissolving a domestic partnership (entered in California or another state) may face federal tax consequences because these relationships are not recognized by the IRS, and are encouraged to seek advice from an attorney.” In addition, “[s]pace permitting, [NCLR] also recommend[ed] inclusion of a note that same-sex and different-sex spouses are treated exactly the same under both California and federal law for all purposes.

The committee agrees with FLEXCOM and NCLR that parties should be provided with information about the differential tax treatment of domestic partnerships under federal law. Similar information currently appears in form FL-107-INFO and on the California Courts website. After considering the notices and other requested changes to the petition and response, the committee decided to refrain from including the specific notices on the forms and limit the notices on the petition and response to those required by statute to appear on these forms. The committee has revised form FL-107-INFO to incorporate many of these suggestions.

Legal Steps for Divorce or Legal Separation (form FL-107-INFO)

As previously noted, many commentators preferred that form FL-107-INFO not be consolidated into the petition and response. The committee, agreeing with the rationale for maintaining information sheets separate from standard forms, no longer recommends that form FL-107-INFO be revoked. Instead, the committee recommends making several substantive and technical changes to the information sheet. The changes include deleting references to forms FL-103 and FL-123 and revising the section about same-sex marriage and domestic partnerships to highlight special issues for domestic partnerships.

In addition, the committee recommends revising the information on page 2 of this form to better describe the resources available to help parties resolve their family law case. For example, the committee recommends revising the section about Family Court Services to clarify that the court refers family court litigants to Family Court Services only when the parties have filed a *Request for Order* (form FL-300) seeking orders about child custody and visitation (parenting time). This change will help parties understand the prerequisites for a referral to this court resource.

The committee also recommends replacing the numbered web address links embedded throughout form FL-107-INFO with short, readable names that relate to the subject matter covered in the text. For example, instead of “Annulments: See <http://courts.ca.gov/1224.htm#tab8687> for information about annulments,” the web address would be changed to courts.ca.gov/annulment. This change will make the forms easier for users who cannot access active links in the form but who have to retype the URL to access the information. This change will also make the form internally consistent since it already includes other short, readable web address names.

Summons (Family Law) (form FL-110)

A commentator noted that if forms FL-103 and FL-123 are revoked, then *Summons (Family Law)* (form FL-110) would need to be revised to delete these references. The committee agreed to recommend revising form FL-110 accordingly.

Proof of Service of Summons (form FL-115)

The committee recommends revising this form to delete references to forms FL-103 and FL-123. In addition, to conform to the revisions approved by the Judicial Council to *Summons – Family Law* (form FL-110), effective January 1, 2014, the committee recommends deleting item 4 on page 2 of form FL-115 and renumbering the subsequent items. In its report to the council dated October 1, 2013, the committee indicated that the notice on form FL-110, which is repeated in form FL-115, does not apply to family law actions.⁶

Notice and Acknowledgment of Receipt (form FL-117)

The committee recommends revising this form to delete references to forms FL-103 and FL-123. In addition, the committee recommends substantive and technical changes to the form to respond to public comment. A commentator, a legal document assistant, noted that “[a]t least 50 percent of the time, the date is left off, or put in the wrong place.” To avoid this problem, the commentator suggested “revers[ing] the place for signature and the date, as we read left to right, the signer would see the place to date the form after signing it on the left hand side of the page.” The committee considered the proposed revision, but decided to recommend another solution. The committee added item numbers to the places required to be completed on the form and added text to clearly specify which of those items are required to be completed by either the form’s sender or the recipient.

Alternatives considered

Before making a recommendation, the committee considered several versions of the petition and response developed by staff in response to public comments, as well as the potential impact each would have on the courts. The committee considered these options:

1. A four-page petition and response that integrated the information from form FL-107-INFO and included other suggestions for content changes from commentators;
2. A three-page petition and response that included only partial information from form FL-107-INFO about resources to help parties resolve their case;

⁶ The report titled Family Law: Revisions to Family Law Summons can be found at <http://www.courts.ca.gov/documents/jc-20131025-itemA19.pdf>

3. A three-page form that excluded any information from FL-107-INFO, and included notices regarding same-sex marriages and domestic partnerships suggested by FLEXCOM and the NCLR; and
4. A three-page petition and response that included only those notices required by statute and expanded the fillable space for parties to provide more complete answers under each item listed on the forms.

By recommending option 4, the committee refrained from adding a fourth page to the petition and response and allowed for flexibility for courts to use either form FL-107-INFO or a locally developed form to comply with the requirements of rule 5.83.

The committee also considered the request of some courts to delay implementation of the forms until July 1, 2015, instead of January 1, 2015. A few courts indicated in their comments that two months may not be sufficient time to implement the changes to the four-page version of the petition and response that circulated for comment. They stated that the proposed changes would impact court operations and would require more than two months to update and discontinue affected forms. By recommending a three-page form that does not integrate an information sheet, the committee believes that this will reduce the amount of work needed for courts to implement the changes by January 1, 2015.

Implementation Requirements, Costs, and Operational Impacts

The Family and Juvenile Law Advisory Committee recognizes that making changes to the two main forms required to file and respond to an action for dissolution, legal separation, or nullity of a marriage or domestic partnership (or both) will result in some costs to the courts. Courts will be required to update their case management and electronic (SmartForms) forms systems, update the form packets provided to parties by their self-help centers, provide training to court staff, and perhaps revise local rules that reference revoked forms FL-103 and FL-123. However, the changes will save court resources by consolidating forms and simplifying procedures involving marriages and domestic partnerships.

Relevant Strategic Plan Goals and Operational Plan Objectives

The committee's recommendations support the policies underlying Goal I, Access, Fairness, and Diversity, by creating one petition and one response for use by same-sex and different-sex marriages and domestic partnerships in actions for dissolution, legal separation, or nullity of a marriage or domestic partnership. Further, revising *Legal Steps for a Divorce or Legal Separation* (form FL-107-INFO) will give self-represented litigants better access to the courts by updating information about court resources and special issues in domestic partnership cases. The recommendations also support the policies of Goal III. B, Modernization of Management and Administration by adopting a streamlined practice for filings in family law cases involving marriages and domestic partnerships.

Attachments

1. Cal. Rules of Court, rule 5.76, at page 14.
2. Revised forms FL-100, FL-107-INFO, FL-110, FL-115, FL-117, FL-120, at pages 15–27
3. Revoked forms FL-103 and FL-123, at pages 28–31
4. Chart of comments, at pages 32–68

Rule 5.76 of the California Rules of Court is amended, effective January 1, 2015, to read:

1 **Rule 5.76. Domestic partnerships**

2
3 To obtain a dissolution, a legal separation, or an annulment of a domestic partnership:

- 4
5 (1) ~~*Petition—Domestic Partnership/Marriage (Family Law)* (form FL-103) must be~~
6 ~~filed to commence an action for dissolution, legal separation, or annulment of a~~
7 ~~domestic partnership. *Response—Domestic Partnership/Marriage (Family Law)*~~
8 ~~(form FL-123) must be filed in response to this petition. Persons who qualify for a~~
9 ~~summary dissolution as described in the booklet *Summary Dissolution Information*~~
10 ~~(form FL-810) may act to dissolve their partnership through the California~~
11 ~~Secretary of State using forms found at www.sos.ca.gov or in the superior court~~
12 ~~following the procedures described in form FL-810.~~
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14 (2) For persons who do not qualify for a summary dissolution proceeding, all other
15 forms and procedures used for the dissolution, legal separation, or annulment of a
16 domestic partnership are the same as those used for the dissolution, legal
17 separation, or annulment of a marriage.
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ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO.: _____ E-MAIL ADDRESS: _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY NOT APPROVED BY THE JUDICIAL COUNCIL
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER: RESPONDENT:	
PETITION FOR <input type="checkbox"/> AMENDED <input type="checkbox"/> Dissolution (Divorce) of: <input type="checkbox"/> Marriage <input type="checkbox"/> Domestic Partnership <input type="checkbox"/> Legal Separation of: <input type="checkbox"/> Marriage <input type="checkbox"/> Domestic Partnership <input type="checkbox"/> Nullity of: <input type="checkbox"/> Marriage <input type="checkbox"/> Domestic Partnership	CASE NUMBER:

1. **LEGAL RELATIONSHIP** (check all that apply):
 - a. We are married.
 - b. We are domestic partners and our domestic partnership was established in California.
 - c. We are domestic partners and our domestic partnership was NOT established in California.

2. **RESIDENCE REQUIREMENTS** (check all that apply):
 - a. Petitioner Respondent has been a resident of this state for at least six months and of this county for at least three months immediately preceding the filing of this *Petition*. (For a divorce, at least one person in the legal relationship described in items 1a and 1c must comply with this requirement.)
 - b. 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): _____
 - c. Our domestic partnership was established in California. Neither of us has been a resident or have a domicile in California to dissolve our partnership here.

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

4. **MINOR CHILDREN** (children born before (or born or adopted during) the marriage or domestic partnership):
 - 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>
(1) <input type="checkbox"/> continued on Attachment 4b .			
(2) <input type="checkbox"/> a child who is not yet born.			
 - c. If there are minor children of Petitioner and Respondent, a completed *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)* (form [FL-105](#)) must be attached.
 - d. Petitioner and Respondent signed a voluntary declaration of paternity. A copy is is not attached.

PETITIONER: RESPONDENT:	CASE NUMBER:
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10. COMMUNITY AND QUASI-COMMUNITY PROPERTY

- a. There are no such assets or debts that I know of to be divided by the court.
- b. Determine rights to community and quasi-community assets and debts. All such assets and debts are listed
 - in *Property Declaration* (form [FL-160](#)) in [Attachment 10b](#).
 - as follows (*specify*):

11. OTHER REQUESTS

- a. Attorney's fees and costs payable by Petitioner Respondent
- b. Petitioner's former name be restored to (*specify*):
- c. Other (*specify*):

Continued on [Attachment 11c](#).

12. 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: 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, spousal or partner support.

NOTICE—CANCELLATION OF RIGHTS: 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. Some changes may require the agreement of your partner or spouse or a court order.

FL-107-INFO Legal Steps for a Divorce or Legal Separation

STEP 1. Start Your Case

- The **petitioner** (the person who files the first divorce or legal separation forms with the court) fills out and files with the court clerk at least a *Petition—Marriage/Domestic Partnership* (form FL-100) and a *Summons* (form FL-110) and, if there are children of the relationship, a *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act* (form FL-105).
- The forms needed to start your case and information about filing fees and fee waivers are available at “Filing Your Case,” at courts.ca.gov/filing.
- The court clerk will stamp and return copies of the filed forms to the **petitioner**.

STEP 2. Serve the Forms

- **Someone 18 or older**—not the **petitioner**—serves the spouse or domestic partner (called the **respondent**) with all the forms from Step 1 plus a blank *Response—Marriage/Domestic Partnership* (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.”) For more information, see “Serving Your First Set of Court Forms” at courts.ca.gov/filing.
- The **respondent** has 30 days to file and serve a *Response*. So, the **petitioner** must wait 30 days before starting Step 4.

STEP 3. Disclose Financial Information

- At the same time as Step 1 or within 60 days of filing the *Petition*, the **petitioner** must fill out and have these documents served on the **respondent**: *Declaration of Disclosure* (form FL-140), *Income and Expense Declaration* (form FL-150), *Schedule of Assets and Debts* (form FL-142) or *Property Declaration* (form FL-160), and all tax returns filed by the party in the two years before serving the disclosure documents. These disclosure documents are not filed with the court.
- If the **respondent** files a *Response*, he or she must also complete and serve the same disclosure documents on the **petitioner** within 60 days of filing the *Response*.
- The 60-day time frame for serving the disclosures may be changed by written agreement between the parties or by court order.
- The **petitioner** and **respondent** each file a *Declaration Regarding Service* (form FL-141) with the court saying disclosures were served. If the **respondent** does not serve disclosures, the **petitioner** can still finish the case without them. For more information, see “Fill Out and Serve Your Financial Declaration of Disclosure Forms” at courts.ca.gov/filing (click on Step 4).

STEP 4. Finish the Divorce or Legal Separation 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 courts.ca.gov/truedefault.

No Response BUT written 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 courts.ca.gov/defaultagree.

Respondent files a *Response*

Response AND written agreement: Either party files *Appearance, Stipulations, and Waivers* (form FL-130) and the proposed *Judgment* with written agreement attached and other needed forms. See “Uncontested Case” at courts.ca.gov/uncontested.

Response and NO agreement: Parties must go to trial to have a judge resolve the issues. See “Contested Case” at courts.ca.gov/contested.

IMPORTANT NOTICES

- The earliest you can be divorced is six months and one day from one of these three dates (whichever occurs first): (1) the date Respondent was served with the *Summons* (form FL-110) and *Petition* (form FL-100), (2) the date the *Response* (form FL-120) was filed, or (3) the date *Appearance, Stipulations, and Waivers* (form FL-130) was filed. Legal separation has no waiting period. You are NOT divorced or legally separated until the court enters a *Judgment* in your case.
- If you need court orders for child support, custody, parenting time (visitation), spousal or partner support, restraining orders, or other issues, file a *Request for Order* (form FL-300) asking for temporary orders. See “Request for Order Information” at courts.ca.gov/divorcerequests for more information.
- **Annulments:** See courts.ca.gov/annulment for information about annulments.
- You must keep the court and the other party informed of any change in your mailing address or other contact information. File and serve a *Notice of Change of Address or Other Contact Information* (form MC-040) on the other party or his or her attorney to let them know about the change in your contact information.



Do you have a registered domestic partnership? The process for a divorce or legal separation of a domestic partnership is the same as on page 1. For information about ending your domestic partnership in the superior court, see courts.ca.gov/filing. To find out if you are eligible to end your domestic partnership through the Secretary of State, see courts.ca.gov/summdissodp. Note: There may be differences in federal taxes and other issues for domestic partnerships. Seek advice from an attorney experienced in domestic partner law.

What if you want a legal separation? The process on page 1 is the same, except you will **NOT** get a *Judgment* for legal separation unless both parties agree to a legal separation OR if **respondent** has not filed a *Response*. If both parties agree to be legally separated but do not agree on other issues, the parties must go to trial to have a judge resolve those issues. You are **NOT** legally separated until you receive a *Judgment* signed by the court. For more information, see “Legal Separation” at courts.ca.gov/legalseparation. AFTER the court enters a judgment for legal separation, if you decide you want a divorce, you must start a new case to request a divorce and pay another filing fee.

Getting help to resolve divorce or legal separation cases

You may prefer to resolve some or all of the issues in your divorce or legal separation case without having the court decide for you. You and your spouse or domestic partner can put your agreement in writing and file it in your case. But your agreement must follow all legal requirements.

Court Services

- **Family Law Facilitators and Self-Help Centers** help with court forms and instructions. They can provide samples of agreements and other information and, in some cases, help with mediation.
- **Family Court Services.** If you and the other parent already have a family law case and have filed a *Request for Order* (form FL-300) seeking orders about child custody and visitation (parenting time), the court will refer you to Family Court Services. They provide child custody mediation or child custody recommending counseling to try to help you both make a parenting plan that is in the best interest of your child. Note: They cannot help with financial issues.
- **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 the suggestions or use the suggestions to help in further settlement discussions.

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

- **Lawyers.** Also called attorneys, lawyers can help work out agreements between the parties and represent you at court hearings and trials.
- **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.
- **Mediators.** A lawyer or counselor who helps the parties communicate to explore options and reach a mutually acceptable resolution.

Where can I get help?

This information sheet gives you only basic information on the divorce or legal separation 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. For more information, see courts.ca.gov/courtresources.
- Find a lawyer through a certified lawyer referral service on the State Bar of California's website: calbar.ca.gov/LRS or by calling 866-442-2529 (toll-free).
- Hire a private mediator. For more information about court and private services, see courts.ca.gov/selfhelp-adr.htm.
- Find information on the California Courts Online Self-Help Center website: courts.ca.gov/selfhelp.
- Find free and low-cost legal help (if you qualify) at lawhelpcalifornia.org.
- Find information at your local law library or public library.

What if there is domestic violence?

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).

SUMMONS (Family Law)

CITACIÓN (Derecho familiar)

NOTICE TO RESPONDENT (Name):
 AVISO AL DEMANDADO (Nombre):

FOR COURT USE ONLY
 (SOLO PARA USO DE LA CORTE)

**You have been sued. Read the information below and on the next page.
 Lo han demandado. Lea la información a continuación y en la página siguiente.**

Petitioner's name is:
 Nombre del demandante:

CASE NUMBER (NÚMERO DE CASO):

<p>You have 30 calendar days after this <i>Summons</i> and <i>Petition</i> are served on you to file a <i>Response</i> (form FL-120) at the court and have a copy served on the petitioner. A letter, phone call, or court appearance will not protect you.</p> <p>If you do not file your <i>Response</i> on time, the court may make orders affecting your marriage or domestic partnership, your property, and custody of your children. You may be ordered to pay support and attorney fees and costs.</p> <p>For legal advice, contact a lawyer immediately. Get help finding a lawyer at the California Courts Online Self-Help Center (www.courts.ca.gov/selfhelp), at the California Legal Services website (www.lawhelpca.org), or by contacting your local county bar association.</p>	<p><i>Tiene 30 días de calendario</i> después de haber recibido la entrega legal de esta Citación y Petición para presentar una Respuesta (formulario FL-120) ante la corte y efectuar la entrega legal de una copia al demandante. Una carta o llamada telefónica o una audiencia de la corte no basta para protegerlo.</p> <p><i>Si no presenta su Respuesta a tiempo, la corte puede dar órdenes que afecten su matrimonio o pareja de hecho, sus bienes y la custodia de sus hijos. La corte también le puede ordenar que pague manutención, y honorarios y costos legales.</i></p> <p><i>Para asesoramiento legal, póngase en contacto de inmediato con un abogado. Puede obtener información para encontrar un abogado en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en el sitio web de los Servicios Legales de California (www.lawhelpca.org) o poniéndose en contacto con el colegio de abogados de su condado.</i></p>
<p>NOTICE—RESTRAINING ORDERS ARE ON PAGE 2: These restraining orders are effective against both spouses or domestic partners until the petition is dismissed, a judgment is entered, or the court makes further orders. They are enforceable anywhere in California by any law enforcement officer who has received or seen a copy of them.</p>	<p>AVISO—LAS ÓRDENES DE RESTRICCIÓN SE ENCUENTRAN EN LA PÁGINA 2: Las órdenes de restricción están en vigencia en cuanto a ambos cónyuges o miembros de la pareja de hecho hasta que se despidan la petición, se emita un fallo o la corte dé otras órdenes. Cualquier agencia del orden público que haya recibido o visto una copia de estas órdenes puede hacerlas acatar en cualquier lugar de California.</p>
<p>FEE WAIVER: If you cannot pay the filing fee, ask the clerk for a fee waiver form. The court may order you to pay back all or part of the fees and costs that the court waived for you or the other party.</p>	<p>EXENCIÓN DE CUOTAS: Si no puede pagar la cuota de presentación, pida al secretario un formulario de exención de cuotas. La corte puede ordenar que usted pague, ya sea en parte o por completo, las cuotas y costos de la corte previamente exentos a petición de usted o de la otra parte.</p>

[SEAL]

1. The name and address of the court are (*El nombre y dirección de la corte son*):

2. The name, address, and telephone number of the petitioner's attorney, or the petitioner without an attorney, are: (*El nombre, dirección y número de teléfono del abogado del demandante, o del demandante si no tiene abogado, son*):

Date (*Fecha*): _____ Clerk , by (*Secretario, por*) _____ , Deputy (*Asistente*)

STANDARD FAMILY LAW RESTRAINING ORDERS

Starting immediately, you and your spouse or domestic partner are restrained from:

1. removing the minor children of the parties from the state or applying for a new or replacement passport for those minor children without the prior written consent of the other party or an order of the court;
2. cashing, borrowing against, canceling, transferring, disposing of, or changing the beneficiaries of any insurance or other coverage, including life, health, automobile, and disability, held for the benefit of the parties and their minor children;
3. transferring, encumbering, hypothecating, concealing, or in any way disposing of any property, real or personal, whether community, quasi-community, or separate, without the written consent of the other party or an order of the court, except in the usual course of business or for the necessities of life; and
4. creating a nonprobate transfer or modifying a nonprobate transfer in a manner that affects the disposition of property subject to the transfer, without the written consent of the other party or an order of the court. Before revocation of a nonprobate transfer can take effect or a right of survivorship to property can be eliminated, notice of the change must be filed and served on the other party.

You must notify each other of any proposed extraordinary expenditures at least five business days prior to incurring these extraordinary expenditures and account to the court for all extraordinary expenditures made after these restraining orders are effective. However, you may use community property, quasi-community property, or your own separate property to pay an attorney to help you or to pay court costs.

ÓRDENES DE RESTRICCIÓN ESTÁNDAR DE DERECHO FAMILIAR

En forma inmediata, usted y su cónyuge o pareja de hecho tienen prohibido:

1. *llevarse del estado de California a los hijos menores de las partes, o solicitar un pasaporte nuevo o de repuesto para los hijos menores, sin el consentimiento previo por escrito de la otra parte o sin una orden de la corte;*
2. *cobrar, pedir prestado, cancelar, transferir, deshacerse o cambiar el nombre de los beneficiarios de cualquier seguro u otro tipo de cobertura, como de vida, salud, vehículo y discapacidad, que tenga como beneficiario(s) a las partes y su(s) hijo(s) menor(es);*
3. *transferir, gravar, hipotecar, ocultar o deshacerse de cualquier manera de cualquier propiedad, inmueble o personal, ya sea comunitaria, cuasicomunitaria o separada, sin el consentimiento escrito de la otra parte o una orden de la corte, excepto en el curso habitual de actividades personales y comerciales o para satisfacer las necesidades de la vida; y*
4. *crear o modificar una transferencia no testamentaria de manera que afecte la asignación de una propiedad sujeta a transferencia, sin el consentimiento por escrito de la otra parte o una orden de la corte. Antes de que se pueda eliminar la revocación de una transferencia no testamentaria, se debe presentar ante la corte un aviso del cambio y hacer una entrega legal de dicho aviso a la otra parte.*

Cada parte tiene que notificar a la otra sobre cualquier gasto extraordinario propuesto por lo menos cinco días hábiles antes de realizarlo, y rendir cuenta a la corte de todos los gastos extraordinarios realizados después de que estas órdenes de restricción hayan entrado en vigencia. No obstante, puede usar propiedad comunitaria, cuasicomunitaria o suya separada para pagar a un abogado que lo ayude o para pagar los costos de la corte.

NOTICE—ACCESS TO AFFORDABLE HEALTH INSURANCE: Do you or someone in your household need affordable health insurance? If so, you should apply for Covered California. Covered California can help reduce the cost you pay towards high quality affordable health care. For more information, visit www.coveredca.com. Or call Covered California at 1-800-300-1506.

AVISO—ACCESO A SEGURO DE SALUD MÁS ECONÓMICO: ¿Necesita seguro de salud a un costo asequible, ya sea para usted o alguien en su hogar? Si es así, puede presentar una solicitud con Covered California. Covered California lo puede ayudar a reducir el costo que paga por seguro de salud asequible y de alta calidad. Para obtener más información, visite www.coveredca.com. O llame a Covered California al 1-800-300-0213.

WARNING—IMPORTANT INFORMATION

California law provides that, for purposes of division of property upon dissolution of a marriage or domestic partnership or upon legal separation, property acquired by the parties during marriage or domestic partnership in joint form is presumed to be community property. If either party to this action should die before the jointly held community property is divided, the language in the deed that characterizes how title is held (i.e., joint tenancy, tenants in common, or community property) will be controlling, and not the community property presumption. You should consult your attorney if you want the community property presumption to be written into the recorded title to the property.

ADVERTENCIA—INFORMACIÓN IMPORTANTE

De acuerdo a la ley de California, las propiedades adquiridas por las partes durante su matrimonio o pareja de hecho en forma conjunta se consideran propiedad comunitaria para fines de la división de bienes que ocurre cuando se produce una disolución o separación legal del matrimonio o pareja de hecho. Si cualquiera de las partes de este caso llega a fallecer antes de que se divida la propiedad comunitaria de tenencia conjunta, el destino de la misma quedará determinado por las cláusulas de la escritura correspondiente que describen su tenencia (por ej., tenencia conjunta, tenencia en común o propiedad comunitaria) y no por la presunción de propiedad comunitaria. Si quiere que la presunción comunitaria quede registrada en la escritura de la propiedad, debería consultar con un abogado.

ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>Name, State Bar number, and address</i>): TELEPHONE NO.: _____ FAX NO.: _____ E-MAIL ADDRESS: _____ ATTORNEY FOR (<i>Name</i>): _____	FOR COURT USE ONLY DRAFT NOT APPROVED BY THE JUDICIAL COUNCIL
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER: RESPONDENT:	
PROOF OF SERVICE OF SUMMONS	CASE NUMBER: _____

1. At the time of service I was at least 18 years of age and not a party to this action. **I served the respondent with copies of:**
- a. Family Law—Marriage/Domestic Partnership: *Petition—Marriage/Domestic Partnership* (form [FL-100](#)), *Summons* (form [FL-110](#)), and blank *Response—Marriage/Domestic Partnership* (form [FL-120](#))

—or—
 - b. Uniform Parentage: *Petition to Establish Parental Relationship* (form [FL-200](#)), *Summons* (form [FL-210](#)), and blank *Response to Petition to Establish Parental Relationship* (form [FL-220](#))

—or—
 - c. Custody and Support: *Petition for Custody and Support of Minor Children* (form [FL-260](#)), *Summons* (form [FL-210](#)), and blank *Response to Petition for Custody and Support of Minor Children* (form [FL-270](#))

and
- | | |
|---|---|
| d. <input type="checkbox"/> (1) <input type="checkbox"/> Completed and blank <i>Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act</i> (form FL-105)
(2) <input type="checkbox"/> Completed and blank <i>Declaration of Disclosure</i> (form FL-140)
(3) <input type="checkbox"/> Completed and blank <i>Schedule of Assets and Debts</i> (form FL-142)
(4) <input type="checkbox"/> Completed and blank <i>Income and Expense Declaration</i> (form FL-150) | (5) <input type="checkbox"/> Completed and blank <i>Financial Statement (Simplified)</i> (form FL-155)
(6) <input type="checkbox"/> Completed and blank <i>Property Declaration</i> (form FL-160)
(7) <input type="checkbox"/> <i>Request for Order</i> (form FL-300), and blank <i>Responsive Declaration to Request for Order</i> (form FL-320)
(8) <input type="checkbox"/> Other (<i>specify</i>): _____ |
|---|---|
2. Address where respondent was served:
3. I served the respondent by the following means (*check proper boxes*):
- a. **Personal service.** I personally delivered the copies to the respondent (Code Civ. Proc., § 415.10) on (*date*): _____ at (*time*): _____
 - b. **Substituted service.** I left the copies with or in the presence of (*name*): _____ who is (*specify title or relationship to respondent*): _____
 - (1) **(Business)** a person at least 18 years of age who was apparently in charge at the office or usual place of business of the respondent. I informed him or her of the general nature of the papers.
 - (2) **(Home)** a competent member of the household (at least 18 years of age) at the home of the respondent. I informed him or her of the general nature of the papers.
 on (*date*): _____ at (*time*): _____
- I thereafter mailed additional copies (by first class, postage prepaid) to the respondent at the place where the copies were left (Code Civ. Proc., § 415.20b) on (*date*): _____
- A **declaration of diligence** is attached, stating the actions taken to first attempt personal service.

PETITIONER: RESPONDENT:	CASE NUMBER:
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3. c. **Mail and acknowledgment service.** I mailed the copies to the respondent, addressed as shown in item 2, by first-class mail, postage prepaid, on *(date)*: _____ from *(city)*: _____
- (1) with two copies of the *Notice and Acknowledgment of Receipt* (form [FL-117](#)) and a postage-paid return envelope addressed to me. **(Attach completed *Notice and Acknowledgment of Receipt* (form [FL-117](#).)**
(Code Civ. Proc., § 415.30.)
- (2) to an address outside California (by registered or certified mail with return receipt requested). **(Attach signed return receipt or other evidence of actual delivery to the respondent.)** (Code Civ. Proc., §§ 415.40, 417.20.)
- d. **Other** (*specify code section*): _____
 Continued on Attachment 3d.

4. **Person who served papers**

Name:
Address:

Telephone number:

This person is

- a. exempt from registration under Business and Professions Code section 22350(b).
- b. not a registered California process server.
- c. a registered California process server: an employee or an independent contractor
 (1) Registration no.: _____
 (2) County: _____
- d. **The fee** for service was (*specify*): \$ _____

5. **I declare** under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
- or-
6. **I am a California sheriff, marshal, or constable**, and I certify that the foregoing is true and correct.

Date:

(NAME OF PERSON WHO SERVED PAPERS)

(SIGNATURE OF PERSON WHO SERVED PAPERS)

ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>Name, State Bar number, and address</i>): TELEPHONE NO.: _____ FAX NO.: _____ E-MAIL ADDRESS: _____ ATTORNEY FOR (<i>Name</i>): _____	FOR COURT USE ONLY DRAFT NOT APPROVED BY THE JUDICIAL COUNCIL
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER: RESPONDENT:	
NOTICE AND ACKNOWLEDGMENT OF RECEIPT	CASE NUMBER: _____

(Sender completes items 1 through 4 and signs before mailing. Recipient completes items 5 and 6, signs, then returns)

1. To (*name of individual being served*): _____

NOTICE

The documents identified below are being served on you by mail with this acknowledgment form. You must personally sign, or a person authorized by you must sign, this form to acknowledge receipt of the documents.

If the documents described below include a summons and you fail to complete and return this acknowledgment form to the sender within 20 days of the date of mailing, you will be liable for the reasonable expenses incurred after that date in serving you or attempting to serve you with these documents by any other methods permitted by law. If you return this form to the sender, service of a summons is deemed complete on the date you sign the acknowledgment of receipt below. This is **not** an answer to the action. If you do not agree with what is being requested, you must submit a completed *Response* form to the court within 30 calendar days.

2. Date of mailing (*specify*): _____

3. _____
(TYPE OR PRINT SENDER'S NAME)



(SIGNATURE OF SENDER—MUST NOT BE A PARTY IN THIS CASE AND MUST BE 18 YEARS OR OLDER)

ACKNOWLEDGMENT OF RECEIPT

4. I agree I received the following:

- a. Family Law: *Petition—Marriage/Domestic Partnership* (form [FL-100](#)), *Summons* (form [FL-110](#)), and blank *Response—Marriage/Domestic Partnership* (form [FL-120](#))
- b. Uniform Parentage: *Petition to Establish Parental Relationship* (form [FL-200](#)), *Summons* (form [FL-210](#)), and blank *Response to Petition to Establish Parental Relationship* (form [FL-220](#))
- c. Custody and Support: *Petition for Custody and Support of Minor Children* (form [FL-260](#)), *Summons* (form [FL-210](#)), and blank *Response to Petition for Custody and Support of Minor Children* (form [FL-270](#))
- d. (1) Completed and blank *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act* (form [FL-105](#))
- (2) Completed and blank *Declaration of Disclosure* (form [FL-140](#))
- (3) Completed and blank *Schedule of Assets and Debts* (form [FL-142](#))
- (4) Completed and blank *Property Declaration* (form [FL-160](#))
- (5) Completed and blank *Income and Expense Declaration* (form [FL-150](#))
- (6) Completed and blank *Financial Statement (Simplified)* (form [FL-155](#))
- (7) *Request for Order* (form [FL-300](#)), and blank *Responsive Declaration to Request for Order* (form [FL-320](#))
- (8) Other (*specify*): _____

5. Recipient signed this acknowledgment on (*specify date*): _____

6. _____
(TYPE OR PRINT NAME OF PERSON ACKNOWLEDGING RECEIPT)



(SIGNATURE OF PERSON ACKNOWLEDGING RECEIPT)

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

1. **LEGAL RELATIONSHIP** (check all that apply):
 - a. We are married.
 - b. We are domestic partners and our domestic partnership was established in California.
 - c. We are domestic partners and our domestic partnership was NOT established in California.

2. **RESIDENCE REQUIREMENTS** (check all that apply):
 - a. Petitioner Respondent has been a resident of this state for at least six months and of this county for at least three months immediately preceding the filing of this *Petition*. (For a *divorce*, at least one person in the legal relationship described in items 1a and 1c must comply with this requirement.)
 - b. 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): _____
 - c. Our domestic partnership was established in California. Neither of us has been a resident or have a domicile in California to dissolve our partnership here.

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

4. **MINOR CHILDREN** (children born before (or born or adopted during) the marriage or domestic partnership):
 - a. There are no minor children.
 - b. The minor children are:

Child's name	Birthdate	Age	Sex

(1) continued on [Attachment 4b](#).
 (2) a child who is not yet born.

 - c. If there are minor children of Petitioner and Respondent, a completed *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)* (form [FL-105](#)) must be attached.
 - d. Petitioner and Respondent signed a voluntary declaration of paternity. A copy is is not attached.

PETITIONER: RESPONDENT:	CASE NUMBER:
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Respondent requests that the court make the following orders:

5. LEGAL GROUNDS (Family Code sections 2200–2210; 2310–2312)

- a. **Respondent contends** that the parties never legally married or registered a domestic partnership.
- b. **Respondent denies** the grounds set forth in item 5 of the petition.
- c. **Respondent requests**
 - (1) divorce legal separation of the marriage or domestic partnership based on
 - (a) irreconcilable differences. (b) permanent legal incapacity to make decisions.
 - (2) nullity of void marriage or domestic partnership based on
 - (a) incest. (b) bigamy.
 - (3) nullity of voidable marriage or domestic partnership based on
 - (a) respondent's age at time of registration of domestic partnership or marriage. (d) fraud.
 - (b) prior existing marriage or domestic partnership. (e) force.
 - (c) unsound mind. (f) physical incapacity.

6. CHILD CUSTODY AND VISITATION (PARENTING TIME)

- | | 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 (parenting time) be granted to | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| As requested in: <input type="checkbox"/> form FL-311 <input type="checkbox"/> form FL-312 <input type="checkbox"/> form FL-341(C) | | | | |
| <input type="checkbox"/> form FL-341(D) <input type="checkbox"/> form FL-341(E) <input type="checkbox"/> Attachment 6c(1) | | | | |
| d. <input type="checkbox"/> Determine the parentage of children born to Petitioner and Respondent before the marriage or domestic partnership. | | | | |

7. CHILD SUPPORT

- a. If there are minor children born to or adopted by Petitioner and Respondent before or during this marriage or domestic partnership, the court will make orders for the support of the children upon request and submission of financial forms by the requesting party.
- b. An earnings assignment may be issued without further notice.
- c. Any party required to pay support must pay interest on overdue amounts at the "legal" rate, which is currently 10 percent.
- d. Other (*specify*):

8. SPOUSAL OR DOMESTIC PARTNER SUPPORT

- a. Spousal or domestic partner support payable to Petitioner Respondent
- b. Terminate (end) the court's ability to award support to Petitioner Respondent
- c. Reserve for future determination the issue of support payable to Petitioner Respondent
- d. Other (*specify*):

9. SEPARATE PROPERTY

- a. There are no such assets or debts that I know of to be confirmed by the court.
- b. Confirm as separate property the assets and debts in *Property Declaration* (form [FL-160](#)) [Attachment 9b](#)
 the following list. Item Confirm to

PETITIONER: RESPONDENT:	CASE NUMBER:
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10. COMMUNITY AND QUASI-COMMUNITY PROPERTY

- a. There are no such assets or debts that I know of to be divided by the court.
- b. Determine rights to community and quasi-community assets and debts. All such assets and debts are listed
 - in *Property Declaration* (form [FL-160](#)) in [Attachment 10b](#).
 - as follows (*specify*):

11. OTHER REQUESTS

- a. Attorney's fees and costs payable by Petitioner Respondent
- b. Respondent's former name be restored to (*specify*):
- c. Other (*specify*):

Continued on [Attachment 11c](#).

12. 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 RESPONDENT)
Date: _____ (TYPE OR PRINT NAME)	▶	_____ (SIGNATURE OF ATTORNEY FOR RESPONDENT)

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, spousal or partner support.

NOTICE—CANCELLATION OF RIGHTS: 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. Some changes may require the agreement of your partner or spouse or a court order.

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. (Fam. Code, § 2210(b).) (4) fraud. (Fam. Code, § 2210(d).)
 (5) force. (Fam. Code, § 2210(e).) (6) physical incapacity. (Fam. Code, § 2210(f).)

REVOKE

7. **Petitioner requests** that the court grant the above relief and make a **unitive** (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 7c. | | | | |
| 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 respondent. | | | | |
| h. <input type="checkbox"/> Determine property rights. | | | | |
| i. <input type="checkbox"/> Restore petitioner's former name (<i>specify</i>): | | | | |
| j. <input type="checkbox"/> Other (<i>specify</i>): | | | | |
| <input type="checkbox"/> 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 (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY
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).

REVOKE

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>
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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).)

REVOKE

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)

Date: _____

(SIGNATURE OF RESPONDENT)

Date: _____

(TYPE OR PRINT NAME)

Date: _____

(SIGNATURE OF ATTORNEY FOR RESPONDENT)

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

SPR14-09

Family Law: Petition and Response for Dissolution, Legal Separation, and Nullity of Marriage and Domestic Partnership (amend Cal. Rules of Court, rule 5.76; revise forms FL-100, FL-107-INFO, FL-110, FL-115, FL-117, and FL-120; revoke forms FL-103 and FL-123)

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

List of All Commentators, Overall Positions on the Proposal, and General Comments				
	Commentator	Position	Comment	Committee Response
1.	Stephanie M. Bamberger Attorney Sacramento	N	See comments on specific provisions below.	See response to specific provisions below.
2.	Hon. John Chemeleski Court Commissioner Superior Court of Los Angeles County	AM	See comments on specific provisions below.	See response to specific provisions below.
3.	Jolene Dashut, LDA Studio City	NI	See comments on specific provisions below.	See response to specific provisions below.
4.	Richard deBlois Family Law Facilitator Superior Court of Solano County	NI	See comments on specific provisions below.	See response to specific provisions below.
5.	Executive Committee of the Family Law Section of the State Bar (FLEXCOM) by Saul Bercovitch Legislative Counsel San Francisco	AM	See comments on specific provisions below.	See response to specific provisions below.
6.	Stacy Larson Family Law Facilitator Superior Court of Shasta County	AM	See comments on specific provisions below.	See response to specific provisions below.
7.	National Center for Lesbian Rights by Catherine Sakimura Family Law Director San Francisco	AM	See comments on specific provisions below.	See response to specific provisions below.
8.	State Bar of California's Standing	A	* The proposed new forms seem streamlined	No response required.

SPR14-09

Family Law: Petition and Response for Dissolution, Legal Separation, and Nullity of Marriage and Domestic Partnership (amend Cal. Rules of Court, rule 5.76; revise forms FL-100, FL-107-INFO, FL-110, FL-115, FL-117, and FL-120; revoke forms FL-103 and FL-123)

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

List of All Commentators, Overall Positions on the Proposal, and General Comments				
	Commentator	Position	Comment	Committee Response
			<p>sheets remain separate documents.</p> <ul style="list-style-type: none"> • Separation allows for less copying and scanning into CMS. • Reduced costs for copies due to fewer pages on form. • In Orange County, the INFO form is already included within the general fee waiver packet. <p>Summary Dissolution forms should be updated as well.</p> <ul style="list-style-type: none"> • References at the bottom of FL-830: <i>Notice Of Revocation Of Joint Petition For Summary Dissolution</i> should be changed. • In some cases, a party may wish to revoke summary dissolution for the sake of legal separation (rather than divorce). • Recommend the "Notice" at the bottom 	<p><i>Petition</i> (form FL-100), <i>Response</i> (form FL-120, and <i>Legal Steps for a Divorce or Legal Separation</i> (form FL-107-INFO) as a separate document.</p> <p>The committee agrees with the change suggested by the commentator, and recommends that form FL-830 be revised with the other summary dissolution forms that are expected to be changed in July 2015, to reflect changes in the California Consumer Price Index.</p>

SPR14-09

Family Law: Petition and Response for Dissolution, Legal Separation, and Nullity of Marriage and Domestic Partnership (amend Cal. Rules of Court, rule 5.76; revise forms FL-100, FL-107-INFO, FL-110, FL-115, FL-117, and FL-120; revoke forms FL-103 and FL-123)

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

List of All Commentators, Overall Positions on the Proposal, and General Comments				
	Commentator	Position	Comment	Committee Response
			<p>of FL-830 to read as follows:</p> <p><i>“If the clerk’s certificate of mailing above has been dated and signed by the clerk, this summary dissolution case is ended. You are still married and/or domestic partners. If you want to get a divorce or a legal separation, you must use Form FL-100, Petition – Marriage/Domestic Partnership.”</i></p>	
			See comments on specific provisions below.	See response to specific provisions below.
11.	Superior Court of Riverside County by Daniel Wolfe Managing Attorney	AM	See comments on specific provisions below.	See response to specific provisions below.
12.	Superior Court of San Diego County by Mike Roddy Executive Officer	A	No specific comment provided.	No response required.
13.	Superior Court of Santa Barbara County by Deborah Mullin Family Law Facilitator	AM	Overall, I believe the proposed changes are an excellent idea. Consolidation would be good and easier for all concerned. The court has decided that we should all be treated the same. Using the same forms is a step in that direction.	No response required.

SPR14-09

Family Law: Petition and Response for Dissolution, Legal Separation, and Nullity of Marriage and Domestic Partnership (amend Cal. Rules of Court, rule 5.76; revise forms FL-100, FL-107-INFO, FL-110, FL-115, FL-117, and FL-120; revoke forms FL-103 and FL-123)

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

List of All Commentators, Overall Positions on the Proposal, and General Comments				
	Commentator	Position	Comment	Committee Response
			See comments on specific provisions below.	See response to specific provisions below.
14.	Superior Court of Sonoma County by Joyce MacLaury Family Law Facilitator	AM	<ol style="list-style-type: none"> 1. Should forms FL-100 and FL-120 be streamlined for use as multipurpose forms that incorporate actions for dissolution, legal separation, or nullity of domestic partnerships or both marriages and domestic partnerships? YES. 2. Is there any advantage to maintaining separate procedures for those who want to dissolve both a marriage and domestic partnership using forms FL-103 and FL-123? NO COMMENT 3. Are there other changes that are important to make in response to the Supreme Court decisions striking down the Defense of Marriage Act? NO COMMENT 4. Will the proposal provide cost savings? If so please quantify. <ul style="list-style-type: none"> • What are the implementation requirements for courts? For example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management system, 	<p>No response required.</p> <p>No response required.</p> <p>No response required.</p> <p>No response required.</p>

SPR14-09

Family Law: Petition and Response for Dissolution, Legal Separation, and Nullity of Marriage and Domestic Partnership (amend Cal. Rules of Court, rule 5.76; revise forms FL-100, FL-107-INFO, FL-110, FL-115, FL-117, and FL-120; revoke forms FL-103 and FL-123)

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

List of All Commentators, Overall Positions on the Proposal, and General Comments				
	Commentator	Position	Comment	Committee Response
			<p>or modifying case management system.</p> <p>ANSWER: No processing changes required. Minimal training or orientation on changes. No revision of processes or procedures.</p> <ul style="list-style-type: none"> • Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? ANSWER: Yes. • How well would this proposal work in courts of different sizes? ANSWER: No comment <p>See comments on specific provisions below.</p>	<p>No response required.</p> <p>No response required.</p> <p>No response required.</p> <p>See response to specific provisions below.</p>
15.	Gregory S. Tanaka Supervising Attorney Family Law Facilitator/Self-Help Center Superior Court of San Mateo County	NI	See comments on specific provisions below.	See response to specific provisions below.
16.	Trial Court Presiding Judges Advisory Committee (TCPJAC) and the Court Executives Advisory Committee (CEAC) Joint Rules Working Group	A	<p>The proposal conforms existing forms to a change of law.</p> <p><u>Impact on existing automated systems</u> Trial courts may experience a slight impact to updating automated case management systems</p>	<p>No response required.</p> <p>The committee believes that its revised recommendation to not incorporate form FL-107-INFO into form FL-100 will reduce the impact</p>

SPR14-09

Family Law: Petition and Response for Dissolution, Legal Separation, and Nullity of Marriage and Domestic Partnership (amend Cal. Rules of Court, rule 5.76; revise forms FL-100, FL-107-INFO, FL-110, FL-115, FL-117, and FL-120; revoke forms FL-103 and FL-123)

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

List of All Commentators, Overall Positions on the Proposal, and General Comments				
	Commentator	Position	Comment	Committee Response
			with minor coding changes. <u>Results in additional trial court staff training</u> Staff training would be required on the new forms. Existing procedures would need to be updated. Time and cost amounts estimated to complete training and procedural updates is minimal.	on courts. Therefore, the committee recommends that the proposed changes take effect January 1, 2015. Same as above response.

SPR14-09

Family Law: Petition and Response for Dissolution, Legal Separation, and Nullity of Marriage and Domestic Partnership (amend Cal. Rules of Court, rule 5.76; revise forms FL-100, FL-107-INFO, FL-110, FL-115, FL-117, and FL-120; revoke forms FL-103 and FL-123)

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

Revise form FL-100		
Commentator	Comment	Committee Response
Stephanie Bamberger Sacramento	<p>I believe the proposed revised form FL-100 is too "busy" and will be extremely confusing for pro per litigants who already have difficulty in completing the existing form correctly.</p> <p>The proposed revision does not allow for a listing of community property items on the form which can pose a notice problem if the attachment is not completed and there are issues involving real estate or pensions/retirement accounts in a default situation.</p> <p>While I understand the desire to streamline, I am concerned that pro per litigants who make up the majority of our litigants in Family Court will be unduly confused by the number of boxes and will not complete the paperwork correctly which will cause even more delays in completing their dissolution processes.</p>	<p>The committee recommends maintaining <i>Legal Steps for a Divorce or Legal Separation</i> (form FL-107-INFO) as a separate document which will make the form easier to read.</p> <p>The committee recommends revising form FL-100 and form FL-120 to include fillable space to list items of community and quasi-community property.</p> <p>The committee recommends providing and updating materials to help litigants complete the revised form.</p>
Hon. John Chemeleski Court Commissioner Superior Court of Los Angeles County	<p>Although I agree with the proposal to combine the existing FL-100 and FL-103 forms, and the corresponding response forms, into one form for both purposes, I do not agree that it is necessary or appropriate to expand both the Petition and Response to four pages.</p>	<p>The committee was unable to find a way to limit the FL-100 and FL-120 to two pages given the additional information required from forms FL-103 and FL-123. This would allow the form to be used to also request dissolution, legal separation, or nullity of a domestic partnership or both a marriage and domestic partnership in one proceeding.</p>

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

Revise form FL-100		
Commentator	Comment	Committee Response
	<p>Any benefit from such expansion will be outweighed by the addition pages that will have to be copied, processed, served and stored. For the approximately 100,000 dissolution cases filed in this state each year that means 400,000 extra pages to be handled, filed, stored and transported by the court clerks back and forth from storage to the court room for each proceeding. All this for forms that have no use in the proceeding after the filing thereof. Another 400,000 copies will be made by each party for their records. An additional 400,000 pages will have to be copied to be served on the respondents and many of those will be copied again to be provided to attorneys.</p> <p>I urge the committee to keep the instructions on a separate form that must be served but not filed with the court and to keep the Petition and Response at two pages each and avoid the above mentioned problems and save hundreds of thousands of unnecessarily wasted pages each year.</p>	<p>Reducing the expansion of the forms FL-100 and FL-120 from four to three pages, and including only notices that are required by statute to be on the <i>Petition</i> and <i>Response</i>, will decrease the impact on courts described by the commentator.</p> <p>The committee agrees to recommend maintaining <i>Legal Steps for a Divorce or Legal Separation</i> (form FL-107-INFO) as a separate document and not including information from the form on the <i>Petition</i> or <i>Response</i>.</p>
<p>Richard deBlois Family Law Facilitator Superior Court of California, County of Solano</p>	<p>I'd like to submit a suggestion for an additional change to the FL-100.</p> <p>A petitioner who does not meet the residency requirements at the time they file their paperwork can file for legal separation initially and then amend to a petition for dissolution of marriage once they do meet the residency requirements. Family Code section 2321(b) requires that notice of that amendment be given as follows: "If the other party has appeared in the proceeding, notice of the amendment shall be</p>	<p>Instead of providing a specific item on form FL-100 for a notice of intent to amend a petition of legal separation under Family Code section 2321(b), the committee prefers to expand the amount of fillable space under "Other Requests" for a party to provide the notice to the other party.</p>

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Revise form FL-100		
Commentator	Comment	Committee Response
	<p>given to the other party in the manner provided by rules adopted by the Judicial Council. If no appearance has been made by the other party in the proceeding, notice of the amendment may be given to the other party by mail to the last known address of the other party, or by personal service, if the intent of the party to so amend upon satisfaction of the residence requirements of Section 2320 is set forth in the initial petition or pleading in the manner provided by rules adopted by the Judicial Council." To the best of my knowledge, there are no CRCs that specifically implement Section 2321. The FL-100 does not currently provide a place for the petitioner to give notice of the intent to amend once the residency requirements are satisfied. I suggest that a checkbox be added somewhere on the FL-100 that allows the petitioner to give the notice of the intent to amend per Family Code section 2321(b).</p>	
<p>Executive Committee of the Family Law Section of the State Bar (FLEXCOM) by Saul Bercovitch Legislative Counsel San Francisco</p>	<p>The Executive Committee of the Family Law Section of the State Bar (FLEXCOM) supports this proposal, with modification.</p> <p>FLEXCOM agrees that forms FL-100 and FL-120 should be streamlined for use as multipurpose forms that incorporate actions for dissolutions, legal separation, or nullity of domestic partnerships or both marriages and domestic partnerships.</p> <p>FLEXCOM does not believe there is an advantage to maintaining separate procedures for those who want to dissolve both a marriage and domestic partnership using forms FL-103</p>	<p>No response required.</p> <p>No response required.</p> <p>Given the large amount of information that could potentially be included on this form, the committee prefers to limit the notices on <i>Petition</i> and <i>Response</i> to</p>

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Revise form FL-100		
Commentator	Comment	Committee Response
	<p>and FL123, and that a single form would work, provided that single form contains a warning that under federal law, there is a distinction between marriages and domestic partnerships.</p> <p>Using the same form for dissolution of marriages and dissolution of domestic partnerships may send a message that the legal issues are the same. They are not, because marriages are federally recognized and domestic partnerships are not. Thus, the tax consequences of interspousal transfers and inter-domestic partnership transfers are completely different. Among other issues, support calculations need to be done differently because support payments to a domestic partner are not deductible to the payor, and domestic partnership cases generally cannot use qualified domestic relations orders.</p> <p>For these reasons, FLEXCOM supports the combination of the two forms into one, as long as there is an admonishment on the form (preferably in bold font) that says something to the effect of:</p> <p>YOU ARE ADVISED THAT CALIFORNIA DOMESTIC PARTNERSHIPS ARE NOT RECOGNIZED AS MARRIAGES UNDER FEDERAL LAW. THEREFORE THE FINANCIAL ISSUES THAT COME UP IN DISSOLUTIONS (FOR EXAMPLE TAXABILITY OF INTERSPOUSAL</p>	<p>those required by statute. The California Courts Online Self-Help Center and form FL-107-INFO include information notifying the parties about differences in tax and other issues relating to the dissolution of a domestic partnership.</p> <p>Same as above response.</p> <p>The committee prefers to limit the notices on the <i>Petition and Response</i> to those required by statute. The California Courts Online Self-Help Center and form FL-107-INFO include information notifying the parties about differences in tax and other issues relating to the dissolution of a domestic partnership.</p>

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Revise form FL-100		
Commentator	Comment	Committee Response
	TRANSFERS, DEDUCTIBILITY OF SPOUSAL SUPPORT) MUST BE TREATED DIFFERENTLY.	
Stacy Larson Family Law Facilitator Superior Court of Shasta County	<p>I agree that using the FL-100 and FL-120 as all-purpose forms relating to both marriages and domestic partnerships is consistent with current law and efficient. From my perspective as a facilitator, I will now be able to integrate same-sex-marriage litigants into my general dissolution/legal separation/nullity class more seamlessly.</p> <p>FL-100, Caption: The revised caption facilitates the use of this form for multiple purposes. However, there is no longer room to easily clarify that a litigant is pleading in the alternative pursuant to CRC 5.60(b). For example, litigants may plead in the alternative for a nullity OR a dissolution (so that the dissolution will be granted if the nullity is denied) or a legal separation OR a dissolution (if they do not yet meet the jurisdictional requirements). Can a checkbox or more space be added to accommodate these situations in the caption?</p> <p>FL-100, subsection (1): Litigants who are seeking a nullity are often asserting that they are NOT legally married, but rather that their marriage is void or voidable. They may be unwilling to sign under penalty of perjury that “they are married” as specified in item 1.a.</p>	<p>No response required.</p> <p>The committee does not recommend revising the caption to include a new item titled “Alternative Relief.” This addition could cause confusion to parties. The committee recommends providing additional space in the “Other requests” item on the petition for this purpose.</p> <p>The committee believes that the situation described can be addressed by providing information and education to litigants instead of revising the form.</p>

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Revise form FL-100		
Commentator	Comment	Committee Response
	<p>FL-100, subsection (6)(b) (<i>now item 4(b)</i>)¹: It would be helpful if there was a checkbox for unborn children for application when a party to the marriage is currently pregnant with the other party’s child. It could be placed horizontal and to the right of the “Continued on Attachment 6b” checkbox.</p>	<p>The committee recommends revising form FL-100 and FL-120 to include a new item for a party to list a child who is not yet born at the time the action is filed.</p>
	<p>FL-100, subsection (6)(c) (<i>now item 4(c)</i>): We should omit the “the” before “Petitioner” or make “petitioner” and “respondent” lower case. Capitalizing “Petitioner” and “Respondent” indicate they are proper nouns while the “the” in front of them indicates they are common nouns.</p>	<p>The committee recommends including the change suggested by the commentator.</p>
	<p>FL-100, subsection (6)(e)(2) (<i>now item 6</i>): We should omit the “the” before “Petitioner” or make “petitioner” and “respondent” lower case. Capitalizing “Petitioner” and “Respondent” indicate they are proper nouns while the “the” in front of them indicates they are common nouns.</p>	<p>The committee recommends the change suggested by the commentator.</p>
	<p>FL-100, subsection (7)(a): We should omit the “the” before “Petitioner” or make “petitioner” and “respondent” lower case. Capitalizing “Petitioner” and “Respondent” indicate they are</p>	<p>The committee recommends the change suggested by the commentator.</p>

¹ Form FL-100 has changed since circulation for comment. Item 4, **LEGAL GROUNDS**, is now listed as item 5. Items 6(a)-(d), **MINOR CHILDREN**, are now listed as items 4 (a)-(d). Items 6(e)(1)-(2) are now listed as items 6(a)-(d) under the heading **CHILD CUSTODY AND VISITATION (PARENTING TIME)**. Any item and/or numbering changes are indicated in parenthesis.

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Revise form FL-100		
Commentator	Comment	Committee Response
	<p>proper nouns while the “the” in front of them indicates they are common nouns.</p> <p>FL-100, subsection (9)(a): This section on “separate property” is different than our current version as it involves a checkbox. It would be helpful if the “separate property” section had a checkbox item similar to the one for community property that states that there is no separate property for the court to confirm. Self-represented litigants frequently do not fill in the sections on “separate property” nor “community property,” also not stating that there is no such property for the Court to divide/confirm. This creates problems at the time of default judgment as their proposed judgments do not match their initial pleadings. Their judgments are rejected if they state that there is no such property to divide because this was not stated in their initial petitions. Similarly, their judgments are rejected if they leave these sections blank as their “final judgments on all issues” fails to address the issue of property/debt. Making the separate/community property sections “checkbox” items may exacerbate this problem as checkboxes generally mean that the section is optional rather than mandatory.</p> <p>FL-100, headings on page 2 and subsequent pages: Changing the heading on page 2 and subsequent pages to the standard “Petitioner” and “Respondent” instead of the current “Marriage of . . .” is a good idea as it promotes consistency for the litigants.</p>	<p>The committee recommends incorporating the suggested revision into form FL-100.</p> <p>No response required.</p>

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Revise form FL-100		
Commentator	Comment	Committee Response
<p>National Center for Lesbian Rights by Catherine Sakimura Family Law Director San Francisco</p>	<p>NCLR strongly supports the elimination of forms FL-103 and FL-123 and the amendments to FL-100 and FL-120 to allow these latter forms to be used for both same-sex and different-sex couples in marriages and domestic partnerships seeking dissolution, legal separation, or declarations of nullity.</p> <p>NCLR agrees with the committee that now that marriages between same-sex and different-sex couples are treated exactly the same under both state and federal law, there is no need for separate forms for same-sex married spouses. Maintaining 2 separate forms would only create confusion about the rights and responsibilities of same-sex spouses and unnecessarily stigmatize same-sex spouses.</p> <p>However, because the federal government does not recognize domestic partnerships for many purposes, including federal taxes, NCLR recommends that a notice be included in the information section that couples who are only dissolving a domestic partnership (entered in California or another state) may face federal tax consequences because these relationships are not recognized by the IRS, and are encouraged to seek advice from an attorney.</p> <p>Space permitting, we also recommend inclusion of a note that same-sex and different-sex spouses are treated exactly the same under both California and federal law for all purposes.</p>	<p>No response required.</p> <p>No response required.</p> <p>The committee prefers to limit the notices on the Petition and Response to those required by statute. The California Courts Online Self-Help Center and form FL-107-INFO include information notifying the parties about differences in tax and other issues relating to the dissolution of a domestic partnership.</p> <p>Same as above response.</p>

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Revise form FL-100		
Commentator	Comment	Committee Response
	Finally, we also recommend that information about the remaining differential treatment of domestic partners by the federal government be included where appropriate in any court training on the use of the new forms.	The committee agrees with the commentator to promote continuing education about the differential treatment of domestic partners by the federal government.
Superior Court of Los Angeles County	<p>Impact on Court staff and budget - These changes will have a minimal impact on Court operations. Court staff will need to be briefly trained on the changes and the form packets will need to be updated.</p> <p>*Formatting issues - In the caption of [form FL-100...], we propose using bold font for the far left list of options - Dissolution, Legal Sep, Nullity - in order to offset them.</p> <p>*At item 4a (<i>now item 5(a)</i>) on the FL-100 ..., we propose adding the word "or" between Divorce and Legal Separation. We hope this will discourage litigants from inadvertently marking both boxes.</p> <p>At item 9, it might be helpful to have instruction like "select one of the following" before items 9b and 9c. Litigants might completely skip the community property questions having completed separate property.</p> <p>We recommend eliminating page 4 of the proposed Petition and Response. The instructions page is quite dense and self-represented litigants will find it hard to follow. We understand and appreciate the intent to give litigants useful</p>	<p>No response required.</p> <p>The committee agrees with these suggestions and has incorporated them, with minor alterations, into the revisions that it is recommending for adoption.</p> <p>The committee agrees with these suggestions and has incorporated them, with minor alterations, into the revisions that it is recommending for adoption.</p> <p>The committee agrees to revise the form to provide separate headings for separate and community and quasi-community property.</p> <p>The committee agrees to eliminate page 4 of the proposed Petition and Response. The committee also recommends maintaining <i>Legal Steps for a Divorce or Legal Separation</i> (form FL-107-INFO) as a separate</p>

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Revise form FL-100		
Commentator	Comment	Committee Response
	<p>information about the court process and to meet the requirements of Rules of Court Rule 5.83, but we think that the Road Map we currently distribute is a more useful handout</p> <p>We still intend to distribute that packet even if the proposed 4th page instructions are added to the Petition and Response.</p>	<p>document which allows local courts to distribute their own information to comply with CRC 5.83.</p> <p>No response required.</p>
<p>Superior Court of Orange County by Paul E. Alberga Administrative Analyst/Officer II Juvenile & Family Law Units</p>	<p>Under Section 6 (<i>now item 4</i>) we suggest that this section regarding minor children be moved to the first page.</p> <ul style="list-style-type: none"> ○ This information is required at case initiation to determine case type and many courts capture minor children names and date of birth in their case management systems. ○ Having this information on the face page creates ease and efficiency for court staff and judicial officers referencing the Petition. 	<p>The committee recommends maintaining statistical information about minor children on page one of form FL-100 and adding another item on the form for a party to specify his or her request about child custody and visitation (parenting time).</p> <p>Same as above response.</p> <p>Same as above response.</p>

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Family Law: Petition and Response for Dissolution, Legal Separation, and Nullity of Marriage and Domestic Partnership (amend Cal. Rules of Court, rule 5.76; revise forms FL-100, FL-107-INFO, FL-110, FL-115, FL-117, and FL-120; revoke forms FL-103 and FL-123)

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Revise form FL-100		
Commentator	Comment	Committee Response
	<ul style="list-style-type: none"> ○ Section 4 (<i>now item 5</i>), “Legal Grounds,” could be moved to second page as it is rarely referenced at case initiation. On pages 3 & 4 we object to the inclusion of basic information on the form. ○ All other information forms are separate from the form being submitted to the court. ○ This change will unnecessarily increase: <ul style="list-style-type: none"> ▪ Processing time for additional page scans into the CMS. ▪ Printing costs should a judicial officer in an electronic environment request a copy for reference. ▪ Cost for persons requesting a copy from the court file. 	<p>The committee recommends moving “Legal Grounds” to page 2 of the forms.</p> <p>The committee recommends expanding forms FL-100 and FL-120 to three pages to include the information required from forms FL-103 and FL-123. This would allow the form to be used to also request dissolution, legal separation, or nullity of a domestic partnership or both a marriage and domestic partnership in one proceeding. The committee also recommends maintaining <i>Legal Steps for a Divorce or Legal Separation</i> (form FL-107-INFO) as a separate document.</p>
<p>Superior Court of Riverside County by Daniel Wolfe Managing Attorney</p>	<p>Riverside has no objection to consolidating the FL-103 and FL-123 into the FL-100 and FL-120.</p> <p>[H]owever, we request that the FL-107-INFO form not be consolidated into the Petition (FL-100).</p>	<p>No response required.</p> <p>The committee recommends not consolidating but maintaining <i>Legal Steps for a Divorce or Legal Separation</i> (form FL-107-INFO) as a separate</p>

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Revise form FL-100		
Commentator	Comment	Committee Response
	<p>Riverside Court has developed its own flow chart based on how our Family Law Caseflow Management process works and provides specific information on Self Help resources in Riverside.</p> <p>If however, the FL-107-INFO is incorporated, we ask that the Spanish version (FL-107-INFO S) be incorporated into the Spanish version of the petition (FL-100 S).</p> <p>If the FL-123 is revoked, the FL-110 (Summons - Family Law) would also need to be updated. In addition, the Spanish versions of the FL-100 S and FL-120 S would also need to be updated if the forms were consolidated.</p> <p>Impact Consolidating the FL-103 and FL-123 into the FL-100 and FL-120 would have a moderate effect on the Riverside Superior Court. The changes our court would have to make are no different than with any other form change.</p> <ul style="list-style-type: none"> Slight impact to update our automated case management system with minor coding changes. The consolidating of forms would not affect our new case management process in family law or our eMinder 	<p>document.</p> <p>The committee also recommends not consolidating but maintaining <i>Legal Steps for a Divorce or Legal Separation</i> (form FL-107-INFO) as a separate document.</p> <p>The committee agrees to recommend revising <i>Summons</i> form FL-110 and FL-110S) to delete references to form FL-123.</p> <p>No response required.</p> <p>No response required.</p>

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Revise form FL-100		
Commentator	Comment	Committee Response
	<p>system.</p> <ul style="list-style-type: none"> • Form packet(s) would need to be updated/eliminated based on the form consolidation. • Existing procedure would need to be updated. • Staff training would be required training on the new forms. <p>On a side note, the AOC/Judicial Council has several Self Help webpages that provide instructions and videos on how to complete forms (http://www.courts.ca.gov/1229.htm). The committee may want to consider the impact on updating and revising these pages if the forms are consolidated.</p>	<p>No response required.</p> <p>No response required.</p> <p>No response required.</p> <p>The committee's recommendation to maintain form FL-100 and FL-107-INFO as separate forms will reduce the impact on updating and revising the resources included on the California Courts Online Self-Help Center.</p>
<p>Superior Court of Santa Barbara County by Deborah Mullin Family Law Facilitator</p>	<p>The new Petition on p. 4/4 should be amended in the section re: "Important Notices" under step 4. It should indicate that "you will be divorced in six months and a day from the EARLIEST DATE of the following...."</p>	<p>Although the committee recommends not revising the petition to include a fourth page, the committee agrees to recommend revising form FL-107-INFO to include the commentator's suggestions and has incorporated them, with minor alterations, into the revisions that it is recommending for adoption.</p>
<p>Superior Court of Sonoma County by Joyce MacLaury Family Law Facilitator</p>	<p>ADDITIONAL COMMENT, applicable to Petition FL-100 and Response: FL-120 and FL-107-INFO:</p>	

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Revise form FL-100		
Commentator	Comment	Committee Response
	<p>Item #5 on the proposed Petition leaves no blank space to list minimal community property items (cars, credit cards, bank account) typical of a self represented litigant, yet leaves ample space under #4 to list separate property – space seldom used by SRL. The allotment of space should be reversed.</p> <p>Item #7 Child Support: Add a box option for attaching an Income and Expense Declaration and Proposed Guideline Child Support calculation to maximize notice to Respondent of proposed child support order, minimize post-default court filings.</p>	<p>The committee recommends adding fillable space for a party to list items of community property on the form.</p> <p>The committee recommends adding a check box for “Other” under the child support item to allow a party to indicate whether there is a specific request for child support or if other items are attached relating to child support.</p>

Revise FL-107-INFO		
Commentator	Comment	Committee Response
Hon. John Chemeleski Court Commissioner Superior Court of Los Angeles County	* I urge the committee to keep the instructions on a separate form that must be served but not filed with the court and to keep the Petition and Response at two pages each and avoid the above mentioned problems and save hundreds of thousand of unnecessarily wasted pages each year.	The committee recommends not consolidating but maintaining <i>Legal Steps for a Divorce or Legal Separation</i> (form FL-107-INFO) as a separate document.
Superior Court of Riverside County by Daniel Wolfe Managing Attorne	<p>*We request that the FL-107-INFO form not be consolidated into the Petition (FL-100).</p> <p>Riverside Court has developed its own flow chart based on how our Family Law Caseflow Management process works and provides specific information on Self Help resources in</p>	The committee recommends not consolidating form FL-107-INFO into form FL-100.

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Family Law: Petition and Response for Dissolution, Legal Separation, and Nullity of Marriage and Domestic Partnership (amend Cal. Rules of Court, rule 5.76; revise forms FL-100, FL-107-INFO, FL-110, FL-115, FL-117, and FL-120; revoke forms FL-103 and FL-123)

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Revise FL-107-INFO		
Commentator	Comment	Committee Response
	Riverside. If however, the FL-107-INFO is incorporated, we ask that the Spanish version (FL-107-INFO S) be incorporated into the Spanish version of the petition (FL-100 S).	
Superior Court of Santa Barbara County by Deborah Mullin Family Law Facilitator	The new Petition on p. 4/4 should be amended in the section re: "Important Notices" under step 4. It should indicate that "you will be divorced in six months and a day from the EARLIEST DATE of the following...."	Although the committee recommends not revising the petition to include a fourth page, the committee agrees to recommend revising form FL-107-INFO to include the commentator's suggestions and has incorporated them, with minor alterations, into the revisions that it is recommending for adoption.

Revise form FL-110		
Commentator	Comment	Committee Response
Superior Court of Riverside County by Daniel Wolfe Managing Attorney	If the FL-123 is revoked, the FL-110 (Summons - Family Law) would also need to be updated.	The committee agrees to recommend that the Judicial Council revise form FL-110 to delete references to form FL-123, effective January 1, 2015.

Revise form FL-115		
Commentator	Comment	Committee Response
Stacy Larson Family Law Facilitator	FL-115, subsection 1.d.(1)-(6): Although outside the scope of this revision, the litigants typically do not have blank copies of	The committee does not recommend revising the form as suggested. To help them comply with the rule on form

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Revise form FL-115		
Commentator	Comment	Committee Response
Superior Court of Shasta County	<p>the FL-105, FL-140, FL-142, FL-150, FL-155, and FL-160 served on the respondents. To reflect this, they cross out the “and blank” part of each of these provisions, requiring numerous initials of changes. Can the “and blank” wording be omitted for each?</p> <p>FL-115, subsection 1.d: Although outside the scope of this revision, it would be helpful to have a checkbox item for service of the last two years of tax returns to correlate with the FL-140, etc.</p>	<p>FL-115, litigants could be referred to the California Courts Online Self-Help Center, local law libraries, and public libraries to obtain blank copies of the forms listed on the form.</p> <p>The committee does not recommend revising forms FL-115 to include a new entry for filed tax returns. The tax returns are served as part of the Declaration of Disclosure (form FL-140).</p>

Revise form FL-117		
Commentator	Comment	Committee Response
Jolene Dashut, LDA Studio City	<p>Regarding form FL117, Notice and Acknowledgement of Receipt, I believe that it needs to be revised. At least 50 percent of the time, the date is left off, or put in the wrong place.</p> <p>My suggestion would be to reverse the place for signature and the date, as we read left to right, the signer would see the place to date the form after signing it on the left hand side of the page.</p> <p>I understand changes are slow, budgets are tight, etc. and that this forms was recently revised last year, but it's still not</p>	<p>The committee recommends revising form FL-117 by adding specific item numbers and making other formatting and substantive changes to highlight the areas that are required to be completed by the sender and the recipient.</p> <p>The committee prefers to revise the form as above described.</p> <p>The committee recommends revising the form as previously described, effective January 1, 2015.</p>

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Family Law: Petition and Response for Dissolution, Legal Separation, and Nullity of Marriage and Domestic Partnership (amend Cal. Rules of Court, rule 5.76; revise forms FL-100, FL-107-INFO, FL-110, FL-115, FL-117, and FL-120; revoke forms FL-103 and FL-123)

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

Revise form FL-117		
Commentator	Comment	Committee Response
	working, and wanted to put this idea out there. This is such an important form, establishing the Jurisdiction date in a Dissolution.	
Gregory S. Tanaka Supervising Attorney Family Law Facilitator/Self-Help Center Superior Court of San Mateo County	<p>* ...the signature line on the proposed FL-117 for the person mailing the form (underneath the “Notice” section) states Petitioner as well whereas previously it required a 3rd party server to sign. It’s not a Proof of Service so probably fine for Petitioner to sign the form but again, wasn’t sure if that change was intended...</p> <p>* ...there appears to be a typo in the proposed <i>Notice of Acknowledgement of Receipt</i> (FL-117). On the signature line at the bottom where the recipient is supposed to sign, it incorrectly lists the Petitioner’s name...</p>	<p>The committee recommends that the signature line in the notice section of the form reflect the correct language that is found on the current form, which states the following: “(SIGNATURE OF SENDER—MUST NOT BE A PARTY IN THIS CASE AND MUST BE 18 YEARS OR OLDER).”</p> <p>The committee recommends that the signature at the bottom of the form reflect the correct language that is found on the current form, which states the following: “(SIGNATURE PERSON ACKNOWLEDGING RECEIPT).”</p>
Stacy Larson Family Law Facilitator Superior Court of Shasta County	FL-117, subsection d.(1)-(5): Although outside the scope of this revision, the litigants typically do not have blank copies of the FL-105, FL-140, FL-142, FL-150, FL-155, and FL-160 served on the respondents. To reflect this, they cross out the “and blank” part of each of these provisions, requiring numerous initials of changes. Can the “and blank” wording be omitted for each?	The committee does not recommend revising the form as suggested. To help them comply with the rule on form FL-115, litigants could be referred to the California Courts Online Self-Help Center, local law libraries, and public libraries to obtain blank copies of the forms listed on the form.

Revise form FL-120

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Family Law: Petition and Response for Dissolution, Legal Separation, and Nullity of Marriage and Domestic Partnership (amend Cal. Rules of Court, rule 5.76; revise forms FL-100, FL-107-INFO, FL-110, FL-115, FL-117, and FL-120; revoke forms FL-103 and FL-123)

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

Commentator	Comment	Committee Response
<p>Executive Committee of the Family Law Section of the State Bar (FLEXCOM) by Saul Bercovitch Legislative Counsel San Francisco</p>	<p>The Executive Committee of the Family Law Section of the State Bar (FLEXCOM) supports this proposal, with modification.</p> <p>FLEXCOM agrees that forms FL-100 and FL-120 should be streamlined for use as multipurpose forms that incorporate actions for dissolutions, legal separation, or nullity of domestic partnerships or both marriages and domestic partnerships.</p> <p>FLEXCOM does not believe there is an advantage to maintaining separate procedures for those who want to dissolve both a marriage and domestic partnership using forms FL-103 and FL123, and that a single form would work, provided that single form contains a warning that under federal law, there is a distinction between marriages and domestic partnerships.</p> <p>Using the same form for dissolution of marriages and dissolution of domestic partnerships may send a message that the legal issues are the same. They are not, because marriages are federally recognized and domestic partnerships are not. Thus, the tax consequences of interspousal transfers and inter-domestic partnership transfers are completely different. Among other issues, support calculations need to be done differently because support payments to a domestic partner are not deductible to the payor, and domestic partnership cases generally cannot use qualified domestic relations orders.</p> <p>For these reasons, FLEXCOM supports the combination of the</p>	<p>No response required.</p> <p>No response required.</p> <p>The committee prefers to limit the notices on <i>Petition</i> and <i>Response</i> to those required by statute. The California Courts Online Self-Help Center and form FL-107-INFO include information notifying the parties about differences in tax and other issues relating to the dissolution of a domestic partnership.</p> <p>Same as above response.</p> <p>The committee prefers to limit the notices on <i>Petition</i></p>

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Family Law: Petition and Response for Dissolution, Legal Separation, and Nullity of Marriage and Domestic Partnership (amend Cal. Rules of Court, rule 5.76; revise forms FL-100, FL-107-INFO, FL-110, FL-115, FL-117, and FL-120; revoke forms FL-103 and FL-123)

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	<p>two forms into one, as long as there is an admonishment on the form (preferably in bold font) that says something to the effect of:</p> <p>YOU ARE ADVISED THAT CALIFORNIA DOMESTIC PARTNERSHIPS ARE NOT RECOGNIZED AS MARRIAGES UNDER FEDERAL LAW. THEREFORE THE FINANCIAL ISSUES THAT COME UP IN DISSOLUTIONS (FOR EXAMPLE TAXABILITY OF INTERSPOUSAL TRANSFERS, DEDUCTIBILITY OF SPOUSAL SUPPORT) MUST BE TREATED DIFFERENTLY.</p>	<p>and <i>Response</i> to those required by statute. The California Courts Online Self-Help Center and form FL-107-INFO include information notifying the parties about differences in tax and other issues relating to the dissolution of a domestic partnership.</p>
<p>Stacy Larson Family Law Facilitator Superior Court of Shasta County</p>	<p>I agree that using the FL-100 and FL-120 as all-purpose forms relating to both marriages and domestic partnerships is consistent with current law and efficient. From my perspective as a facilitator, I will now be able to integrate same-sex-marriage litigants into my general dissolution/legal separation/nullity class more seamlessly.</p> <p>FL-120, subsection (1): Litigants who are seeking a nullity are often asserting that they are NOT legally married, but rather that their marriage is void or voidable. They may be unwilling to sign under penalty of perjury that “they are married” as specified in item 1.a.</p> <p>FL-120, Response: It is helpful how the numbers of each section on the response (e. g., Legal Relationship, Residence, Statistical Facts, etc.) correlate with the numbers on the petition. As a facilitator, litigants who wish to file a response to a dissolution/legal separation/nullity petition are in the same</p>	<p>No response required.</p> <p>The committee believes that the situation described can be addressed by providing information and education to litigants instead of revising the form.</p> <p>No response required.</p>

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Family Law: Petition and Response for Dissolution, Legal Separation, and Nullity of Marriage and Domestic Partnership (amend Cal. Rules of Court, rule 5.76; revise forms FL-100, FL-107-INFO, FL-110, FL-115, FL-117, and FL-120; revoke forms FL-103 and FL-123)

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	<p>class as those wishing to file petitions for this relief. When the numbers on the petition correlate with the numbers on the response, it eliminates confusion when I cover these issues.</p> <p>* It would be helpful if the “Legal Grounds” section at Item 4 (<i>now item 5</i>)² of the Response saved the two special categories challenging the grounds stated in the petition, currently shown as 4.a. and 4.b. (<i>now items 5(a) and 5(b)</i>), for the end so that they became Items [5].d. and [5].e. so that the correlation would continue through Item 4. My perspective on this issue is extremely narrow, so I completely understand that it will be shared by few, if any!</p> <p>FL-120, subsection (6)(b) (<i>now item 4(b)</i>): It would be helpful if there was a checkbox for unborn children for application when a party to the marriage is currently pregnant with the other party’s child. It could be placed horizontal and to the right of the “Continued on Attachment 6b” (<i>now “Continued on Attachment 4b”</i>) checkbox.</p> <p>FL-120, subsection (6)(c) (<i>now item 4(c)</i>): We should omit the “the” before “Petitioner” or make “petitioner” and “respondent” lower case. Capitalizing “Petitioner” and “Respondent” indicate they are proper nouns while the “the” in</p>	<p>The committee does not agree to revise form FL-120 as suggested by the commentator.</p> <p>The committee recommends including the change suggested by the commentator among the other changes to form FL-120 being recommended to the Judicial Council.</p> <p>The committee recommends including the change suggested by the commentator among the other changes to form FL-120 being recommended to the Judicial Council.</p>
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² Form FL-120 has changed since circulation for comment. Item 4, **LEGAL GROUNDS**, is now listed as item 5. Items 6(a)-(d), **MINOR CHILDREN**, are now listed as items 4(a)-(d). Items 6(e)(1)-(2) are now listed as items 6(a)-(d) under the heading **CHILD CUSTODY AND VISITATION (PARENTING TIME)**. Any item and/or numbering changes are indicated in parenthesis.

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Family Law: Petition and Response for Dissolution, Legal Separation, and Nullity of Marriage and Domestic Partnership (amend Cal. Rules of Court, rule 5.76; revise forms FL-100, FL-107-INFO, FL-110, FL-115, FL-117, and FL-120; revoke forms FL-103 and FL-123)

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

	<p>front of them indicates they are common nouns.</p> <p>FL-120, subsection (9)(a) (<i>now item 9(b)</i>): This section on “separate property” is different than our current version as it involves a checkbox. It would be helpful if the “separate property” section had a checkbox item similar to the one for community property that states that there is no separate property for the court to confirm.</p> <p>FL-120, subsection (6)(e)(2) (<i>now item 6(d)</i>): We should omit the “the” before “Petitioner” or make “petitioner” and “respondent” lower case. Capitalizing “Petitioner” and “Respondent” indicate they are proper nouns while the “the” in front of them indicates they are common nouns.</p> <p>FL-120, subsection (7)(a): We should omit the “the” before “Petitioner” or make “petitioner” and “respondent” lower case. Capitalizing “Petitioner” and “Respondent” indicate they are proper nouns while the “the” in front of them indicates they are common nouns.</p> <p>FL-120, subsection (9)(a) (<i>now item 9(b)</i>): This section on “separate property” is different than our current version as it involves a checkbox. It would be helpful if the “separate property” section had a checkbox item similar to the one for community property that states that there is no separate property for the court to confirm. Self-represented litigants frequently do not fill in the sections on “separate property” nor “community property,” also not stating that there is no such</p>	<p>The committee agrees to recommend revising form FL-120 as suggested by the commentator.</p> <p>The committee recommends the change suggested by the commentator.</p> <p>The committee recommends the change suggested by the commentator.</p> <p>The committee agrees to revise form FL-120 as suggested by the commentator.</p>
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Family Law: Petition and Response for Dissolution, Legal Separation, and Nullity of Marriage and Domestic Partnership (amend Cal. Rules of Court, rule 5.76; revise forms FL-100, FL-107-INFO, FL-110, FL-115, FL-117, and FL-120; revoke forms FL-103 and FL-123)

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	<p>property for the Court to divide/confirm. This creates problems at the time of default judgment as their proposed judgments do not match their initial pleadings. Their judgments are rejected if they state that there is no such property to divide because this was not stated in their initial petitions. Similarly, their judgments are rejected if they leave these sections blank as their “final judgments on all issues” fails to address the issue of property/debt. Making the separate/community property sections “checkbox” items may exacerbate this problem as checkboxes generally mean that the section is optional rather than mandatory.</p> <p>FL-120, Item 10.b. (<i>now item 11(b)</i>): This appears to be a typographical error. “Petitioner’s” should be changed to “Respondent’s.” Sometimes the respondent is the one who wishes that her former name be restored.</p>	<p>The committee recommends the change suggested by the commentator.</p>
<p>National Center for Lesbian Rights by Catherine Sakimura Family Law Director San Francisco</p>	<p>NCLR strongly supports the elimination of forms FL-103 and FL-123 and the amendments to FL-100 and FL-120 to allow these latter forms to be used for both same-sex and different-sex couples in marriages and domestic partnerships seeking dissolution, legal separation, or declarations of nullity. NCLR agrees with the committee that now that marriages between same-sex and different-sex couples are treated exactly the same under both state and federal law, there is no need for separate forms for same-sex married spouses. Maintaining 2 separate forms would only create confusion about the rights and responsibilities of same-sex spouses and unnecessarily stigmatize same-sex spouses.</p>	<p>No response required.</p>

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Family Law: Petition and Response for Dissolution, Legal Separation, and Nullity of Marriage and Domestic Partnership (amend Cal. Rules of Court, rule 5.76; revise forms FL-100, FL-107-INFO, FL-110, FL-115, FL-117, and FL-120; revoke forms FL-103 and FL-123)

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	<p>However, because the federal government does not recognize domestic partnerships for many purposes, including federal taxes, NCLR recommends that a notice be included in the information section that couples who are only dissolving a domestic partnership (entered in California or another state) may face federal tax consequences because these relationships are not recognized by the IRS, and are encouraged to seek advice from an attorney.</p> <p>Space permitting, we also recommend inclusion of a note that same-sex and different-sex spouses are treated exactly the same under both California and federal law for all purposes.</p> <p>Finally, we also recommend that information about the remaining differential treatment of domestic partners by the federal government be included where appropriate in any court training on the use of the new forms.</p>	<p>The committee prefers including those notices on the petition and response that are mandated by statute. The committee recommends revising form FL-107-INFO to include a notice about federal tax consequences to parties who are filing actions to dissolve a domestic partnership.</p> <p>The committee prefers including those notices on the petition and response that are mandated by statute.</p> <p>The committee agrees with the commentator to promote continuing education to judicial officers about the differential treatment of domestic partners by the federal government.</p>
<p>Superior Court of Los Angeles County</p>	<p>Impact on Court staff and budget - These changes will have a minimal impact on Court operations. Court staff will need to be briefly trained on the changes and the form packets will need to be updated.</p> <p>*Formatting issues - In the caption of [form FL-120], we propose using bold font for the far left list of options - Dissolution, Legal Sep, Nullity - in order to offset them.</p> <p>*At item 4c (now item 5(c)) on form FL-120 we propose adding the word "or" between Divorce and Legal Separation. We hope this will discourage litigants from inadvertently</p>	<p>No response required.</p> <p>The committee agrees to recommend the formatting change suggested by the commentator.</p> <p>The committee agrees to recommend the change suggested by the commentator.</p>

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	<p>marking both boxes.</p> <p>At item 9, it might be helpful to have instruction like "select one of the following" before items 9b (<i>now item 9(a)</i>) and 9c (<i>now included in 9(b)</i>). Litigants might completely skip the community property questions having completed separate property.</p> <p>We recommend eliminating page 4 of the proposed [...Response]. The instructions page is quite dense and self-represented litigants will find it hard to follow.</p> <p>We understand and appreciate the intent to give litigants useful information about the court process and to meet the requirements of Rules of Court Rule 5.83, but we think that the Road Map we currently distribute is a more useful handout.</p>	<p>To avoid the potential issue raised by the commentator, the committee recommends revising the form to include separate headings for "Separate Property" and "Community or Quasi-Community Property."</p> <p>The committee agrees with the commentator and recommends limiting forms FL-100 and FL-120 to three pages.</p> <p>The committee agrees to maintain form FL-107-INFO as a separate document.</p>
<p>Superior Court of Orange County by Paul E. Alberga Administrative Analyst/Officer II Juvenile & Family Law Units</p>	<p>Under Section 6 (<i>now item 4</i>) we suggest that this section regarding minor children be moved to the first page.</p> <ul style="list-style-type: none">○ This information is required at case initiation to determine case type and many courts capture minor children names and date of birth in their case management systems.○ Having this information on the face page creates ease and efficiency for court staff and judicial officers referencing the Petition.○ Section 4 (<i>now item 5</i>), "Legal Grounds", could be moved	<p>The committee recommends revising the form to maintain the issue of minor children on page one of form FL-100.</p> <p>The committee recommends moving "Legal Grounds" to page two of the <i>Petition and Response</i>.</p>

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Family Law: Petition and Response for Dissolution, Legal Separation, and Nullity of Marriage and Domestic Partnership (amend Cal. Rules of Court, rule 5.76; revise forms FL-100, FL-107-INFO, FL-110, FL-115, FL-117, and FL-120; revoke forms FL-103 and FL-123)

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	<p>to second page as it is rarely referenced at case initiation.</p> <p>On pages 3 & 4 we object to the inclusion of basic information on the form.</p> <ul style="list-style-type: none">○ All other information forms are separate from the form being submitted to the court.○ This change will unnecessarily increase:<ul style="list-style-type: none">▪ Processing time for additional page scans into the CMS.▪ Printing costs should a judicial officer in an electronic environment request a copy for reference.▪ Cost for persons requesting a copy from the court file.	<p>The committee agrees with the recommendation to limit the inclusion of basic information on the form and recommends maintaining <i>Legal Steps for a Divorce or Legal Separation</i> (form FL-107-INFO) as a separate document.</p>
<p>Superior Court of Riverside County by Daniel Wolfe Managing Attorney</p>	<p>Riverside has no objection to consolidating the FL-103 and FL-123 into the FL-100 and FL-120,</p> <p>[H]owever we request that the FL-107-INFO form not be consolidated into the Petition (FL-100). Riverside Court has developed its own flow chart based on how our Family Law Caseflow Management process works and provides specific information on Self Help resources in Riverside. If however, the FL-107-INFO is incorporated, we ask that the Spanish version (FL-107-INFO S) be incorporated into the Spanish version of the petition (FL-100 S).</p>	<p>No response required.</p> <p>The committee recommends not consolidating form FL-107-INFO into the petition and response.</p>

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Family Law: Petition and Response for Dissolution, Legal Separation, and Nullity of Marriage and Domestic Partnership (amend Cal. Rules of Court, rule 5.76; revise forms FL-100, FL-107-INFO, FL-110, FL-115, FL-117, and FL-120; revoke forms FL-103 and FL-123)

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	<p>If the FL-123 is revoked, the FL-110 (Summons - Family Law) would also need to be updated. In addition, the Spanish versions of the FL-100 S and FL-120 S would also need to be updated if the forms were consolidated.</p> <p>Impact Consolidating the FL-103 and FL-123 into the FL-100 and FL-120 would have a moderate effect on the Riverside Superior Court. The changes our court would have to make are no different than with any other form change.</p> <ul style="list-style-type: none"> • Slight impact to update our automated case management system with minor coding changes. The consolidating of forms would not affect our new case management process in family law or our eMinder system. • Form packet(s) would need to be updated/eliminated based on the form consolidation. • Existing procedure would need to be updated. • Staff training would be required training on the new forms. <p>On a side note, the AOC/Judicial Council has several Self Help webpages that provide instructions and videos on how to</p>	<p>The committee agrees to recommend revising <i>Summons</i> form FL-110 and FL-110S) to delete references to form FL-123, which is recommended to be revoked.No response required.</p> <p>No response required.</p> <p>No response required.No response required.</p> <p>No response required.</p> <p>The committee’s recommendations will reduce the impact on updating and revising the resources included on the California Courts Online Self-Help Center.</p>
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Family Law: Petition and Response for Dissolution, Legal Separation, and Nullity of Marriage and Domestic Partnership (amend Cal. Rules of Court, rule 5.76; revise forms FL-100, FL-107-INFO, FL-110, FL-115, FL-117, and FL-120; revoke forms FL-103 and FL-123)

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	complete forms (http://www.courts.ca.gov/1229.htm). The committee may want to consider the impact on updating and revising these pages if the forms are consolidated.	
Superior Court of Sonoma County by Joyce MacLaury Family Law Facilitator	<p>ADDITIONAL COMMENT, applicable to Petition FL-100 and Response: FL-120 and FL-107-INFO:</p> <p>Item #9c on the proposed [Response] leaves no blank space to list minimal community property items (cars, credit cards, bank account) typical of a self represented litigant, yet leaves ample space under #9a to list separate property – space seldom used by SRL. The allotment of space should be reversed.</p> <p>Item #7 Child Support: Add a box option for attaching an Income and Expense Declaration and Proposed Guideline Child Support calculation to maximize notice to Respondent of proposed child support order, minimize post-default court filings.</p>	<p>The committee recommends revising form FL-120 to include fillable space for a party to list items of community and quasi-community property on the form, and maintaining the fillable space to list separate property items.</p> <p>The committee recommends adding a check box for “Other” under the child support item to allow a party to indicate whether there is a specific request for child support orders or if there are other items attached to the petition relating to child support.</p>

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Revoke FL-103		
Commentator	Comment	Committee Response
<p>Executive Committee of the Family Law Section of the State Bar (FLEXCOM) by Saul Bercovitch Legislative Counsel San Francisco</p>	<p>FLEXCOM does not believe there is an advantage to maintaining separate procedures for those who want to dissolve both a marriage and domestic partnership using forms FL-103 and FL123, and that a single form would work, provided that single form contains a warning that under federal law, there is a distinction between marriages and domestic partnerships.</p> <p>Using the same form for dissolution of marriages and dissolution of domestic partnerships may send a message that the legal issues are the same. They are not, because marriages are federally recognized and domestic partnerships are not. Thus, the tax consequences of interspousal transfers and inter-domestic partnership transfers are completely different. Among other issues, support calculations need to be done differently because support payments to a domestic partner are not deductible to the payor, and domestic partnership cases generally cannot use qualified domestic relations orders.</p> <p>For these reasons, FLEXCOM supports the combination of the two forms into one, as long as there is an admonishment on the form (preferably in bold font) that says something to the effect of:</p> <p>YOU ARE ADVISED THAT CALIFORNIA DOMESTIC</p>	<p>The committee recommends revoking form FL-103. However, the committee prefers to limit the notices on <i>Petition</i> and <i>Response</i> to those required by statute and revising content of the California Courts Online Self-Help Center and form FL-107-INFO to include information about differences in tax and other issues relating to the dissolution of a domestic partnership.</p> <p>Same as above response.</p> <p>Same as above response.</p>

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Family Law: Petition and Response for Dissolution, Legal Separation, and Nullity of Marriage and Domestic Partnership (amend Cal. Rules of Court, rule 5.76; revise forms FL-100, FL-107-INFO, FL-110, FL-115, FL-117, and FL-120; revoke forms FL-103 and FL-123)

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Revoke FL-103		
Commentator	Comment	Committee Response
	PARTNERSHIPS ARE NOT RECOGNIZED AS MARRIAGES UNDER FEDERAL LAW. THEREFORE THE FINANCIAL ISSUES THAT COME UP IN DISSOLUTIONS (FOR EXAMPLE TAXABILITY OF INTERSPOUSAL TRANSFERS, DEDUCTIBILITY OF SPOUSAL SUPPORT) MUST BE TREATED DIFFERENTLY.	
Stacy Larson Family Law Facilitator Superior Court of Shasta County	I am definitely in favor of revoking the FL-103/FL-123 in favor of using the FL-100/FL-120 as all-purpose forms.	The committee recommends revoking form FL-103 and FL-123.

Revoke Form FL-123		
Commentator	Comment	Committee Response
Executive Committee of the Family Law Section of the State Bar (FLEXCOM) by Saul Bercovitch Legislative Counsel San Francisco	FLEXCOM does not believe there is an advantage to maintaining separate procedures for those who want to dissolve both a marriage and domestic partnership using forms FL-103 and FL123, and that a single form would work, provided that single form contains a warning that under federal law, there is a distinction between marriages and domestic partnerships. Using the same form for dissolution of marriages and dissolution of domestic partnerships may send a message that the legal issues are the same. They are not, because marriages are federally recognized and domestic partnerships are not.	The committee recommends revoking form FL-123. However, the committee prefers to limit the notices on <i>Petition</i> and <i>Response</i> to those required by statute. The California Courts Online Self-Help Center and form FL-107-INFO include information notifying the parties about differences in tax and other issues relating to the dissolution of a domestic partnership. Same as above response.

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Family Law: Petition and Response for Dissolution, Legal Separation, and Nullity of Marriage and Domestic Partnership (amend Cal. Rules of Court, rule 5.76; revise forms FL-100, FL-107-INFO, FL-110, FL-115, FL-117, and FL-120; revoke forms FL-103 and FL-123)

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	<p>Thus, the tax consequences of interspousal transfers and inter-domestic partnership transfers are completely different. Among other issues, support calculations need to be done differently because support payments to a domestic partner are not deductible to the payor, and domestic partnership cases generally cannot use qualified domestic relations orders.</p> <p>For these reasons, FLEXCOM supports the combination of the two forms into one, as long as there is an admonishment on the form (preferably in bold font) that says something to the effect of:</p> <p>YOU ARE ADVISED THAT CALIFORNIA DOMESTIC PARTNERSHIPS ARE NOT RECOGNIZED AS MARRIAGES UNDER FEDERAL LAW. THEREFORE THE FINANCIAL ISSUES THAT COME UP IN DISSOLUTIONS (FOR EXAMPLE TAXABILITY OF INTERSPOUSAL TRANSFERS, DEDUCTIBILITY OF SPOUSAL SUPPORT) MUST BE TREATED DIFFERENTLY.</p>	<p>The committee recommends revoking form FL-123. However, the committee prefers to limit the notices on <i>Petition</i> and <i>Response</i> to those required by statute. The California Courts Online Self-Help Center and form FL-107-INFO include information notifying the parties about differences in tax and other issues relating to the dissolution of a domestic partnership.</p>
Stacy Larson Family Law Facilitator Superior Court of Shasta County	I am definitely in favor of revoking the FL-103/FL-123 in favor of using the FL-100/FL-120 as all-purpose forms.	The committee recommends revoking forms FL-103 and FL-123.
Superior Court of Riverside County by Daniel Wolfe Managing Attorney	If the FL-123 is revoked, the FL-110 (Summons - Family Law) would also need to be updated.	The committee recommends that the Judicial Council, effective January 1, 2015, revise form FL-110 to remove the reference to form FL-123.