



Judicial Council of California

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Subject Details (With Text)

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9/20/2022	1	Judicial Council	approved	Pass

Title

Rules and Forms | Family Law: Recognition of Tribal Court Orders Relating to Division of Marital Assets (Action Required)

Summary

The Family and Juvenile Law Advisory Committee and the Tribal Court-State Court Forum recommend that the Judicial Council, effective January 1, 2023, adopt two new forms to implement Assembly Bill 627 (Stats. 2021, ch. 58). This was Judicial Council-sponsored legislation that added section 2611 to the Family Code and revised various provisions of the Tribal Court Civil Money Judgment Act found in the Code of Civil Procedure. The provisions ensure that divorce or dissolution judgments issued by tribal courts that include division of pension assets are effective and, in particular, are recognized as meeting the requirements of the Employee Retirement Income Security Act of 1974 (ERISA). AB 627 mandated that the Judicial Council adopt forms to implement the legislation.

Recommendation

The Family and Juvenile Law Advisory Committee and the Tribal Court-State Court Forum recommend that the Judicial Council, effective January 1, 2023, adopt:

1. *Joint Application for Recognition of Tribal Court Order Dividing Retirement Plan or Other Deferred Compensation* (form FL-540); and
2. *Application for Recognition of Tribal Court Order Dividing Retirement Plan or Other Deferred Compensation* (form FL-541).