



## JUDICIAL COUNCIL OF CALIFORNIA

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# REPORT TO THE JUDICIAL COUNCIL

*Item No.: 22-135*

For business meeting on September 20, 2022

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**Title**

Rules and Forms: Parentage Actions Under AB 429

**Agenda Item Type**

Action Required

**Effective Date**

January 1, 2023

**Rules, Forms, Standards, or Statutes Affected**

Adopt Cal. Rules of Court, rule 5.51; adopt form FL-211

**Date of Report**

September 2, 2022

**Recommended by**

Family and Juvenile Law Advisory Committee

Hon. Stephanie E. Hulse, Cochair

Hon. Amy M. Pellman, Cochair

**Contact**

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### Executive Summary

The Family and Juvenile Law Advisory Committee recommends the adoption of one new rule of court and a new confidential cover sheet, effective January 1, 2023, to comply with the mandate of Family Code section 7643.5, added by Assembly Bill 429 (Stats. 2021, ch. 52). The new form will be used by the petitioner to identify that the action or proceeding initially filed with the court to determine a parental relationship involves assisted reproduction under Family Code section 7613 or 7630(f), or sections 7960–7962, and to include information about the limitations on access to documents in such actions.

### Recommendation

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective January 1, 2023, adopt:

1. Rule 5.51 of the California Rules of Court to comply with the mandate of Family Code section 7643.5; and

2. *Confidential Cover Sheet—Parentage Action Involving Assisted Reproduction* (form FL-211) to implement the requirements of Family Code section 7643.5.

The proposed rule and form are attached at pages 7–8.

### **Relevant Previous Council Action**

Because this is a new area of consideration by the council, it has taken no previous action.

### **Analysis/Rationale**

Actions to determine a parental relationship under the Uniform Parentage Act in the Family Code have historically been confidential: the proceedings are closed to the public, and the public has limited access to records in the court file. However, AB 429 amended the provisions governing the confidentiality currently applicable to all proceedings and records under the Uniform Parentage Act. Under amended Family Code section 7643, parentage actions filed before January 1, 2023, will remain confidential. However, actions filed after January 1, 2023, that do not involve assisted reproduction will no longer be confidential.

AB 429 also added section 7643.5 to the Family Code to provide that confidentiality will continue to apply to parentage cases involving assisted reproduction, whenever they are, or were, filed in family court. Like all parentage actions filed before January 1, 2023, parentage cases involving assisted reproduction may be held in closed court, with limited access to records for inspection and copying.

Section 7643.5 also provides that “[o]n or before January 1, 2023, the Judicial Council shall create a new form or modify an existing form, as it deems appropriate, that requires a party initiating an action or proceeding filed under Section 7613, subdivision (f) of Section 7630, or Part 7 (commencing with Section 7960) to designate the action or proceeding as filed under the identified statutory provision.”

Adopting rule 5.51 and form FL-211 will implement the requirements of Family Code section 7643.5.

### **Rule 5.51, Confidential cover sheet for parentage actions or proceedings involving assisted reproduction; other requirements**

This rule will specify the responsibilities of the petitioner to complete the confidential cover sheet and attach it to the initial document filed with the court. It will be placed under chapter 4 (Starting and Responding to a Family Law Case; Service of Papers), article 1 (Summonses, Notices, and Declarations), with the other rules that relate to the first papers issued by the court or required to be filed by the parties.

### ***Confidential Cover Sheet—Parentage Action Involving Assisted Reproduction* (form FL-211)**

This form will require the petitioner to identify that the initial filing in the case involves assisted reproduction and specify the name of the form attached to the cover sheet. It will also include

instructions for the parties and the court clerk, as well as notice to the parties and the court about the limitations on inspection and copying of records in the matter. The one-page form is based on the existing *Confidential Cover Sheet—False Claims Action* (form CM-011), used in civil actions.

### **Policy implications**

There was not controversy or intense debate within the committee on the proposal or the recommendations. The new rule and form will help the parties and their attorneys, as well as the courts, understand the new procedures relating to actions to determine a parental relationship involving assisted reproduction, including the limitations on access to information in these case files.

### **Comments**

The invitation to comment was circulated for public comment from April 14 to May 13, 2022, as part of the regular spring comment cycle. The committee received a total of six comments. Commenters included four courts (the Superior Courts of Los Angeles, Orange, Riverside, and San Diego Counties), one organization (the Orange County Bar Association), and one individual attorney.

All commenters agreed with the proposal. Three commenters agreed without proposing revisions and three commenters provided specific suggestions for improving the rule and form.

#### ***Comments about rule 5.51***

One commenter asked whether the rule of court “should include a procedure for circumstances where a Petitioner does not submit the form” and whether “the Respondent could submit the form with the response when it was not filed with the petition, although the statute only specifies the initiating party to do so.”

The committee discussed the commenter’s questions in light of the requirements of Family Code section 7643.5. Because the statute requires that a party initiating the assisted reproduction parentage action or proceeding file the confidential form, the committee did not agree to expand the rule to allow the respondent to submit the form.

#### ***Comments about form FL-211***

##### ***Description of statutes***

As previously noted, section 7643.5(c) requires that a party in an assisted reproduction parentage case use the mandatory form to identify whether the case is filed under Family Code section 7613(f), section 7630, or sections 7960-7962. For this reason, a commenter suggested that the form include “a brief description of the Family Law Code language so the litigant has the information readily available and thus is better able to select the appropriate box.” The commenter also suggested that the Judicial Council adopt a new information sheet to accompany form FL-211.

The committee acknowledged that the commenter’s suggestions would help the party select the appropriate box on the form, and then considered proposing a new information sheet and expanding the form to two pages to include the text of Family Code sections 7613, 7630(f), and 7960–7962, along with instructions for completing, filing, and serving the form. However, the committee determined that these are substantive changes and would require that the proposal be recirculated for comment. An additional comment period is not an option because section 7643.5 mandates that the Judicial Council adopt the confidential cover sheet effective January 1, 2023.

In addition, the committee considered providing short descriptions of the statutes on the form in response to commenter’s suggestion. The committee developed and discussed several short descriptions. However, the committee did not come to a consensus regarding the short descriptions, pointing out the need for additional comment. Given that these cases almost always involve represented parties due to the nature of the proceeding and the need for a contractual agreement, the committee decided not to recommend including short descriptions of sections 7613, 7630(f) and 7960-7962 on form FL-211. Instead, the committee decided to recommend inserting hyperlinks to the code sections on the form to allow parties to verify the correct code section in an efficient and uncomplicated manner. Adding hyperlinks to the statutes from the official site of the California Legislature is technical in nature, would not require additional comment, and is consistent with other forms recently adopted by the Judicial Council, such as *Notice of Rights and Responsibilities* (form [FL-192](#)), which includes hyperlinks to Family Code section 4007.5.

If a uniform, statewide set of forms is developed in a future cycle for assisted reproduction cases involving a parentage determination, the committee will revisit the commenter’s suggestions, as well as the above-mentioned options that the committee considered in response to the comment.

#### *Instructions to the court clerk*

One other commenter raised an issue with the instructions on the form directed to the court clerk. As circulated for comment, the instructions were: “TO THE CLERK: The Confidential Cover Sheet and the attached documents must be separately file-stamped.”

The commenter stated that “[t]he cover sheet should only be required once with the initial petition and not once per document, especially given the instruction that the cover sheet and each attached document shall be filed stamped separately. Also, the case security will be required at the confidential security level; it does not seem that each document should require this confidential coversheet.”

In response, the committee notes that, unlike form CM-011, *Confidential Cover Sheet—False Claims Action*, which served as the model for form FL-211, the committee did not intend to require that form FL-211 be attached as the cover page to any other paper filed in the case beyond the petitioner’s initial filing. As to the petitioner’s initial filing, the rule and form were drafted to require that form FL-211 be affixed one time as the cover page to all papers included with the initial filing.

Based on the comment, the committee determined that the note to the clerk caused confusion, and did not reflect the purpose of the form, which is to provide notice that (1) the court must treat the assisted reproduction parentage action filed with the cover sheet differently from other parentage actions, and (2) the action is confidential, except for the final judgment. Although the form did circulate for comment with language that the final judgment of parentage is not confidential, the committee believes that it should be highlighted in the note directed to the court clerk. This way, the information is not overlooked by the clerk as instructions or information relevant only to the parties.

In light of the above, the committee reconsidered the content of the note to the clerk on the form and recommends that it specify: “The papers filed with the Confidential Cover Sheet and all subsequent papers filed in the case—except for the final judgment—must be maintained in a confidential court file.” The committee recommends that this language be included in both the rule and the form for consistency, so that assisted reproduction parentage cases are initially set up as confidential court files that receive all the protections identified in Family Code section 7643.5.

#### *Other changes to the form*

In addition to the above changes, the committee recommends that the signature line on the form be modified to include the option for either the petitioner or the petitioner’s attorney to sign, rather than just the petitioner. This adjustment makes form FL-211 consistent with other cover sheets adopted by the Judicial Council, such as *Civil Case Cover Sheet* (form CM-010),<sup>1</sup> and would make it easier for the petitioner’s attorney to file the cover sheet with the initial documents if the attorney was unable to obtain the petitioner’s signature on the form.

#### ***Comments on another specific question from the committee***

To inform its future work, the Family and Juvenile Law Advisory Committee asked the public whether creating rules of court and/or forms specifically for assisted reproduction parentage cases would be beneficial to courts and litigants and, if so, what should be included?

The committee received three responses stating that it would be beneficial to create rules and forms specifically for these case types. Suggestions included:

- “[A] judgment checklist”;
- “Information required by all applicable statutes”; and
- “Gestational Surrogacy Checklist; UCCJEA; Appearance, Stipulations and Waiver; Notice of Entry of Judgment; Petition; Summons; Response to Petition; Declaration for Default or Uncontested Judgment; Advisement of Waiver of Rights: Re Determination of Parental Relationships; Stipulation for Entry of Judgment; and Judgment.”

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<sup>1</sup> Form CM-010 is found at [www.courts.ca.gov/documents/cm010.pdf](http://www.courts.ca.gov/documents/cm010.pdf).

In response, the committee plans to consider developing a statewide set of forms for assisted reproduction parentage actions in a subsequent rules cycle following research and discussion of forms and procedures used in local courts.

### **Alternatives considered**

Family Code section 7643.5 requires that the Judicial Council adopt a form or modify an existing form to comply with the statute. The committee, therefore, considered whether it should propose revising existing parentage forms as an additional way to comply with the mandate of the statute. Because no set of Judicial Council forms is specific to assisted reproduction parentage cases, and litigants and attorneys may use their own pleadings, the committee decided to propose a new confidential cover sheet and require it to be attached to whatever form or pleading initiates the case.

In addition, the committee considered proposing only the mandatory cover sheet without an accompanying rule of court. However, because the Legislature required a new form to commence a legal action or proceeding in family court, the committee decided it was important that the title V rules reflect this important change in the law in chapter 4.

### **Fiscal and Operational Impacts**

Based on responses from courts and included in the comment chart, the impact to the courts includes costs to copy the new form, as well as the cost to educate court clerks and judicial officers about the new form and rule. Courts may also need to revise their local rules and procedures, update their case management systems, and create new docket codes for the new form. On balance, the fiscal impacts are typical whenever the Judicial Council adopts a new form that is mandated by the Legislature and affects court administration and procedures.

In further response, the committee is aware that implementing the rule and form will require education and training for court professionals about the new requirements for filing assisted reproduction parentage actions. While other parentage actions will no longer be confidential, these cases will continue to follow former guidelines regarding confidentiality, inspection and copying. Parties and the attorneys who represent the parties in these cases will also need information about the new filing procedures involving form FL-211. To this end, the committee recommends that new content be developed for the self-help website about completing and filing form FL-211.

### **Attachments and Links**

1. Cal. Rules of Court, rule 5.51, at page 7
2. Form FL-211, at page 8
3. Chart of comments, at pages 9–17
4. Link A: Assem. Bill 429,  
[https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=202120220AB429](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220AB429)

Rule 5.51 of the California Rules of Court is adopted, effective January 1, 2023, to read:

**Rule 5.51. Confidential cover sheet for parentage actions or proceedings involving assisted reproduction; other requirements**

**(a) Application**

This rule applies to actions or proceedings filed with the court after January 1, 2023, involving assisted reproduction, in which the parties seek to determine a parental relationship under Family Code section 7613 or 7630, or sections 7960–7962.

**(b) Filing Requirement**

To comply with Family Code section 7643.5, for all actions in (a):

- (1) Petitioner must complete a *Confidential Cover Sheet—Parentage Action Involving Assisted Reproduction* (form FL-211) and attach it to the initial papers being filed with the court; and
- (2) The court clerk must maintain form FL-211, the initial papers, and all subsequent papers—other than the final judgment—in a confidential court file.

# CONFIDENTIAL

FL-211

|                                                                                                                                                                             |  |                                                                                  |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|----------------------------------------------------------------------------------|
| ATTORNEY OR PARTY WITHOUT ATTORNEY<br>NAME:<br>FIRM NAME:<br>STREET ADDRESS:<br>CITY: STATE: ZIP CODE:<br>TELEPHONE NO.: FAX NO.:<br>EMAIL ADDRESS:<br>ATTORNEY FOR (name): |  | FOR COURT USE ONLY<br><br>DRAFT -<br><br>NOT APPROVED BY THE<br>JUDICIAL COUNCIL |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF<br>STREET ADDRESS:<br>MAILING ADDRESS:<br>CITY AND ZIP CODE:<br>BRANCH NAME:                                                        |  |                                                                                  |
| PETITIONER:<br>RESPONDENT:                                                                                                                                                  |  |                                                                                  |
| CONFIDENTIAL COVER SHEET—<br>PARENTAGE ACTION INVOLVING ASSISTED REPRODUCTION                                                                                               |  | CASE NUMBER:                                                                     |

**TO THE COURT CLERK:** The papers filed with this *Confidential Cover Sheet* and all subsequent papers filed in the case—other than the final judgment—must be maintained in a confidential court file.

| INSTRUCTIONS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Petitioner must<br>a. complete items 1 and 2 to identify the matter as an action or proceeding to determine a parental relationship involving assisted reproduction under Family Code section 7613 or 7630(f), or sections 7960–7962;<br>b. sign and date the form; and<br>c. present the completed form as the cover sheet to the initial documents that are filed with the court clerk.                                                                                                                                                                                                                                                                                                                                                                                                       |
| LIMITATIONS ON INSPECTION AND COPYING OF RECORDS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| All papers and records, other than the final judgment, pertaining to the action or proceeding are confidential. They are subject to inspection and copying only by<br>a. the parties to the action or their attorneys;<br>b. agents acting on a written authorization from the parties to the action;<br>c. agents acting on a written authorization of the attorneys for the parties<br>(Note: The agent's written authorization must state that the attorney obtained the consent of the party before authorizing the agent to inspect and copy the permanent record);<br>d. any local child support agency, as defined in Family Code section 17000(h), for purposes of establishing parentage and enforcing child support orders; and<br>e. all others by court order for good cause shown. |

- This action or proceeding to determine a parental relationship involves assisted reproduction under (*specify*):
  - ☐ Family Code section [7613](#) or [7630\(f\)](#).
  - ☐ Family Code sections [7960–7962](#).
- The following documents are being filed with this cover sheet (*specify*):
  - ☐ *Petition to Determine Parental Relationship* (form FL-200)
  - ☐ *Stipulation for Entry of Judgment Re: Determination of Parental Relationship* (form FL-240)
  - ☐ Other (*specify below*):

Date: \_\_\_\_\_  
(TYPE OR PRINT NAME)

\_\_\_\_\_  
(SIGNATURE OF PETITIONER OR PETITIONER'S ATTORNEY)

## SP22-10

### Rules and Forms: Parentage Actions Under Assembly Bill 429 (Adopt Cal. Rules of Court, rule 5.51 and form FL-211)

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

|    | Commenter                                                                          | Position | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Committee Response                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|----|------------------------------------------------------------------------------------|----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. | Stephanie Caballero, Esq.<br>The Surrogacy Law Center, APLC<br>Carlsbad            | A        | <p>The form looks fine to me, and I have no other comments regarding it.</p> <p>On the second issue, I believe it would be beneficial for litigants and the court to create rules of court and forms for assisted reproduction cases to help streamline the process for the courts and for our clients.</p> <p>The following forms should be included: Gestational Surrogacy Checklist; UCCJEA; Appearance, Stipulations and Waiver; Notice of Entry of Judgment; Petition; Summons; Response to Petition; Declaration for Default or Uncontested Judgment; Advisement of Waiver of Rights: Re Determination of Parental Relationships; Stipulation for Entry of Judgment; and Judgment.</p> | <p>No response required.</p> <p>The committee will consider these suggestions in a future rules cycle.</p> <p>The committee thanks the commenter for providing the list of forms. The committee will consider this list in a future rules cycle.</p>                                                                                                                                                                                                                  |
| 2. | Orange County Bar Association<br>By Daniel S. Robinson, President<br>Newport Beach | A        | The proposal addresses the stated purpose.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | No response required.                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 3. | Superior Court of Los Angeles<br>County                                            | A        | The cover sheet should only be required once with the initial petition and not once per document, especially given the instruction that the cover sheet and each attached document shall be filed stamped separately. Also, the case security will be required at the confidential security level; it does not seem that each document should require this confidential coversheet.                                                                                                                                                                                                                                                                                                          | Unlike form CM-011, <i>Confidential Cover Sheet-False Claims Action</i> , which served as the model for form FL-211, the committee did not intend to require that form FL-211 be attached as the cover page to any other paper filed in the case beyond petitioner's initial filing. As to petitioner's initial filing, the rule and form was drafted to require that form FL-211 be filed one time as the cover page to all papers that comprise the initial filing. |

**SP22-10****Rules and Forms: Parentage Actions Under Assembly Bill 429** (Adopt Cal. Rules of Court, rule 5.51 and form FL-211)

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

|    | Commenter                                                           | Position | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Committee Response                                                                                                                                                                                                                         |
|----|---------------------------------------------------------------------|----------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 4. | Superior Court of Orange County<br>Family Law and Juvenile Division | A        | <ul style="list-style-type: none"> <li>Does the proposal appropriately address the stated purpose? Yes, the proposal appropriately addresses the stated purpose.</li> <li>To inform its future work, the Family and Juvenile Law Advisory Committee is interested in comments about whether it would be beneficial to the courts and litigants to create rules of court and/or forms specifically for assisted reproduction parentage cases. If so, what should be included?</li> </ul> <p>Yes, it would be beneficial to the courts and litigants to create rules of court and forms specifically for assisted reproduction parentage case. Information required by all applicable statutes should be included.</p> <ul style="list-style-type: none"> <li>Would the proposal provide cost savings? If so, please quantify.</li> </ul> <p>The proposal does not appear to provide any cost savings.</p> <ul style="list-style-type: none"> <li>What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?</li> </ul> | <p>The committee appreciates this information. No response is required.</p> <p>The committee appreciates this information, and will consider developing rules of court and forms in a future rules cycle.</p> <p>No response required.</p> |

**SP22-10****Rules and Forms: Parentage Actions Under Assembly Bill 429** (Adopt Cal. Rules of Court, rule 5.51 and form FL-211)

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

|    | Commenter                                                                             | Position | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Committee Response                                                                                                                                                                                                                                      |
|----|---------------------------------------------------------------------------------------|----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|    |                                                                                       |          | <p>Training case processing clerks and courtroom clerks (approximately 1-2 hours).<br/>Revising applicable processes and procedures.<br/>Adding/revising event codes in case management systems.<br/>Modifying additional case management system applications.</p> <ul style="list-style-type: none"> <li>• Would three (3) months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?</li> </ul> <p>Yes, three months will be sufficient time for implementation.</p> <ul style="list-style-type: none"> <li>• How well would this proposal work in courts of different sizes?</li> </ul> <p>This proposal would work for Orange County.</p> | <p>The committee appreciates this information. No response is required.</p> <p>The committee appreciates receiving this information. No response is required.</p> <p>The committee appreciates receiving this information. No response is required.</p> |
| 5. | Superior Court of Riverside County<br>By Susan Ryan<br>Chief Deputy of Legal Services | A        | <ul style="list-style-type: none"> <li>• Does the proposal appropriately address the stated purpose? Yes</li> <li>• To inform its future work, the Family and Juvenile Law Advisory Committee is interested in comments about whether it would be beneficial to the courts and litigants to create rules of court and/or forms specifically for assisted reproduction parentage cases. If so, what should be included?</li> </ul>                                                                                                                                                                                                                                                                              | <p>The committee appreciates receiving this information. No response is required.</p>                                                                                                                                                                   |

## SP22-10

### Rules and Forms: Parentage Actions Under Assembly Bill 429 (Adopt Cal. Rules of Court, rule 5.51 and form FL-211)

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

|  | Commenter | Position | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Committee Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|--|-----------|----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  |           |          | <p>Additional language would be helpful on the form to help the litigant understand which box to select. On #1 at the bottom of the form (FL-211), add a brief description of the Family Law Code language so the litigant has the information readily available and thus is better able to select the appropriate box.</p> <p>Otherwise an Information Sheet should be provided to explain what is required of the litigant. The Information Sheet should also explain the difference between the two cited Family Law Code sections at the bottom, to assist the litigant in selecting the appropriate box.</p> <ul style="list-style-type: none"><li>• Would the proposal provide cost savings? If so please quantify.</li></ul> | <p>After discussion, instead of brief descriptions of the code sections, the committee recommends that the form include hyperlinks to the Family Codes listed in item 1 that open to <a href="http://leginfo.legislature.ca.gov">leginfo.legislature.ca.gov</a>, as the committee has previously recommended for other forms approved by the Judicial Council.</p> <p>The committee appreciates the suggestion that the Judicial Council adopt a new information sheet to accompany form FL-211. The committee considered proposing a new information sheet. The committee also considered expanding the form to two pages to include instructions and descriptions of the types of assisted reproduction cases.</p> <p>However, the committee determined that either a new information sheet or supplemental information on the back of the form comprise substantive changes that would require additional comment.</p> <p>Nonetheless, the committee agreed to develop information on the self-help website about form FL-211 and about assisted reproduction parentage cases in response to the commenter's suggestions.</p> |

**SP22-10****Rules and Forms: Parentage Actions Under Assembly Bill 429** (Adopt Cal. Rules of Court, rule 5.51 and form FL-211)

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

|    | Commenter                                                 | Position | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Committee Response                                                                                                                                                                                                                                                                             |
|----|-----------------------------------------------------------|----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|    |                                                           |          | <p>Uncertain at this time.</p> <ul style="list-style-type: none"> <li>What would the implementation requirements be for courts? For example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems.</li> </ul> <p>Clerk's office and courtroom staff would need to be informed of the new form FL-211 (approximately 1 hour). Procedures would need to be modified to reflect the changes. Codes would need to be created/modified in the case management system to conform with the new language for the personal conduct orders.</p> <ul style="list-style-type: none"> <li>Would 3 months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? Yes.</li> <li>How well would this proposal work in courts of different sizes?</li> </ul> <p>The size of the court would have no impact.</p> | <p>No response required.</p> <p>The committee appreciates receiving this information. No response is required.</p> <p>The committee appreciates receiving this information. No response is required.</p> <p>The committee appreciates receiving this information. No response is required.</p> |
| 6. | Superior Court of San Diego County<br>By Michael M. Roddy | A        | <ul style="list-style-type: none"> <li>Does the proposal appropriately address the</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | The committee appreciates receiving this information. No response is required.                                                                                                                                                                                                                 |

**SP22-10****Rules and Forms: Parentage Actions Under Assembly Bill 429** (Adopt Cal. Rules of Court, rule 5.51 and form FL-211)

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

|  | Commenter         | Position | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Committee Response                                                                                                                                                                                                                                                                          |
|--|-------------------|----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  | Executive Officer |          | <p>stated purpose? Yes.</p> <ul style="list-style-type: none"> <li>To inform its future work, the Family and Juvenile Law Advisory Committee is interested in comments about whether it would be beneficial to the courts and litigants to create rules of court and/or forms specifically for assisted reproduction parentage cases. If so, what should be included?</li> </ul> <p>Yes. It would be beneficial to have specific procedures/requirements for ARP cases, including but not limited to a judgment checklist.</p> <ul style="list-style-type: none"> <li>Would the proposal provide cost savings? If so, please quantify. No.</li> <li>What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?</li> </ul> <p>Updating internal procedures, case management system, and training staff.</p> <ul style="list-style-type: none"> <li>Would 3 months from Judicial Council</li> </ul> | <p>The committee appreciates this information, and will consider these suggestions in a future rules cycle.</p> <p>The committee appreciates receiving this information. No response is required.</p> <p>The committee appreciates receiving this information. No response is required.</p> |

## SP22-10

### Rules and Forms: Parentage Actions Under Assembly Bill 429 (Adopt Cal. Rules of Court, rule 5.51 and form FL-211)

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

|  | Commenter | Position | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Committee Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|--|-----------|----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  |           |          | <p>approval of this proposal until its effective date provide sufficient time for implementation?</p> <p>Yes, if the final versions of the forms are provided to the court by that time. This will ensure that the court is able to provide training to staff make the necessary updates to internal procedures and the court's case management system.</p> <ul style="list-style-type: none"><li>• How well would this proposal work in courts of different sizes?</li></ul> <p>It appears that the proposal would work for courts of all sizes.</p> <ul style="list-style-type: none"><li>• It may be worth considering the following as well:</li></ul> <p>1) Whether the Rule of Court should include a procedure for circumstances where a Petitioner does not submit the form;</p> | <p>The committee appreciates receiving this information. No response is required.</p> <p>The committee appreciates receiving this information. No response is required.</p> <p>The committee discussed the commenter's suggestion in light of the requirements of Family Code section 7643.5. Because the statute requires a party initiating an action or proceeding filed under Section 7613, subdivision (f) of Section 7630, or Part 7 (commencing with Section 7960) file the form FL-211, the committee did not agree to expand the rule or form to include a procedure for circumstances in which a petitioner does not submit the form.</p> <p>Implementing the rule and form will require</p> |

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

|  | Commenter | Position | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Committee Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|--|-----------|----------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  |           |          | <p>2) Whether the Respondent could submit the form with the response when it was not filed with the petition, although the statute only specifies the initiating party to do so;</p> <p>3) Whether an item should be added to the top of the FL-200 to indicate that an FL-211 is also being submitted – this will remind parties and advise the clerk to look for the document when initiating the case;</p> <p>4) Whether FL-200 should be modified to add a reminder to item 5(b) and FL-220, item 6(a) to redact social security numbers from the attached VDOP as now the case files will be public;</p> <p>5) Whether a similar reminder should be added to forms FL-260 and FL-270, item 2(b) as the redacting of social security numbers is frequently</p> | <p>education and training court clerks about the new requirements for filing assisted reproduction parentage to ensure that the case is set up from the beginning as a confidential case file to receive all the protections identified in Family Code section 7643.5 regarding inspection and copying.</p> <p>Because the statute is clear that petitioner is required to file the confidential form, the committee does not agree to include in the rule and form that respondent may submit it when it was not filed with the petition.</p> <p>The commenter's suggestion to revise form FL-200 would be a substantive change to the proposal, which would require additional public comment. The committee will consider these suggestions in a future rules cycle.</p> <p>The commenter's suggestion to revise form FL-200 would be a substantive change to the proposal, which would require additional public comment. The committee will consider these suggestions in a future rules cycle.</p> <p>Same response as above.</p> |

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|  | Commenter | Position | Comment                                                                                                                                                      | Committee Response      |
|--|-----------|----------|--------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|
|  |           |          | overlooked in these public files;<br><br>6) Whether the attorney's verification should be added to forms FL-200, FL-220, FL-260, and FL-270 when/if revised. | Same response as above. |

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