



JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

Item No.: 20-181

For the business meeting on September 25, 2020

Title	Agenda Item Type
Family Law: Changes to Spousal Support and Property Division Forms	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
Approve form FL-349; revise forms FL-157, FL-343, and FL-345	January 1, 2021
Recommended by	Date of Report
Family and Juvenile Law Advisory Committee	August 6, 2020
Hon. Jerilyn L. Borack, Cochair	Contact
Hon. Mark A. Juhas, Cochair	Gabrielle D. Selden, 415-865-8085 gabrielle.selden@jud.ca.gov

Executive Summary

The Family and Juvenile Law Advisory Committee recommends approving one new optional form (FL-349) and revising two optional forms (FL-157 and FL-343) relating to spousal support, as well as revising one optional form (FL-345) relating to property division in family law cases.

Proposed revisions to form FL-157 incorporate amendments to Family Code section 4320. The Court of Appeal urged the Judicial Council and local courts to change the language in form FL-343 relating to Family Code section 4337. Form FL-349 responds to the requests of judicial officers for a form to make findings under Family Code section 4320 when issuing or modifying a judgment for spousal or partner support. And proposed revisions to form FL-345 respond to requests made by judicial officers to simplify a specific item relating to the assignment of debts in a judgment.

Recommendation

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective January 1, 2021:

1. Revise *Spousal or Partner Support Declaration Attachment* (form FL-157) to:
 - (a) Include the amendments to Family Code section 4320 enacted by Assembly Bill 929 (Rubio; Stats. 2018, ch. 938) that describe the types of documented evidence of domestic violence that a party may submit for the court to consider before issuing a judgment for support;
 - (b) Change all references of “partner” and “partnership” to “domestic partner” and “domestic partnership,” including in the title of the form; and
 - (c) Reorganize the form’s content to reflect the same construction as that of new form FL-349, and make other clarifying changes;
2. Revise *Spousal, Partner, or Family Support Order Attachment* (form FL-343) to:
 - (a) Strike the current language in item 6b and add language that is consistent with the opinion of the Court of Appeal in *In re Marriage of Martin* (2019) 32 Cal.App.5th 1195 that a party should not have to check a box (affirmatively “opt in”) to have the support payor’s obligation to pay support end on the death of either party or the remarriage or registration of a new domestic partnership of the support payee;
 - (b) Include a new item for the court to indicate that its findings on permanent spousal support orders under Family Code section 4320 are either specified on the form itself, included in a numbered attachment, or specified in proposed new form FL-349;
 - (c) Reorganize the content of the items under more specific subject headings; and
 - (d) Expand the form to three pages to allow more space for the court to make its orders or the parties to write their agreement;
3. Approve optional *Spousal or Domestic Partner Support Factors Under Family Code Section 4320—Attachment* (form FL-349) to serve as the court’s mandated findings or the parties’ stipulations (the form could serve as an attachment to *Findings and Order After Hearing* (form FL-340), *Restraining Order After Hearing* (CLETS—OAH) (form DV-130), *Judgment* (form FL-180), the parties’ written agreement, or another document specified by the parties); and
4. Revise *Property Order Attachment to Judgment* (form FL-345) at item 2c and 2d, to list the debts assigned to petitioner and respondent, respectively; delete the phrase “hold harmless”; and simplify the notice about creditors not being bound by the judgment.

Note: Due to the extensive changes that are proposed to Judicial Council forms FL-157 and FL-343, the proposed changes are not highlighted to ensure that they are easy to read.

Analysis/Rationale

Spousal or Partner Support Declaration Attachment (form FL-157)

This optional form helps a party seeking a judgment for spousal or domestic partner support comply with the factors that the courts must consider before issuing a judgment under Family Code section 4320. The form includes each statutory factor that the court must consider in ordering support and provides space for the party to write facts that address each factor.

The committee recommends revising this form to include the amendments to Family Code section 4320 enacted by AB 929. That bill amended section 4320(i) by describing the types of documented evidence of domestic violence that a party may submit for the court to consider before issuing a judgment for support. Specifically, the documented evidence of domestic violence under section 4320 can include but is not limited to (1) a plea of nolo contendere (no contest), (2) emotional distress resulting from domestic violence perpetrated against the supported party by the supporting party, (3) any history of violence against the supporting party by the supported party, (4) issuance of a protective order after a hearing under Family Code section 6340, and (5) a finding by the court during the pendency of a divorce, separation, or child custody proceeding that the spouse or domestic partner has committed domestic violence.

To conform to the changes to Family Code section 4320 enacted by AB 929, a new item is proposed to be added to form FL-157 to include the kind of “documented evidence of any history of domestic violence ... between the parties” that is listed in the statute.

Spousal, Partner, or Family Support Order Attachment (form FL-343)

The committee recommends extensive changes to form FL-343, including a major reorganization that will expand the form from two to three pages. As noted below, the major substantive changes proposed to the form relate to the termination of support and findings that the court must make under Family Code section 4320 before ordering support.

Termination of support

This form can be used by the court to make temporary orders and permanent orders in a judgment for spousal or domestic partner support. The committee recommends several changes to this form.

The first change will be to make revisions that are consistent with the opinion of the Court of Appeal in *In re Marriage of Martin* (2019) 32 Cal.App.5th 1195. In that case, the court urged the Judicial Council and local courts to change the language in their forms relating to Family Code section 4337.

Section 4337 provides that “[e]xcept as otherwise agreed by the parties in writing, the obligation of a party under an order for the support of the other party terminates upon the death of either party or the remarriage of the other party.”

Form FL-343 currently includes a check box at item 6b to incorporate the language of section 4337. Item 6b provides that “[s]upport must be paid by check, money order, or cash. The support payor’s obligation to pay support will terminate on the death of either party, remarriage, or registration of a new domestic partnership of the support payee.”

Because section 4337 applies by operation of law, the Court of Appeal stated that a party should not have to check a box (affirmatively “opt in”) to have section 4337 apply to the party’s case. Instead, the court stated that:

logic suggests that the parties should affirmatively “opt out” of the statutory requirement in order to waive section 4337’s application. We urge the Judicial Council of California and the local courts to revise their forms so that the parties must specifically check a box to waive section 4337’s application.

(*In re Marriage of Martin* (2019) 32 Cal.App.5th 1195.)

In response, the committee recommends striking the current language in item 6b and reorganizing the text under a new heading. In the revised form, items 6a and 6b will be added, as later described in the report.

Findings on Family Code section 4320 factors

The second substantive change to the form is to include a new item for the court to indicate that its findings under Family Code section 4320 are either specified on the form itself, included in a numbered attachment, or specified in proposed new form FL-349, attached to form FL-343.

The proposed changes to form FL-343 relating to section 4320 factors (along with proposed new form FL-349 [described below]) will help judicial officers comply with their obligations before issuing or modifying an order for permanent spousal or domestic partner support. Whereas Family Code section 4320 states that the court must “consider” each factor, case law provides that courts must make the findings.

For example, the court in *In re Marriage of Geraci* (2006) 144 Cal.App.4th 1278 stated that “the trial judge must both recognize and *apply* each applicable statutory factor in setting spousal support. . . . Failure to do so is reversible error.”

More recently, in *In re Marriage of Shimkus* (2016) 244 Cal.App.4th 1262, the court held that before terminating spousal support based on the changed circumstances, the trial court was required to issue a statement of decision and make findings on all the statutory factors for ordering spousal support because the court determined that obligor’s counsel had made a request for findings.

Reorganization of form

The committee also recommends reorganizing the content of the items under more specific subject headings, breaking content up under the specific heading to make it easier to read and

understand, and adding a third page to allow more space for the court to make its orders or the parties to write their agreement.

Property Order Attachment to Judgment (form FL-345)

From time to time, committee staff receive suggestions to improve rules of court and Judicial Council forms from court professionals outside the regular invitation to comment cycle. These suggestions are recorded and considered for inclusion with other relevant proposals.

Staff received requests from judicial officers to change language in form FL-345, at item 2, Division of community property debts, relating to the assignment of debts in a judgment. Rather than circulating the form in its own invitation to comment, the committee recommended including it with forms FL-157 and FL-343 because, like those forms, FL-345 also relates to orders issued in a judgment.

Judicial officers requested that the following crossed out sentences in item 2f be stricken from the form because they are not court orders:

~~Each party will be solely responsible for paying the debts assigned to him or her and will hold the other harmless from those debts. The parties understand that the creditors are not bound by this judgment. If a creditor seeks payment from the party who is not listed as responsible for the debt, that party can file a motion to seek reimbursement from the defaulting party.~~

In response to the comment, the first sentence of 2f will be incorporated into another item on the form. However, the committee sought public comments about whether the form should still include language in the above section to inform the parties about how a creditor is not bound by the judgment, but that the person who has to pay the debt can go back to court and seek an order for reimbursement. Based on comments received, as further described in this report, the committee recommends keeping the information on the form, but modifying it so that it is easier to understand.

Spousal or Domestic Partner Support Factors Under Family Code Section 4320—Attachment (form FL-349)

As previously described, this new form will respond to the request of judicial officers who need to make findings before issuing or modifying a judgment for spousal or domestic partner support.

The form will serve as an attachment to *Findings and Order After Hearing* (form FL-340), *Restraining Order After Hearing* (form DV-130), *Judgment* (form FL-180), the parties' written agreement, or another document specified by the party. The form itself will organize all Family Code section 4320 factors under specific headings, instead of organizing by the specific subdivision of Family Code section 4320.

Policy implications

There were no policy implications that contributed to controversy or intense debate within the committee about any form in the proposal. The decision to further expand form FL-157 so that it mirrors the organization of the proposed new court order (form FL-349), made in response to comments, serves the policy of access and fairness to the parties in family court. The changes to the form will help parties overcome barriers to obtaining or modifying a judgment for spousal or domestic partner support. Specifically, the revised form will help parties better organize and present the facts of their case and comply with Family Code section 4320.

The recommended changes to form FL-157 and new form FL-349 also serve a policy goal to modernize management and administration by implementing effective practices to foster the fair, timely, and efficient processing and resolution of all cases. The forms will assist the judicial officer to more easily gather information from the parties seeking a support order and also draft the mandatory findings, thereby increasing court efficiencies. Overall, the committee's recommendations help implement effective practices in a high-volume court such as family law.

Comments

This proposal was circulated for public comment from April 10 to June 9, 2020, as part of the regular spring comment cycle. Nine organizations submitted comments on this proposal. Three commenters agreed with the proposal. Three organizations, including the Joint Rules Subcommittee of the Trial Court Presiding Judges Advisory Committee/Court Executives Advisory Committee, agreed if the proposal is modified. Three organizations did not specifically indicate a position but suggested changes. No commenters disagreed with the proposal. A chart with the full text of the comments received and the committee's responses is attached.

Form FL-157

Five organizations commented about this form. Overall, commenters suggested numerous changes to improve the form. The committee agreed with the following and are recommending them, with some modifications:

- Restructure the form to reflect the improvements and additions made to form FL-349 (for example, group the factors by topic rather than Family Code section (a)–(n));
- List *Request for Order* (form FL-300) on the first page as one of the forms to which form FL-157 can be attached;
- Provide more space to answer questions;
- Include an item to allow the declarant to identify as the petitioner, respondent, support payee (party asking for support), or support payor (party being asked to pay support);
- Simplify the sections about domestic violence and criminal convictions so that they are easier to understand;
- Improve the instructions that require the party to attach actual documents to support responses, including how to label the documents;
- Provide an item on the form to indicate how many pages are attached to the form;
- Instead of “Additional Factors” for section 4320 (i–n), separate each of the factors into individual questions;

- Use “domestic partner” throughout the form, instead of “partner” (note: this change applies to all forms in the report); and
- Include that the party can provide information from the income tax return and the ability to save for retirement to describe the standard of living of the marriage or domestic partnership.

Although the committee did agree with a commenter that an information sheet would be helpful to explain how to complete form FL-157 and explain legal terms such as “standard of living,” the committee is unable to recommend that the Judicial Council adopt an information sheet in the current cycle because the form would be a substantive change that would require public comment. However, the committee does recommend that such a form be considered in a future cycle.

Another commenter expressed concern that, with all the references to attachments on the form, there could potentially be 17 attachments to the form. (The issue is the 10-page limit to attachments to declarations under rule 5.111(a). of the California Rules of Court.) The commenter questioned whether the 10-page limit applies to this form. In response, the committee notes that there is no intention to change rule 5.112.1. Like most Judicial Council forms, form FL-157 anticipates the need for some parties to use attachments, but also provides space that may be sufficient to include facts to support each Family Code section 4320 factor. If a party does find that the attachments to the form will exceed the limit, then rule 5.111 allows the party to request permission to extend the length of the declaration.

Form FL-343

Seven commenters provided feedback about the proposed changes to the form. One commenter stated that “[t]he revisions to this form overall are positive and should be helpful to unrepresented litigants.” This commenter, along with others, then proposed specific changes to improve the form. These changes included:

- Inserting an area where the court can clearly make a finding on the parties’ agreement (such as, “The Court finds that the parties knowingly, intelligently, and voluntarily entered a stipulation”);
- Maintaining the item on the form that provides that “Support must be paid by check, money order, direct deposit, cash, or _____”;
- Maintaining all references to “family support” on the form, because this type of support continues in California;
- Revising all sections of the form to clearly indicate that they relate to either the court’s findings or the parties’ agreements;
- Eliminating item 1 (Temporary Support) because it “is very confusing and out of place”; and
- Providing alternative language for item 6b, which is used by parties to state their agreement to “opt out” and have support continue at the death of either party, remarriage of the supported spouse, or registration of a new domestic partnership.

The committee agreed to incorporate the suggestions listed in the first four of the above bullet points to improve the form. In response to the fifth bullet point, to avoid confusion, the committee recommends adding a notice above item 1 to clarify that the parties or the court must select either item 1 or item 2 to indicate whether the form relates to a request for temporary support (item 1) or a request for permanent orders in a judgment for support (item 2).

As to the sixth bullet point regarding item 6b, one commenter stated that it is confusing because “[i]t lumps all categories together, but a party might agree to pay support after one of the conditions in 6.a., but not another.” After considering all comments received about this item, the committee decided to recommend that item 6a and 6b be revised to state:

a. By law, unless the parties otherwise agree in writing, the support payor's obligation to pay support will end when either party dies or the support payee remarries or registers a new domestic partnership.

b. **Parties' agreement**

The parties agree that the support payor's obligation to pay support will not end as described in 6a. Instead, the support payor's obligation to pay support will continue until *(specify below the terms of your agreement about when the support payor's obligation to pay support will end)*.

The changes recommended to 6b will clarify that form FL-343 will itself serve as the written agreement referred to in 6a and under the Family Code. The language in item 6b is also sufficiently open-ended to allow the parties to draft their own conditions.

Form FL-345

Commenters responded to the primary question posed by the committee, which was whether to remove the caveat—in the orders assigning responsibility for payment of community debt—that creditors may not honor the assignment and may seek payment from the other spouse or domestic partner. Judges had wanted it removed because it is technically information, not an order. All commenters who responded to this question stated that the caveat should remain on the form. Others believed it should stay on the form but be written more clearly, especially because self-represented parties may find the concept and the legal terms difficult to understand. For example, the form does not explain the legal phrase “will hold [the other party] harmless.” In general, the commenters suggested revising the notice to “convey this concept plainly.”

In response, the committee decided to revise items c and d (and the notice), replacing the phrase “will hold the [respondent or petitioner] harmless,” with “will not hold the petitioner legally responsible for the debts listed below” and shortening and simplifying the notice under a new item e.

Finally, two technical changes are proposed to item 1.g. in this form. Specifically, the reference to “spouse” is proposed to be expanded to “spouse or domestic partner” and “his or her” is proposed to be deleted to make the sentence gender neutral.

Form FL-349

Three commenters provided feedback about the proposed changes to form FL-349; two supported the form, and one was opposed. The following comments reflect the general feedback:

- “Overall, the addition of this form is welcome and necessary. The form fills a crucial gap in the way that orders on spousal support are made by allowing for the findings laid out by the judge, which would benefit the court making the decision (to have to reason it through), as well as the parties and reviewing courts (to understand why the court made its order) and future courts hearing modification requests. The form helps to prevent missing or inappropriately minimizing statutory factors, which is more likely to happen when using local forms, individual lists, or other tools. There is no reason for this form not to be mandatory.”
- “This document was created to aid the judicial officers and stating findings. This form is odd and unlike any other findings form used in Family Law. Rather than provide checkboxes for findings as you would see, for example, in FL 341(B) Child Abduction Orders. This form would probably not be utilized since the judges would need to attach multiple documents if the allotted space under each section was insufficient. [¶] The committee should receive feedback from judicial officers before pursuing this form.”
- “Good idea. Form to be used as attachment to FL-343 cross-referenced to Form 343 item 2.d.(2).”

In response to the comment in the second bullet point, the committee notes that the required findings under Family Code section 4320 are far more complicated than the findings under Family Code section 3048, which are specified in *Child Abduction Prevention Order Attachment* (form FL-341(B)). Both forms allow the court to attach documents to specify terms of the orders, but attachments are not required in either form. Proposed new form FL-349 can be used by the court or by the parties who have a stipulation. Other than this comment, the recommendation to adopt the form with modifications is supported.

Two of the above commenters suggested specific changes to the form, which the committee incorporated into the form recommended for approval by the Judicial Council. Some of the recommendations follow:

1. Add the phrase “or the parties stipulate” where appropriate to reflect that the form can be used by the court to make findings or by the parties as their agreement;
2. Title the form *Spousal or Domestic Partner Support Factors Under Family Code Section 4320—Attachment*, removing the term “findings” for the same reason as in item 1;
3. Simplify the party designations from “the supported party” and the “supporting party” to “the party asking for support” and “the party being asked to pay support (or the “other party”);

4. Include an entry on page 1 to clarify which party is asking for support and which is being asked to pay support.
5. Organize the form under section titles, as follows:
 - a. Section 1: Findings Stipulations About Both Parties
 - b. Section 2: Findings Stipulations About the Party Asking for Support
 - c. Section 3: Findings Stipulations About the Party Being Asked to Pay Support
 - d. Section 4: Findings Stipulations About Other Factors
6. Reorganize some factors under different headings—for example, move “Goal to be self-supporting” under section 2 because it relates only to the party who is asking for support, include an entry for “tax consequences” for each of the parties, and move “Documented history of domestic violence” under the section for both parties;
7. Simplify and make the item about misdemeanor and felony convictions easier to understand;
8. Add an item to reference Family Code section 4320(d), which was inadvertently omitted from the form that circulated for comment;
9. Revise the information about “earning capacity” to better reflect the language in the Family Code;
10. Revise “Care for children” to include the preliminary question about whether there were children in the care of the party asking for support;
11. Provide more blank space to complete the items that require an explanation; and

On balance, the committee believes that the above revisions to form FL-349 improve the ability of the court and the parties to present a more complete analysis of the mandatory factors under Family Code section 4320.

Alternatives considered

Form FL-343

The committee considered different ways to revise the form before proposing the specific language to respond to the suggestions from the court in *In re the Marriage of Martin*. Because of the clear direction from the court, the committee did not consider delaying the proposed changes to a future cycle.

The committee also considered removing references to “family support” from the form because of the changes made to the Internal Revenue Code with the enactment of the Tax Cuts and Jobs

Act (TCJA) of 2018.¹ For federal tax purposes, family support used to be treated like spousal support (taxable as income to the recipient and tax deductible to the payor). After December 31, 2018, initial orders for spousal support are no longer taxable as income to the recipient and tax deductible to the payor for federal purposes. Modifications of spousal support, however, will maintain pre-TCJA tax treatment, unless the parties otherwise expressly agree in writing.

Although the federal tax laws changed relating to spousal and family support, state law did not change. California Revenue and Taxation Code was not amended to reflect the new federal tax treatment of spousal support. Thus, spousal support (or domestic partner support) and family support will continue to be taxable as income to the recipient and tax deductible to the payor for state tax purposes after December 31, 2018. So, despite the change to the federal tax laws, the committee decided to maintain references on the form to “family support” because the form could still be used by a party seeking an initial order for family support for *state* tax purposes. Similarly, it might be used to modify support orders.

Forms FL-157 and FL-345

The committee considered proposing changes to these optional forms in a later cycle but believed that combining them with the proposed changes to form FL-343 was appropriate.

Fiscal and Operational Impacts

The committee anticipated that this proposal would result in minor costs incurred by the courts to revise the form, train staff, and create new codes for case management programs. In response to the question about impacts, some courts responded that the operational impacts would be minimal or would require courts to:

- Revise workshop presentations of the Self-Help Center and Facilitator’s Office;
- Advise the clerks in the front and back offices that additional information is a part of the forms;
- Increase review time by the clerks and judicial officers because the forms will most likely include attachments;
- Revise procedures for Judgments and Request for Orders; and
- Update case management systems.

Generally, the above costs would likely be outweighed by the time saved by the court in obtaining the information necessary to make appropriate orders and findings.

¹ The Tax Cuts and Jobs Act (Pub.L. No. 115-97 (Dec. 22, 2017) 131 Stat. 2054) amended the spousal support provisions of the Internal Revenue Code (IRC) by repealing the income tax deduction to the person who pays spousal support under a divorce or separation instrument. In addition, the new law repeals the corresponding inclusion of spousal support in the gross income of the recipient. These amendments apply to (1) any divorce or separation instrument executed after December 31, 2018, and (2) any modification of a divorce or separation instrument that expressly provides that the amendments made by this section of the IRC apply to such modifications.

Attachments and Links

1. Forms FL-157, FL-343, FL-345, and FL-349, at pages 13–31
2. Chart of comments, at pages 32–66.
3. Link A: *In re the Marriage of Martin*, <https://law.justia.com/cases/california/court-of-appeal/2019/e069481.html>
4. Link B: Assem. Bill 929, https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB929

PETITIONER: RESPONDENT:	CASE NUMBER:
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SPOUSAL OR DOMESTIC PARTNER SUPPORT DECLARATION ATTACHMENT

- Declaration for Default or Uncontested Judgment (form FL-170)
 Supporting Declaration for Attorney's Fees and Costs Attachment (form FL-158)
- Request for Order (form FL-300)
- Other (specify):

1. Spousal or domestic partner support.

- a. I am the (specify all that apply):
- (1) petitioner respondent.
- (2) support payee (party asking for support) support payor (party being asked to pay support).
- b. I request that the court (check all that apply)
- (1) enter a judgment for spousal or domestic partner support for petitioner respondent.
- (2) modify the judgment for spousal or domestic partner support for petitioner respondent.
- (3) deny the request to modify the judgment for spousal or domestic partner support.
- (4) terminate jurisdiction to award spousal or domestic partner support to petitioner respondent.

2. Attorney fees and costs. I request that the court (check one)

- a. order my attorney fees and costs to be paid by my spouse or domestic partner a joined party (specify):
- b. deny the request for attorney fees and costs.

SECTION 1: FACTS ABOUT BOTH PARTIES

3. Length of marriage or domestic partnership(Family Code section 4320(f))

- a. (1) Date of marriage:
- (2) Date of separation:
- (3) Time from date of marriage to date of separation:..... _____ years _____ months
- b. (1) Date domestic partnership was registered:
- (2) Date of separation:
- (3) Time from date of registration of the domestic partnership to date of separation: _____ years _____ months
- c. If applicable, total combined years and months for the marriage (a(3)) and the domestic partnership (b(3))..... _____ years _____ months

4. Standard of living of the marriage or domestic partnership (Family Code section 4320(a)) See Attachment 4

The standard of living established during the marriage or domestic partnership was (describe, for example, information from your income tax return, type and frequency of vacations, value of home and other real estate, value of investments, type of vehicles owned, credit card use or nonuse, ability to save for retirement):

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5. **Age and health of the parties** (Family Code section 4320(h))

- a. The age of the party asking for support is:
- b. The age of the party being asked to pay support is:
- c. The health condition of the party asking for support is *(describe)*: [See Attachment 5c](#)

- d. The health condition of the party being asked to pay support is *(describe)*: [See Attachment 5d](#)

6. **Documented history of domestic violence** (Family Code section 4320(i))

[See Attachment 6](#)

The court will consider all documented evidence of any history of domestic violence between the parties or perpetrated by either party against either party's child, including but not limited to the following:

- a. A plea of nolo contendere ("no contest").
- b. Emotional distress resulting from domestic violence against the party asking for support by the party being asked to pay support.
- c. Any history of violence against the party being asked to pay support by the party asking for support.
- d. A *Restraining Order After Hearing* (form DV-130).
- e. A finding by a court as part of a case involving divorce, separation, or a child custody proceeding, or any other proceeding in family court in which the court has found that the spouse or domestic partner committed domestic violence.
- f. Other evidence of any history of violence between the parties.

Attach to this form copies of the documents that you want the court to consider. Label them "Attachment 6."

7. **Documented evidence of criminal conviction** (Family Code section 4320(m))

a. **Felony conviction of the party asking for support**

The party being asked to pay support requests that the court find that the party asking for support is prohibited by law from receiving support (including medical, life, or other insurance benefits or payments) under Family Code section 4324.5 because:

- (1) The party asking for support was convicted of a violent sexual felony or domestic violence felony against the party being asked to pay support within five years after the conviction (and any time served in custody, on probation or on parole); and
- (2) The petition for divorce was filed within five years after the spouse's or domestic partner's conviction (and any time served in custody or on parole).

b. **Misdemeanor conviction of the party asking for support**

[See Attachment 7b](#)

(1) There is a rebuttable presumption that the party asking for support is prohibited from receiving support from the party being asked to pay support under Family Code section 4325 because:

- (A) The party asking for support was either convicted of a domestic violence misdemeanor against the party being asked to pay support in this case or convicted of a misdemeanor against the other party that resulted in a term of probation under Penal Code section 1203.097; and
- (B) The conviction was entered by the court within five years before the petition for divorce was filed (or the conviction was entered at any time during the divorce case).

(2) Based on a preponderance of the evidence,

- (A) The party being asked to pay support asks the court to find that the presumption has not been rebutted.
- (B) The party asking for support asks the court find that the presumption has been rebutted.

Attach to this form a declaration and documents that you want the court to consider. Label them "Attachment 7b"

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SECTION 2: FACTS ABOUT THE PARTY ASKING FOR SUPPORT

8. Earning capacity (Family Code section 4320(a)(1))

a. The marketable skills (training, job skills, and work history) of the party asking for support (*describe*): [See Attachment 8a](#)

b. The current job market for the job skills of the party asking for support is (*specify*): [See Attachment 8b](#)

c. The time and expenses required for the party asking for support to acquire the appropriate education and training to develop the skills for the job market described in (b) (*specify*): [See Attachment 8c](#)

d. The possible need for retraining or education to acquire other, more marketable skills or employment (*specify*): [See Attachment 8d](#)

e. Indicate the extent to which the party asking for support is able to earn enough money to maintain the standard of living established during the marriage or domestic partnership.

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9. **Earning capacity** (Family Code section 4320(a)(2)) [See Attachment 9](#)

- a. The party asking for support has has not had periods of unemployment because of the time needed to attend to domestic duties. *(Complete (b) if there were periods of unemployment.)*
- b. Specify the extent to which the present or future earning capacity of the party asking for support is impaired by periods of unemployment to devote time to domestic duties during the marriage or domestic partnership.

10. **Contributions to the education and training of the party being asked to pay support** [See Attachment 10](#)

- a. The party asking for support did did not contribute to the education, training, career position, or license of the party being asked to pay support *(If the party asking for support did contribute, complete item b below.)*
- b. Specify the extent to which the party asking for support contributed to the education, training, career position, or license of the party being asked to pay support.

11. **Care for children** (Family Code section 4320(g)) [See Attachment 11](#)

- a. The party asking for support has has not had periods of unemployment to care for the children of the marriage or domestic partnership. *(Complete (b) if there were periods of unemployment.)*
- b. The party asking for support is is not able to be gainfully employed without unduly interfering with the interests of the children in the care of the party asking for support *(specify):*

12. **Needs of the party asking for support** (Family Code section 4320(d)) [See Attachment 12](#)

Specify the needs of the party asking for support based on the standard of living established during the marriage or domestic partnership, as described in question 4.

13. **Assets and debts** (Family Code section 4320(e)) [See Attachment 13](#)

- a. The assets, including separate property, of the party asking for support are *(specify):*

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b. The debts, including separate property, of the party asking for support are *(specify)*:

14. **Tax consequences** (Family Code section 4320(j))

[See Attachment 14](#)

The immediate and specific tax consequences for the party asking for support are (specify):

15. **Goal to become self-supporting** (Family Code section 4320(l))

[See Attachment 15](#)

Notice: When ordering spousal or domestic partner support in a judgment, the court may advise (warn) the party asking for support to make reasonable efforts to become self-supporting within a reasonable period of time, considering all the factors in Family Code section 4320. The court may decide that this warning (often called a “Gavron” warning) is not appropriate if the case involves a marriage or domestic partnership of long duration (about 10 years or longer). Generally, failure to become self-supporting after the court gives the warning can result in an order to reduce the amount of the support award.

a. This is is not a marriage or domestic partnership of long duration (ten years or more).

b. The party asking for support is is not self-supporting *(If not, specify below what steps, if any, the party asking for support will take to become self-supporting within a reasonable period of time):*

c. Other *(specify below)*:

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SECTION 3: FACTS ABOUT THE PARTY BEING ASKED TO PAY SUPPORT

16. **Ability to pay support / earning capacity** (Family Code sections 4320(a) and (c)) [See Attachment 16](#)

a. The earned income of the party being asked to pay support is *(specify)*: unknown

b. The unearned income of the party being asked to pay support is *(specify)*: unknown

c. This party does does not have the ability to earn enough money to maintain the standard of living described in 4 for both spouses or domestic partners. *(If not, explain why below.)*

d. Based on the above responses, this party is is not able to pay spousal or domestic partner support.

17. **Needs of the party being asked to pay support** (Family Code section 4320(d)) [See Attachment 17](#)

Specify the needs of the party being asked to pay support based on the standard of living established during the marriage or domestic partnership, as described in question 4.

18. **Assets and debts** (Family Code section 4320(e)) [See Attachment 18](#)

a. The assets, including separate property, of the party being asked to pay support are *(specify)*:

b. The debts, including separate property, of the party being asked to pay support are *(specify)*:

19. **Tax consequences** (Family Code section 4320(j)) [See Attachment 19](#)

The immediate and specific tax consequences for the party being asked to pay support *(specify)*:

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SECTION 4: BALANCE OF HARDSHIPS AND OTHER FACTORS

20. **Balance of hardships** (Family Code section 4320(k)) [See Attachment 20](#)

Describe below any special financial difficulties to the party if ordered to pay support compared to the hardship to the party who is asking for support. *(For example, consider the ability of a party to pay support versus the need of the other party to receive financial support).*

21. Indicate below other factors, if any, that the court should consider that are just and equitable in ordering spousal or domestic partner.(Family Code section 4320(n)) [See Attachment 21](#)

Number of pages attached: _____

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SPOUSAL, DOMESTIC PARTNER, OR FAMILY SUPPORT ORDER ATTACHMENT

- TO **Findings and Order After Hearing (form FL-340)** **Judgment (form FL-180)**
 Restraining Order After Hearing (CLETS-OAH) (form DV-130) **Other (specify):**
 Parties' Stipulation (Written Agreement) dated (specify): _____

- THE COURT FINDS** **THE PARTIES STIPULATE (AGREE)**

Specify if this attachment is about an order for temporary support or a judgment for permanent support (check either 1 or 2 below).

1. **This attachment relates to temporary spousal or domestic partner support.**

- a. This order attachment modifies an order or agreement for temporary support entered on (date):
 b. **Net income.** The parties' monthly income and deductions are as follows (complete (1), (2), or both):

		Total gross monthly <u>income</u>	Total monthly <u>deductions</u>	Total hardship <u>deductions</u>	Net monthly disposable <u>income</u>
(1) Petitioner:	<input type="checkbox"/> receiving TANF/CalWORKS	\$	\$	\$	\$
(2) Respondent:	<input type="checkbox"/> receiving TANF/CalWORKS	\$	\$	\$	\$

- c. A printout of a computer calculation of the parties' financial circumstances is attached for all required items not filled out above (for temporary support only).

2. **This attachment relates to a judgment for permanent spousal or domestic partner support.**

- a. This order attachment modifies a judgment entered on (date):
 b. The parties were married for (specify): _____ months and _____ years.
 c. The parties were registered as domestic partners or the equivalent for (specify): _____ months and _____ years.
 d. Family Code section 4320 factors (check either (1) or (2) below, then complete (3)).
 (1) The parties agreed to some or all of the factors as stated in *Spousal or Domestic Partner Support Declaration Attachment* (form FL-157) or in a similar written declaration filed with the court.
 (2) The court considered the parties' declarations and supporting documents regarding each Family Code section 4320 factor as stated in testimony, in *Spousal or Domestic Partner Support Declaration Attachment* (form FL-157), or in a similar written declaration filed with the court.
 (3) The parties' agreement, or the court's findings, on Family Code section 4320 factors are (specify):
 (A) included in [Attachment 2d\(3\)\(A\)](#).
 (B) included in *Spousal or Domestic Partner Support Factors Under Family Code Section 4320—Attachment* (form FL-349).
 (C) specified below:

THIS IS A COURT ORDER.

PETITIONER: RESPONDENT:	CASE NUMBER:
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2. e. The parties are both self-supporting.
 f. The standard of living established during the marriage or domestic partnership was *(describe)*: [See Attachment 2f.](#)

g. The Court finds that the parties have knowingly, intelligently, and voluntarily entered into a stipulation.

3. Jurisdiction

- a. The issue of support for the petitioner respondent is reserved for later determination.
 b. The court terminates jurisdiction over the issue of support for the petitioner respondent.
 c. The court's jurisdiction over the issue of support will end on *(specify date)*:

4. Support amount and payment terms

- a. The petitioner respondent must pay to the petitioner respondent as temporary permanent spousal support family support domestic partner support the following amount each month: \$
 b. Support payments will begin *(date)*:
 c. Support payments are:
 (1) payable through *(specify end date)*:
 (2) payable on the: _____ day of each month.
 (3) Other *(specify)*:

d. Support must be paid by check, money order, or cash other method *(specify)*:

5. Earnings assignment

- a. An earnings assignment for the support will issue as requested by petitioner respondent.
Note: The payor of spousal, family, or domestic partner support is responsible for the payment of support directly to the recipient until support payments are deducted from the earnings, and for any support not paid by the assignment.
 b. Service of the earnings assignment is stayed provided the payor is not more than *(specify number)*: _____ days late in paying spousal, family, or domestic partner support.

6. Termination (end) of support

- a. By law, unless the parties otherwise agree in writing, the support payor's obligation to pay support will end when either party dies or the support payee remarries or registers a new domestic partnership.
 b. **Parties' agreement**
 The parties agree that the support payor's obligation to pay support will not end as described in 6a. Instead, the support payor's obligation to pay support will continue until *(specify below the terms of your agreement about when the support payee's obligation to pay support will end)*:

THIS IS A COURT ORDER.

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7. **Family support orders.** This order is for family support.
- a. Both parties must complete and file with the court a *Child Support Case Registry Form* (form FL-191) within 10 days of the date of this order.
 - b. The parents must notify the court of any change of information submitted within 10 days of the change by filing an updated form.
 - c. A *Notice of Rights and Responsibilities (Health-Care Costs and Reimbursement Procedures) and Information Sheet on Changing a Child Support Order* (form FL-192) must be attached to the court order.
8. **Notice of change of employment**
 The parties must inform each other in writing within 10 days of any change of employment, and include the new employer's name, address, and telephone number.
9. **Duty to become self-supporting**
- a. Notice: It is the goal of this state that each party must make reasonable good-faith efforts to become self-supporting as provided in Family Code section 4320. Failure to make reasonable good-faith efforts may be one of the factors considered by the court as a basis for modifying or terminating support.
 - b. The petitioner respondent should make reasonable good-faith efforts to become self-supporting.
 - c. Other (*specify*):
10. **Attachment to Restraining Order After Hearing (form DV-130)**
- a. This form is attached to *Restraining Order After Hearing (CLETS-OAH) (Order of Protection)* (form DV-130).
 - b. The orders issued on this form (FL-343) do not expire on termination of the restraining orders issued on form DV-130.
11. **Other orders or agreements (*specify*):**

- (1) The parties agree that the support payor's obligation to pay support will not end as described in 6a, but will continue on the death of either party, remarriage, or registration of a new domestic partnership of the supported party.
- (2) The parties agree that the support payor's obligation to pay support will end on (*specify*):

NOTICE: Any party required to pay support must pay interest on overdue amounts at the "legal" rate, which is currently 10 percent.

THIS IS A COURT ORDER.

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PROPERTY ORDER ATTACHMENT TO JUDGMENT

1. Division of community property assets

- a. There are no community property assets.
- b. The court finds that the net value of the community estate is less than \$5,000 and that the petitioner respondent cannot be found. Under Family Code section 2604, the entire community estate is awarded to the petitioner respondent.
- c. The petitioner will receive the following assets: [See Attachment 1c.](#)
- d. The respondent will receive the following assets: [See Attachment 1d.](#)
- e. The petitioner respondent will be responsible for preparing and filing a *Qualified Domestic Relations Order* (QDRO) to divide the following plan or retirement account(s) (*specify*):

The fee for preparation of the QDRO will be shared as follows:

- f. Other orders:
- g. Each spouse or domestic partner will receive the assets listed above as sole and separate property. The parties must execute any and all documents required to carry out this division.

2. Division of community property debts

- a. There are no community property debts.
- b. All community debts have been paid by the petitioner respondent. The petitioner respondent must reimburse the other party: \$
The payment plan is as follows:
- c. The petitioner
- (1) is assigned the debts listed below;
 - (2) is solely responsible for paying the debts listed below; and
 - (3) will not hold the respondent legally responsible for the debts listed below.
- [See attachment 2c.](#)

PETITIONER: RESPONDENT:	CASE NUMBER:
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2. d. The respondent
- (1) is assigned the debts listed below;
 - (2) is solely responsible for paying the debts listed below; and
 - (3) will not hold the petitioner legally responsible for the debts listed below. [See attachment 2d.](#)

- e. **Notice regarding division of community property (items c. and d.):**
 Creditors are not bound by this judgment. If a creditor seeks payment from the party who is not listed as responsible for the debt, that party can file a *Request for Order* (form FL-300) to seek reimbursement from the party who was assigned the debt.
- f. The court reserves jurisdiction to divide any community debts not listed here and to enforce the terms of this judgment. This enforcement may include ordering a defaulting party to reimburse the other party for failing to follow the terms of this judgment.
- g. Other orders:

3. **Equalization of division of property and debt orders.** To equalize the division of the community property assets and debts, the petitioner respondent must pay to the other the sum of: \$ _____, payable as follows:

4. **Separate property**

- a. The court confirms the following assets or debts as the sole separate property, or sole responsibility, of the petitioner:

- b. The court confirms the following assets or debts as the sole separate property, or sole responsibility, of the respondent:

5. The settlement agreement between the parties dated: _____ is attached and made a part of this judgment.

6. **Sale of property.** The following property will be offered for sale and sold for the fair market value as soon as a willing buyer can be found, and the net proceeds from the sale will be divided equally other (*specify*):

7. Other orders (*specify*):

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**SPOUSAL OR DOMESTIC PARTNER SUPPORT FACTORS
UNDER FAMILY CODE SECTION 4320—ATTACHMENT**

- TO *Findings and Order After Hearing* (form FL-340) *Judgment* (form FL-180)
 Restraining Order After Hearing (CLETS-OAH) (form DV-130) *Other* (specify):
 Parties' Stipulation (Written Agreement) (dated):

SECTION 1: FINDINGS STIPULATIONS ABOUT BOTH PARTIES

- Petitioner is the support payee (party asking for support) support payor (party being asked to pay support).
- Respondent is the support payee (party asking for support) support payor (party being asked to pay support)
- Standard of living of the marriage or domestic partnership** (Family Code section 4320(a)) [See Attachment 3](#)
 The standard of living established during the marriage or domestic partnership was (describe):

4. Length of marriage or domestic partnership (Family Code section 4320(f))

- (1) Date of marriage:
- (2) Date of separation:
- (3) Time from date of marriage to date of separation:..... _____ years _____ months
- (1) Date domestic partnership was registered:
- (2) Date of separation:
- (3) Time from date of registration of the domestic partnership to date of separation: _____ years _____ months
- If applicable, total combined years and months for the marriage (a(3)) and the domestic partnership (b(3))..... _____ years _____ months

5. Age and health of the parties (Family Code section 4320(h))

- The age of the party asking for support is:
- The age of the party being asked to pay support (the other party) is:
- The health condition of the party asking for support is: (describe): [See Attachment 5c](#)

- The other party's current health condition is (describe): [See Attachment 5d](#)

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6. **Documented history of domestic violence** (Family Code section 4320(i)) [See Attachment 6](#)

- a. There is is not documented evidence of a history of domestic violence (*specify*):
- (1) between the parties.
 - (2) perpetrated by: petitioner respondent against (*specify*): petitioner respondent
 either party's child.
 - (3) perpetrated by: petitioner respondent against (*specify*): petitioner respondent
 either party's child.
- b. The court received the following documented evidence of domestic violence in this case:
- (1) A plea of nolo contendere ("no contest").
 - (2) Emotional distress resulting from domestic violence perpetrated against the party asking for support by the party being asked to pay support.
 - (3) Any history of violence against the party being asked to pay support by the party asking for support.
 - (4) A *Restraining Order After Hearing* (form DV-130).
 - (5) A finding by a court as part of a case involving divorce, separation, or a child custody proceeding, or other proceeding in family court in which the court has found that the spouse or domestic partner has committed domestic violence.
 - (6) Other (*specify*):

7. **Criminal conviction of the party asking for support**(Family Code section 4320(m)) [See Attachment 7](#)

- a. This item does not apply to the party asking for support.
- b. **Felony conviction of the party asking for support**
 The party asking for support is prohibited by law from receiving support from the party being asked to pay support (including medical, life, or other insurance benefits or payments) under Family Code section 4324.5 because:
- (1) The party asking for support was convicted of a violent sexual felony or domestic violence felony against the party being asked to pay support within five years after the conviction (and any time served in custody, on probation or on parole); and
 - (2) The petition for divorce was filed within five years after the spouse's or domestic partner's conviction (and any time served in custody, on probation, or on parole).
- c. **Misdemeanor conviction of the party asking for support**
- (1) There is a rebuttable presumption that the party asking for support is prohibited from receiving support from the party being asked to pay support under Family Code section 4325 because:
 - (A) The party asking for support was either convicted of a domestic violence misdemeanor against the party being asked to pay support in this case or convicted of a misdemeanor against that party which resulted in a term of probation under Penal Code section 1203.097); and
 - (B) The conviction was entered by the court within five years before the petition for divorce was filed (or the conviction was entered at any time during the divorce case).
 - (2) Based on a preponderance of the evidence, the party asking for support has has not rebutted the presumption in (b)(1), as follows:

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SECTION 2: FINDINGS STIPULATIONS **ABOUT THE PARTY ASKING FOR SUPPORT**

8. Earning capacity (Family Code section 4320(a)(1))

a. The marketable skills (training, job skills, and work history) of the party asking for support (*describe*): [See Attachment 8a](#)

b. The current job market for the job skills of the party asking for support is (*specify*): [See Attachment 8b](#)

c. The time and expenses required for the party asking for support to acquire the appropriate education and training to develop the skills for the job market described in (b) (*specify*): [See Attachment 8c](#)

d. The possible need for retraining or education to acquire other, more marketable skills or employment (*specify*): [See Attachment 8d](#)

e. Indicate the extent to which the party asking for support is able to earn enough money to maintain the standard of living established during the marriage or domestic partnership. [See Attachment 8e](#)

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9. **Earning capacity** (Family Code section 4320(a)(2)) [See Attachment 9](#)

- a. The party asking for support has has not had periods of unemployment because of the time needed to attend to domestic duties. *(Complete (b) if there were periods of unemployment.)*
- b. Specify the extent to which the present or future earning capacity of the party asking for support is impaired by periods of unemployment to devote time to domestic duties during the marriage or domestic partnership.

10. **Contributions to the education and training of the party being asked to pay support** [See Attachment 10](#)

- a. The party asking for support did did not contribute to the education, training, career position, or license of the other party. *(If the party asking for support did contribute, complete item b below.)*
- b. Specify the extent to which the party asking for support contributed to the education, training, career position, or license of the party being asked to pay support.

11. **Care for children** (Family Code section 4320(g)) [See Attachment 11](#)

- a. The party asking for support has has not had periods of unemployment to care for the children of the marriage or domestic partnership. *(Complete (b) if there were periods of unemployment.)*
- b. The party asking for support is is not able to be gainfully employed without unduly interfering with the interests of the children in the care of the party asking for support *(specify)*:

12. **Needs of the party asking for support** (Family Code section 4320(d)) [See Attachment 12](#)
 Specify the needs of the party asking for support based on the standard of living established during the marriage or domestic partnership, as described in item 3.

13. **Assets and debts** (Family Code section 4320(e)) [See Attachment 13](#)

- a. The assets, including separate property, of the party asking for support are *(specify)*:

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b. The debts, including separate property, of the party asking for support are *(specify)*:

14. **Tax consequences** (Family Code section 4320(j))

[See Attachment 14](#)

The immediate and specific tax consequences for the party asking for support are (specify):

15. **Goal to become self-supporting** (Family Code section 4320(l))

[See Attachment 15](#)

In considering the goal that the party asking for support will be self-supporting in a reasonable period of time, the court finds, or the parties stipulate, that:

- a. This is is not a marriage or domestic partnership of long duration (about ten years or more).
- b. The party asking for support is is not currently self-supporting.
- c. Advisement of the duty to become self-supporting.
 - (1) The party asking for support is advised to make good-faith efforts to become self-supporting in a reasonable period of time.
 - (2) Failure to make good-faith efforts to become self-supporting can be considered a change in circumstances that could result in a reduction in the amount of spousal or domestic partner support.
 - (3) The plan for the party to become self-supporting, including the expectation of what is a "reasonable period of time to become self-supporting" is *(specify)*:

d. Other *(specify below)*:

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SECTION 3: **FINDINGS** **STIPULATIONS** **ABOUT THE PARTY BEING ASKED TO PAY SUPPORT**

16. **Ability to pay support / earning capacity** (Family Code sections 4320(a) and (c)) [See Attachment 16](#)

- a. The earned income of the party being asked to pay support is *(specify)*: unknown
- b. The unearned income of the party being asked to pay support is *(specify)*: unknown
- c. This party does does not have the ability to earn enough money to maintain the standard of living described in 3 for both spouses or domestic partners. *(If not, explain why below.)*

d. Based on the above responses, this party is is not able to pay spousal or domestic partner support.

17. **Needs of the party being asked to pay support** (Family Code section 4320(d)) [See Attachment 17](#)

Specify the needs of the party being asked to pay support based on the standard of living established during the marriage or domestic partnership, as described in item 3.

18. **Assets and debts** (Family Code section 4320(e)) [See Attachment 18](#)

a. The assets, including separate property, of the party being asked to pay support are *(specify)*:

b. The debts, including separate property, of the party being asked to pay support are *(specify)*:

19. **Tax consequences** (Family Code section 4320(j)) [See Attachment 19](#)

The immediate and specific tax consequences for the party being asked to pay support are *(specify)*:

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SECTION 4: **FINDINGS** **STIPULATIONS** **ABOUT OTHER FACTORS**

20. **Balance of hardships** (Family Code section 4320(k)) [See Attachment 20](#)
 Describe below any special financial difficulties to the party being asked to pay support if ordered to pay support compared to the hardship to the party who is asking for support.

21. Indicate other factors that the court, or the parties, determined to be just and equitable to consider in ordering spousal or domestic partner. (Family Code section 4320(n)) [See Attachment 21](#)

Number of pages attached: _____

SPR20-19**Family Law: Changes to Spousal Support and Property Division Forms (Revise forms FL-157, FL-343, and FL-345; approve form FL-349)**

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

List of All Commenters, Overall Positions on the Proposal, and General Comments				
	Commenter	Position	Comment	Committee Response
1.	Association of Certified Family Law Specialists by Avi Levy, Legislative Director Woodland	A	See comments on specific provisions below.	See committee response below.
2.	The Executive Committee of the Family Law Section of the California Lawyers Association (FLEXCOM) by Saul Berkovitch Director of Governmental Affairs Sacramento	A	No specific comment.	No response required.
3.	Family Violence Appellate Project by Cory Hernandez, Staff Attorney Oakland	AM	<p>The titles of forms FL-157, FL-343, and FL-349 should use “domestic partner” rather than just “partner” as that is what is used throughout and is more specific to that legal arrangement as noted in item 1 in form FL-157. Partner is a generic word but it, as opposed to “domestic partner,” seems to have a particular meaning under the law for purposes of these forms.</p> <p>These forms would also benefit from clarification of at the top of who is the declarant, and who are the supported and supporting parties. For instance, for form FL-157: “I am the Petitioner/Respondent in this matter,” preceded or followed by a check box. While these forms are not intended to be siloed documents filed by themselves, with the number of attachments and different documents involved it would be better for unrepresented litigants to have that clarification at the top.</p>	<p>The committee agrees to revise the form to use the term “domestic partner,” instead of “partner.”</p> <p>The committee agrees with this suggestion and has incorporated it, with modifications, into the amendments that it is recommending for adoption.</p>

SPR20-19**Family Law: Changes to Spousal Support and Property Division Forms (Revise forms FL-157, FL-343, and FL-345; approve form FL-349)**

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

List of All Commenters, Overall Positions on the Proposal, and General Comments				
	Commenter	Position	Comment	Committee Response
			Moreover, the forms would benefit from larger fonts for the number titles, and the section headings, as well as more consistency in use of terms and language throughout. See comments on specific provisions below.	The committee agrees with these suggestions and has incorporated them, with amendments, into the amendments that it is recommending for adoption.
4.	Harriett Buhai Center for Family Law by Rebecca L. Fischer Staff Attorney Los Angeles	AM	See comments on specific provisions below.	See responses to provisions below.
5.	Orange County Bar Association by Scott B. Garner, President Newport Beach	A	No specific comment.	No response required.
6.	Superior Court of Orange County	N/I	* The proposal appropriately addresses the stated purpose. Would the proposal provide cost savings? If so, please quantify. FL-157 - No. FL-343 - Yes. Based on the revisions there is less possibility of a Court order being overturned by the Court of Appeal resulting in additional processing in the originating court to make it part of the file. FL-345 - No FL-349 - No What would the implementation requirements be for courts—for example, training staff	No response required. No response required. No response required. No response required. No response required.

SPR20-19

Family Law: Changes to Spousal Support and Property Division Forms (Revise forms FL-157, FL-343, and FL-345; approve form FL-349)

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

List of All Commenters, Overall Positions on the Proposal, and General Comments				
Commenter	Position	Comment	Committee Response	
		<p>(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?</p> <ul style="list-style-type: none"> • SHC/Facilitators Office <p>Revise workshops presentations to include changes in the forms. This change may impact the amount of time spent on presentation and also on time spent completing the forms with the litigants.</p>		No response required.
		<ul style="list-style-type: none"> • Clerk's Office (both offices; front and back and OFS assignees) <p>Staff will need to be advised that additional information is part of the forms, and why. Also, time reviewing the documents when submitted in person, by mail or thru OFS will increase as well.</p>		No response required.
		<ul style="list-style-type: none"> • Courtroom Staff to be advised that additional information is part of the forms, so when they are reviewing them for accuracy or while preparing calendars for their judicial officers, they can capture the appropriate information needed for the hearing on calendar. 		No response required.
		<ul style="list-style-type: none"> • Judicial officers to be reminded of changes 		No response required.

SPR20-19**Family Law: Changes to Spousal Support and Property Division Forms (Revise forms FL-157, FL-343, and FL-345; approve form FL-349)**

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

List of All Commenters, Overall Positions on the Proposal, and General Comments				
	Commenter	Position	Comment	Committee Response
			<p>and will need to spend more time reviewing and analyzing the additional facts on the forms.</p> <ul style="list-style-type: none"> • Procedures to be revised; <ul style="list-style-type: none"> ○ Judgments ○ Request for Order <p>Would three months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?</p> <p>Yes, 3 months would be sufficient time.</p> <p>How well would this proposal work in courts of different sizes?</p> <p>This proposal is intended to benefit both the court and the litigants, with a significant impact on time spent processing the documentation submitted by the litigants and produced by the Court. The impact as far as time and resources will depend on the size of each court.</p>	<p>No response required.</p> <p>No response required.</p> <p>No response required.</p>
7.	Superior Court of Riverside County by Susan Ryan	N/I	See comments on specific provisions below.	See responses to provisions below.
8.	Superior Court of San Diego County by Michael Roddy, Executive Officer	N/I	<p>* The proposal appropriately addresses the stated purpose.</p> <p>* The proposal does not provide cost savings.</p>	<p>No response required.</p> <p>No response required.</p>

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List of All Commenters, Overall Positions on the Proposal, and General Comments				
	Commenter	Position	Comment	Committee Response
			<p>* The implementation requirements for courts would be updating case management system, internal procedures, and notifying staff.</p> <p>* Three months from Judicial Council approval of this proposal until its effective date would provide sufficient time for implementation, provided the final version of the form is provided to courts at least 30 days prior to the effective date. This will give courts sufficient time to update their procedures and provide training to staff.</p> <p>It appears that the proposal will work for courts of various sizes.</p>	<p>No response required.</p> <p>Generally, forms approved by the Judicial Council are posted to the Judicial Resources Network site within three months before their effective date.</p> <p>No response requires.</p>
9.	Trial Court Presiding Judges Advisory Committee/Court Executive Advisory Committee Joint Rules Subcommittee	AM	<p>The proposal would not provide any cost savings. It would also have very little operational impact. The proposal would not require any significant additional training for staff or any need to revise processes and procedures. It would not have any significant impact on case management systems.</p> <p>No obvious issues are raised by making the proposal effective three months after JC approval. The proposal does not have any significant difference in its impact from small, medium or large courts.</p> <p>See comments on specific provisions below.</p>	<p>No response required.</p> <p>No response required.</p> <p>See responses to specific provisions below.</p>

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Form FL-157		
Commenter	Comment	Committee Response
<p>Association of Certified Family Law Specialists by Avi Levy, Legislative Director Woodland</p>	<p>On the FL-157 form, just need Attachment 13, not separate attachments for 13a-f.</p> <p>How does the reference to all the attachments on the form affect the 10-page limit? The issue is now potentially having approximately 17 attachment pages to Form-157 (attachments 4, 5a, 5b, 6, 7, 8, 10, 10b, 11, 12b, 12c, 13a-e, 14, etc.). Is there a page limit for the various attachments?</p> <p>Have we now done away with the 10-page limit as set forth in Rule 5.112.1 of the California Rules of Court because one can now provide an unlimited amount of information on various attachments to Form FL-157?</p>	<p>The committee agrees with this suggestion and has incorporated it into the amendments that it is recommending for adoption.</p> <p>The attachments listed on form FL-157 do not change rule 5.112.1. Like most Judicial Council forms, form FL-157 anticipates the need for some parties to use attachments, but also provides space which may be sufficient to include facts to support each Family Code section 4320 factor. If a party does find that the attachments to the form will exceed the limit, then rule 5.111 allows the party to request permission to extend the length of the declaration.</p>
<p>Family Violence Appellate Project by Cory Hernandez, Staff Attorney Oakland</p>	<p>This form would greatly benefit from an FL-157-INFO form. This form is essentially asking a litigant to make their case using the law as to why spousal support should or should not be ordered. Asking an unrepresented litigant to do that without an explanation of what the terms in the code sections mean or what is really being asked does not help them or the court in making a correct determination.</p> <p>While FL-157 is being revised to reflect the changes to the considerations on domestic violence, this form also reflects the improvements and additions that have been made to FL-343 and created in FL-349.</p> <p>The documents to which this form is attached should include the FL-300-Request for Order as one of the options particularly as this form is explicitly referred to in the FL-300 on page 3.</p>	<p>Because recommending a new information sheet for form FL-157 would be an important substantive change to the proposal, the committee believes public comment should be sought. The committee may consider this suggestion in a future cycle.</p> <p>The committee agrees to recommend revising form FL-157 to reflect the improvements made to forms FL-343 and FL-349.</p> <p>The committee agrees with these suggestions and has incorporated it into the amendments that it is recommending for adoption.</p>

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Form FL-157		
Commenter	Comment	Committee Response
	<p>In general, Items #5-13 would benefit from having the descriptions of the factors as their titles rather than the code sections that will likely have no meaning to an unrepresented litigant. The new FL-349 uses this method and it is even more important in this document, which is a declaration of a party rather than a document completed by the court.</p> <p>It would be helpful if it was clear to the declarant whether they should attach actual documents to support their responses and if those should be labeled as an attachment to that question.</p> <p><i>Standard of living of the marriage or domestic</i> The marital standard of living is a threshold determination under Family Code 4320. Unrepresented parties need an information sheet with a clear explanation of what this phrase means in the legal context and where it fits in with the other factors. Without an information sheet on what is marital standard of living the examples provided unfortunately will not be clear enough for an unrepresented party. The examples reflect an implicit wealth that does not have to exist for spousal or partner support to be involved. It may cause an unrepresented litigant who does not see themselves in these examples to believe that it does not apply to them. For example, a declarant could describe information from tax return, which can be used as evidence of the marital standard. Without an information sheet to explain marital standard of living, an unrepresented litigant may not know that this factor is required and may skip it in favor of other questions, which would be to their detriment.</p>	<p>The committee agrees with these suggestions and has incorporated it into the amendments that it is recommending for adoption.</p> <p>The committee agrees with these suggestions and has incorporated it into the amendments that it is recommending for adoption.</p> <p>Because recommending a new information sheet for form FL-157 would be an important substantive change to the proposal, the committee believes public comment should be sought. The committee may consider this suggestion in a future cycle. For the current form, the committee recommends including more examples to describe the standard of living.</p> <p>The committee agrees with these suggestion and has</p>

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Form FL-157		
Commenter	Comment	Committee Response
	<p><i>Family Code Section 4320(i)</i></p> <p>In general, it is always difficult when any form requires an unrepresented litigant to know or refer to a separate code section in order to know what something means. This is another reason why descriptive question titles and having an FL-157-INFO sheet would be helpful. As an example, this question uses the term “documented evidence” where up until now the declarant has been asked to provide any facts in support. Without more information, it is unclear how an unrepresented litigant is supposed to know how or if “documented evidence” is different. For example, an unrepresented party is unlikely to know if a separate declaration from them on the history of violence or emotional distress is “documented evidence” and therefore can be attached. In other areas of the form, there have been examples provided to assist with answering the question and this may be an area where that is also necessary. In addition, this question that asks the declarant to actually provide the information. As noted, it is not clear in the other questions whether the declarant should provide supporting evidence for their responses.</p> <p>This question also highlights why having an overview of the number of attachments and the total number of pages at the beginning of the form would be helpful.</p> <p>For Line #13(e): The code section uses the word “or other</p>	<p>incorporated them, with modifications, into the amendments that it is recommending for adoption.</p> <p>The number of pages attached is generally more applicable to the main form to which the forms are attached. If included, the entry for the total pages in Judicial Council forms appears on the last page of the main form. Due to the possibility of a greater number of attachments to the form, the committee recommends an entry “Number of pages attached____” at the end of this form.</p> <p>The committee agrees with the suggestion and has incorporated it into the amendments that it is</p>

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Form FL-157		
Commenter	Comment	Committee Response
	<p>proceeding” but using that literally could be misleading. A finding of domestic violence in a divorce or a child custody case does not necessarily happen in a proceeding under Family Code section 6200 et seq. (DVPA). The use of the term “or other proceeding” implies that the prior court actions are also proceedings under the DVPA. The use of the phrase “a proceeding” or “any proceeding” is clearer and more accurate description of what the declarant is being asked.</p> <p>The description accurately recognizes that the court is not limited to only #13(a)-(e), but because there is no space or an “other” option it may appear on the form as if it only includes the five items. The “other” option is included in the new form FL-349 an should be included here as well.</p> <p><i>Additional Factors (Family Code section 4320(j)-(n))</i> These factors should be separated as individual questions. It is unclear why these factors put together and the declarant is asked to talk about them in a combined space below. These factors are not more or less important than the other lettered considerations as laid out in the statute. They are not subfactors of another factor but individual factors in their own right about which the court must make findings. Separate questions are necessary to help an unrepresented litigant to understand that each of these is a distinct item about which the declaration can give testimony and supporting evidence. This will be difficult to achieve if the questions are put under one number and the declarant is asked to talk about all or some of them together in the space below in one attachment.</p>	<p>recommending for adoption.</p> <p>The committee agrees with the suggestion and has incorporated it into the amendments that it is recommending for adoption.</p> <p>The committee agrees with these suggestions and has incorporated them, with modifications, into the amendments that it is recommending for adoption.</p>
Superior Court of Orange County	Item 3 in the form has been revised to include information not related to the party's job skills, for that reason the following	The committee agrees with the suggestion and has incorporated it into the amendments that it is

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Form FL-157		
Commenter	Comment	Committee Response
	<p>change is needed: 5 (a) (1) The current job market for the job skills of the supported party described in item 3 (a)(1) is: should be changed to; 5 (a) (1) The current job market for the job skills of the supported party described in item 5 (a)(1) is:</p> <p>The proposal would not provide a cost savings.</p>	<p>recommending for adoption.</p> <p>No response required.</p>
<p>Superior Court of Riverside County by Susan Ryan</p>	<p>The new section #13 is awkwardly constructed. Rule FL 4320(i) requires the courts to consider documented evidence of domestic violence. The examples of documentation are listed in item #13 of the form. The form then adds attachment boxes to each example.</p> <p>Question #14 provides a better example of how this subsection should be handled.</p> <p>“The court will also consider all documents evidence of any history of domestic violence before making a judgment for spousal or domestic partner support:</p> <p>a. A plea of nolo contendere ("no contest") b. Emotional distress resulting from domestic violence perpetrated against the supported party by the supporting party. c. Any history of violence against the supporting party by the supported party. d. Issuance of a protective order after hearing under Family Code section 6340. e. A finding by a court during the pendency of a divorce, separation, or child custody proceeding, or other proceeding under Family Code sections 6200–6409, that the spouse or domestic partner has committed domestic violence.</p> <p>List and attached as Attachment #13, the documented evidence</p>	<p>The committee agrees with the suggestion and has incorporated it, with modifications, into the amendments that it is recommending for adoption.</p>

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Form FL-157		
Commenter	Comment	Committee Response
	of any history of domestic violence that will assist the court in considering the above factor.”	
Trial Court Presiding Judges Advisory Committee/Court Executive Advisory Committee Joint Rules Subcommittee	<p>Item 4 includes a list in the parentheses that is either not necessary, or too limiting. If there are to be examples given, recommend those examples from case law and treatises be included, such as a reference to the parties’ “general station in life”, ability to save for retirement (Marriage of Kerr)</p> <p>Item 5 did not include items (3) and (4) from current Form item 3 and that are included in FC Sec 4320(a)(1). Propose return those sections from old for item 3 to new form item 5.</p> <p>Item 14 does not include the prohibition of an award of support pursuant to FC Sec. 4324.5. Propose including that.</p> <p>Item 14 Additional Factors includes a single line for 4320(1) without room for any explanation. This is often an important issue and factor and suggest it be given its own line item.</p>	<p>The committee agrees with these suggestions and has incorporated them, with modifications, into the amendments that it is recommending for adoption. However, the committee prefers not to use the phrase “general station in life,” as it may cause confusion.</p> <p>The committee agrees with these suggestions and has incorporated them into the amendments that it is recommending for adoption.</p> <p>The committee agrees with this suggestion and has incorporated it into the amendments that it is recommending for adoption.</p> <p>The committee agrees with this suggestion and has incorporated it into the amendments that it is recommending for adoption.</p>

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Form FL-343		
Commenter	Comment	Committee Response
Association of Certified Family Law Specialists by Avi Levy, Legislative Director Woodland	*Family support references should stay since some parties still have family support orders.	The committee recommends retaining the reference to “family support” on the form.
Harriett Buhai Center for Family Law by Rebecca L. Fischer Staff Attorney Los Angeles	<p>While having the form used for both stipulations and for orders after a hearing is reasonable, the set-up of the form makes that process a little confusing. There is now a place to mark in the caption of the form whether the form is being completed as “the court finds” or the “parties stipulate”. This seems useful.</p> <p>However, the language in later sections focuses only on court findings. For example, if parties make an agreement that includes stipulating to some or all of the 4320 factors, how do they make that clear in item 2? If they mark one of the boxes under 2d, the language at the start of 2d suggests that the court has made findings even when the court may have never heard the issue.</p>	<p>No response required.</p> <p>The committee agrees with these suggestions to revise the form so that it consistently addresses parties who are using it as a stipulation.</p>
Superior Court of Orange County	<p>Include an area where the Court can clearly make a finding of the parties' agreement; 3 (f) <input type="checkbox"/> The Court finds the parties knowingly, intelligently and voluntarily entered a stipulation.</p> <p>Making changes on forms to ensure litigants understand the</p>	The committee agrees with this suggestion and has incorporated it, with modifications, into the amendments that it is recommending for adoption.

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Form FL-343		
Commenter	Comment	Committee Response
	<p>terms is complicated. The changes as proposed remain confusing, and since and since it has been recognized that majority of litigants are self-represented in Family Law, my recommendation for section 1 - Termination (end) of support is as follows;</p> <p>6. Parties' Agreement Regarding Termination (end) of support</p> <p>By law, unless the parties otherwise agree in writing, the parties' agreement is as follows:</p> <p>1. The support payor's obligation to pay support will continue on the death or either party, remarriage, or registration of a new domestic partnership of the supported party.</p> <p>2. The support payor's obligation to pay support will end on (specify):</p> <p>Should references to “family support” be removed from form FL-343? No.</p> <p>*The proposed changes to FL-343 would provide a cost savings. Yes. Based on the revisions there is less possibility of a Court order being overturned by the Court of Appeal resulting in additional processing in the originating court to make it part of the file.</p>	<p>The committee agrees with this suggestion and has incorporated it, with modifications, into the amendments that it is recommending for adoption.</p> <p>The committee agrees and recommends retaining the reference to “family support” on the form.</p> <p>No response required.</p>

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Form FL-343		
Commenter	Comment	Committee Response
Superior Court of Riverside County by Susan Ryan	The sentence construction could clarify the parties waiver of the default rule as follows: 6b. __ Parties' agreement. The parties agree that the support payor's obligation to pay support will not end as described in 6a, but: (1) will continue on the death of either party, remarriage, or registration of a new domestic partnership of the supported party. (2) will end on (specify): _____	The committee agrees to recommend revisions to item 6 to make this section easier to understand and complete.
Superior Court of San Diego County by Michael Roddy, Executive Officer	* References to “family support” should not be removed from form FL-343.	The committee agrees and recommends retaining the reference to “family support” on the form.
Family Violence Appellate Project by Cory Hernandez, Staff Attorney Oakland	The revisions to this form overall are positive and should be helpful to unrepresented litigants. At the same time, the fact that the form is optional does not prevent issue such as what happened in Marriage of Martin from happening again so long as local courts continue to allow or in some cases required their own forms. The change of “Stipulated” to “Parties Stipulated” is a helpful change. The form does a good job in adding the distinction between “The Court Finds” and “The Parties Agree”, the addition of requirements for the title and date of the written agreement would be more protective of unrepresented litigants. It would be helpful and clearer if the section title “The Court Orders” were in a larger font and was similar to “The Court	No response required. The committee agrees to add space for the parties to include the date of their stipulation. The committee agrees with this suggestion and has incorporated it, with modifications, into the amendments

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Form FL-343		
Commenter	Comment	Committee Response
	<p>Finds” used earlier in the form.</p> <p><i>Findings on Family Code section 4320 factors</i> The statement here should clarify whether these findings are based on the court or based on agreement, as the language about what the court used to determine the factors would not apply in a stipulation.</p> <p>Form FL-349 was created to address concerns with the variances and error that happen when courts go through these required findings. In order to support those efforts, FL-349 should be a required attachment to the form FL-343. Allowing the findings to be listed below or in a separate attachment would merely continue the problems already identified because it does not provide a clear checklist of factors, which the court must go through carefully and systematically. Assuming the form is accepted, there is no reason that it should not be a better option than an attachment or open space below to go through each factor.</p> <p><i>Termination (end of) support</i> This addition would likely address the issue raised in Marriage of Martin. One recommendation for #6(b)(1) is to at the word “and after”, so that it is clear that both on and after the death, remarriage or registration support will continue.</p> <p>For Line #10: Attachment to Restraining Order After Hearing (DV-130): The revised version of the information is clear and easier to read than in the current version and is a helpful change.</p>	<p>that it is recommending for adoption.</p> <p>The committee agrees with this suggestion and has incorporated it into the amendments that it is recommending for adoption</p> <p>Because recommending form FL-349 as a mandatory attachment to form FL-343 would be an important substantive change to the proposal, the committee believes public comment should be sought before either form they are considered for adoption as mandatory form. The committee may consider these suggestions in a future cycle.</p> <p>The committee recommends changing item 6 as follows because it better simplifies the language used in Family Code section 4337:</p> <ol style="list-style-type: none"> a. By law, unless the parties otherwise agree in writing, the support payor’s obligation to pay support will end when either party dies or the support payee remarries or registers a new domestic partnership. b. The parties agree that the support payor’s obligation to pay support will not end as described in 6a. Instead, the support payor’s obligation to pay support will continue until <i>(specify below the terms of your</i>

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Form FL-343		
Commenter	Comment	Committee Response
	<p>For Line #9(a): Duty to become self-supporting: The notice here should clarify that the failure to make reasonable good faith efforts may be a factor where it is actually ordered by the court.</p>	<p><i>agreement about when the support payor's obligation to pay support will end).</i></p> <p>The notice currently states that failure to make reasonable, good-faith efforts may be one of the factors considered by the court as a basis for modifying or terminating support; however, the committee recommends additional changes to this section to highlight this issue.</p>
<p>Trial Court Presiding Judges Advisory Committee/Court Executive Advisory Committee Joint Rules Subcommittee</p>	<p>The proposed change was necessary to address issue raised in In Re Marriage of Craig and Martin. This is addressed in item 6. Termination of Support. Some of the reorganization changes are confusing and should be modified or retracted.</p> <p>Item 6. Termination of Support Suggest the following change to be consistent with the statute (FL Sec. 4337.) o Item 6.a. now reads “By law, unless the parties otherwise agree in writing, the support payor’s obligation to pay support will end on the death of party, remarriage, or registration of a new domestic partnership of the support payee.”</p> <p>Propose Item 6.a to read: “By law, unless the parties otherwise agree in writing, the support payor’s obligation to pay support will end on the death of either party, remarriage of the support payee, or registration of a new domestic partnership of the support payee.” Obviously, support does not terminate with remarriage of support payor.</p> <p>Item 6b. is confusing. It lumps all categories together, but a party might agree to pay support after one of the conditions in 6.a., but not another. Suggest it be changed: o [] The parties have agreed in writing that the support payor’s obligation to</p>	<p>The committee recommends retaining the reference to “family support” on the form.</p> <p>No response required.</p> <p>The committee appreciates the commenter’s suggestion for improving the form. However, after considering all comments on this item, the committee recommends that item 6 state the following, as it better simplifies the requirements of Family Code section 4337:</p> <p>a. By law, unless the parties otherwise agree in writing, the support payor’s obligation to pay support will end when either party dies or the support payee remarries or registers a new domestic partnership.</p> <p>b. The parties agree that the support payor’s obligation to pay support will not end as described in 6a. Instead,</p>

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Form FL-343		
Commenter	Comment	Committee Response
	<p>pay support will not end as set forth in item 6.a. The parties have agreed in writing that the support payor’s obligation to pay support will continue as provided in [] the attached written agreement [] as follows:</p> <p>Reorganization changes: First, the changes to the top of the form are confusing. Propose the following: o Eliminate the box below The Court Finds that states the parties stipulate. It is already one of the boxes at the very top of the form.</p> <p>Eliminate the number 1 Temporary Support. This is very confusing and out of place. Net income should be a standalone item, not placed beneath “Temporary spousal or partner support.”</p> <p>There is already a box for modification in item 2.a. Perhaps include that this order modifies a temporary support order as new box in item 2.</p> <p>Item 4. Item 4 is the support amount. Item 6.b. in the old form included language that “Support must be paid by check, money</p>	<p>the support payor’s obligation to pay support will continue until <i>(specify below the terms of your agreement about when the support payor’s obligation to pay support will end)</i>.</p> <p>The committee appreciates the commenter’s suggestions, however, does not agree with the specific suggestion for revising the form. The reference to findings and stipulation serve as the header for this first section of the form and are not duplicative of the choices above the headers. To better clarify this point, the committee recommends reorganizing the form to clearly indicate that each section of the form relates either to an order or a stipulation.</p> <p>The form separates “Temporary Support” from “Judgment.” because there are different requirements when presenting documentation in support of each. For example, a computer printout of the parties’ financial condition is not permitted to determine a judgment for support and findings are not required for temporary orders. To further clarify this item, the committee recommends adding check boxes in front of item 1 and item 2, so the form user can specify whether this attachment relates to temporary spousal or domestic partner support or a judgment for spousal or domestic partner support. In addition, the committee recommends that an instruction above item 1 state the party or the court needs to check item 1 or item 2.</p> <p>The committee agrees with the commenter and</p>

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Form FL-343		
Commenter	Comment	Committee Response
	<p>order, or cash.” This language did not carry over from old form. Suggest adding an item 4.d. that provides that that “Support must be paid by check, money order, direct deposit, cash or by _____”</p> <p>Item 8. Propose that Notice of change of employment be expanded to include change in other sources of income or wealth.</p> <p>Item 10. Is somewhat redundant. The top of the form includes a space that this order could be an attachment to a Restraining Order after Hearing. Propose maintain the form as set forth in current form Item 10.</p> <p>Should references to family support be removed from FL – 343? No, the references are important given that a party can still seek an initial order for family support for state tax purposes.</p>	<p>recommends revising the form as suggested, with modifications.</p> <p>The committee appreciates the commenter’s suggestion, however, the committee recommends revising the form so that the language is consistent with existing Judicial Council forms.</p> <p>The committee appreciates the commenter’s suggestion, however, does not agree that item 10 is redundant. The committee recommends revising the form as proposed to make the form easier to read and highlight the fact that the support orders do not expire upon termination of the restraining orders.</p> <p>The committee recommends that the form retain the reference to family support.</p>

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Form FL-345		
Commenter	Comment	Committee Response
<p>Association of Certified Family Law Specialists by Avi Levy, Legislative Director Woodland</p>	<p>Yes, keep language (below) on FL-345. Seems clear as-is.</p> <p>The parties understand that the creditors are not bound by this judgment. If a creditor seeks payment from the party who is not listed as responsible for the debt, that party can file a motion to seek reimbursement from the defaulting party.</p>	<p>The committee recommends that the form be revised to include a more plain-language statement about division of community property debt and creditors.</p>
<p>Family Violence Appellate Project by Cory Hernandez, Staff Attorney Oakland</p>	<p>For Line #2f: The primary question whether or not to remove the caveat in the orders assigning responsibility for payment of debt that creditors will not honor these orders. Judges have wanted it removed because it is technically not an order. While it is not an order and should be presented differently, it should not be removed altogether. The language should be kept with its own checkbox to say that the parties have been or are notified and keep the same language. The fact that creditors do not honor these orders assigning debts is an ongoing problem.</p> <p>As a party, it is difficult to understand why the creditors do not have to follow a court order. Notifying them of the fact that creditors will likely still go after them for unpaid debt is consistent with expecting litigants to understand the order that they “will hold [the other party] harmless” a phrase which uses words that have different meanings in the legal and non-legal context and yet are not explained.</p> <p>For Lines #2c and #2d: While the invitation does not specifically seeking comment on these changes, the changes to 2(c) and 2(d) are helpful. The changes add the attachment checkbox that is used in other lines on the same form, which helps to make it consistent.</p> <p>The other changes are additions that specifically state that the</p>	<p>The committee agrees to retain a notice in the form about creditors not being bound by the judgment, but simplify the language.</p> <p>The committee recommends that the form be revised to provide a plain-language notice about creditors not being bound by the judgment.</p> <p>No response required.</p> <p>The committee agrees with these suggestions and has</p>

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Form FL-345		
Commenter	Comment	Committee Response
	party is assigned the debt listed below, is solely responsible for the debts listed below and will hold the party harmless from the debts in three separate lines are helpful. The last item #2(c)(3) should also say “debts listed below” rather than “the debts” to be clear and consistent with the other two statements.	incorporated them, with minor alterations, into the amendments that it is recommending for adoption.
Harriett Buhai Center for Family Law by Rebecca L. Fischer Staff Attorney Los Angeles	<p>Should the information on current Form FL-345 [regarding creditors/ judgment] continue to be included on the form?</p> <p>Yes. This information is particularly critical to pro per litigants who may be unaware of a judgment’s lack of effect on creditors as well as their own rights for seeking reimbursement. It is important for pro per litigants to know that the court would have the authority to address the reimbursement issue.</p> <p>If it should be included, please provide suggestion on the best way to convey the information.</p> <p>The information could be listed at the end of the form as “for information only” or as a “notice”, possibly separated in a text box for further contrast, if the language continues to include the information regarding creditors not being bound by the judgment. Other Judicial Council forms provide similar types of notice of potential consequences for not following an order, such as the notice contained at the end of the FL-342 regarding interest.</p> <p>If the focus of the language is on the right for reimbursement, the language could be rephrased as an order for retention of jurisdiction. For example, in section 1 h, the revised draft of the form makes it clear the court reserves jurisdiction to divide any assets that were not listed and enforce the terms of the order.</p>	<p>The committee recommends that the form retain the language regarding creditors.</p> <p>The committee agrees with these suggestions and has incorporated them, with minor alterations, into the amendments that it is recommending for adoption.</p> <p>No response required.</p>

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Family Law: Changes to Spousal Support and Property Division Forms (Revise forms FL-157, FL-343, and FL-345; approve form FL-349)

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

Form FL-345		
Commenter	Comment	Committee Response
	Similar language could be added to section 2f, such as “the court reserves jurisdiction to divide any community debts not listed here and to enforce the terms of this order. This may include ordering a defaulting party to reimburse the other party for failing to follow the terms of this order.”	The committee agrees with these suggestions and has incorporated them, with minor alterations, into the amendments that it is recommending for adoption.
Superior Court of Riverside County by Susan Ryan	<p>Should references to “family support” be removed from form FL-343?</p> <p>Family Support should remain in the forms since state tax law still contains provision for family support.</p> <p>Questions about form FL-345:</p> <p>(1) Should the information on the current form FL-345 (underlined below) continue to be included on the form? <u>The parties understand that the creditors are not bound by this judgment. If a creditor seeks payment from the party who is not listed as responsible for the debt, that party can file a motion to seek reimbursement from the defaulting party.</u></p> <p>Yes. This statement is useful. The new language in the form does not convey this concept plainly since it states the indebted party “will hold the [other] harmless from the debts.”</p> <p>(2) If it should be included, please provide suggestions on the best way to convey the information.</p> <p>The underlined should be included as statement at #2.c.3.</p>	<p>The committee agrees to maintain the reference to “family support” on the form.</p> <p>No response required.</p> <p>See above response.</p>

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Form FL-345		
Commenter	Comment	Committee Response
	<p><u>understand that the creditors are not bound by this judgment. If a creditor seek payment from the party who is not listed as responsible for the debt, that party can file a motion to seek reimbursement from the defaulting party.</u></p> <p>The revised proposed FL-345 can list this information as 2(g). Keep the language as it can be useful at later litigation in this case or a civil matter.</p> <p>The proposal would not provide a cost savings.</p>	<p>The committee recommends that the form be revised to provide a plain-language notice about creditors not being bound by the judgment.</p>
<p>Superior Court of San Diego County by Michael Roddy, Executive Officer</p>	<p>* The information on the current form FL-345 (underlined below) should continue to be included on the form.</p> <p>The parties understand that the creditors are not bound by this judgment. If a creditor seeks payment from the party who is not listed as responsible for the debt, that party can file a motion to seek reimbursement from the defaulting party.</p> <p>Given the number of SRLs, it is helpful to include information on the form. We propose that language be included as a notice in item 2 as follows:</p> <p>“Notice: Creditors are not bound by this judgment. If a creditor seeks payment from the party who is not listed as responsible for the debt, that party can file a motion to seek reimbursement from the defaulting party.”</p>	<p>The committee recommends that the form be revised to provide a plain-language notice about creditors not being bound by the judgment.</p>
<p>Trial Court Presiding Judges</p>	<p>Should the creditor information on FL 345 continue to be</p>	<p>The committee recommends that the form be revised to</p>

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Form FL-345		
Commenter	Comment	Committee Response
Advisory Committee/Court Executive Advisory Committee Joint Rules Subcommittee	stated? Yes, the creditor information should continue to be provided. Recommend it be placed parenthetically on FL345 at the end of 2. c. (3) and also at the end of 2. d. (3).	provide a plain-language notice about creditors not being bound by the judgment.

Form FL-349		
Commenter	Comment	Committee Response
Family Violence Appellate Project by Cory Hernandez, Staff Attorney Oakland	Overall, the addition of this form is welcome and necessary. The form fills a crucial gap in the way that orders on spousal support are made by allowing for the findings laid out by the judge, which would benefit the court making the decision (to have to reason it through), as well as the parties and reviewing courts (to understand why the court made its order) and future courts hearing modification requests. The form helps to prevent missing or inappropriately minimizing statutory factors, which is more likely to happen when using local forms, individual lists, or other tools. There is no reason for this form not to be mandatory. Even in cases where parties are represented, determining the findings from the court on the record or as part of the order can be difficult. The court may not go through the factors in a particular order, may forget to state that certain factors are not applicable, and otherwise engage in ways that are vulnerable to human error. Or a prior hearing may have had no court reporter present, and no settled statement as to what happened. Transcripts and other media may not show clearly what the court said and may include errors. The analysis and steps in the form are a visual written representation of what judges are	Recommending that the Judicial Council adopt the form as mandatory would be a substantive change requiring public comment, absent a legislative mandate. No response required.

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Form FL-349		
Commenter	Comment	Committee Response
	<p>supposed to be doing already.</p> <p>For an appeal, the findings of the court are a critical part of analyzing whether there is an appealable issue. The use of this form will be of particular benefit in understanding a court’s rationale behind its order. In family law in particular, where most parties are unrepresented and many are survivors of abuse, litigants should not be stuck battling against “implied findings” where the court has the ability to lay out its findings, and is otherwise required to do so. Requiring the court to take a few extra minutes in laying out its findings could save more time that would otherwise be needed, in the future, to figure out why the court ruled the way it did. Courts interested in protecting their rulings from appeal have nothing to lose and everything to gain from writing their specific findings of fact with regard to spousal support on the record.</p> <p>While it is interesting that the Council wants to encourage the use of this form as an option for stipulations, there are some concerns in doing it as presented. The needs of, and consequences to, unrepresented litigants are a priority when looking at documents to be used in a stipulation. These needs and consequences must be considered particularly where one party is represented and the other is not, leading to an unequal power dynamic. Anytime a form can be used as part of a written agreement, there should be clarity as to the exact document it is being attached to and the date of that document. Here, while the other forms are Judicial Council forms, there is no further explanation as to what the written agreement is titled, date, or what it is for. Adding a line requiring the parties</p>	<p>No response required.</p> <p>The committee agrees with the commenter and recommends that the form be revised to prompt the parties to include the date of their stipulation.</p>

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Form FL-349		
Commenter	Comment	Committee Response
	<p>to name and date the written stipulation would provide clarity for unrepresented litigants.</p> <p>Furthermore, using the “the Court finds” as the only phrase could be confusing because the court is not necessarily making the findings when accepting a stipulation. At best, the court would be signing an order that incorporates agreed-upon findings. A better option would be to add the phrase “The Parties Stipulate (Agree)” as in the updated FL-343.</p> <p>The Section Headings are helpful but should be numbered to allow for easier reference and clarity.</p> <p>And the form needs to state if and why a factor does not apply, rather than just leaving it blank.</p> <p><i>Goal to be self-supporting</i> Regarding the listed Family Code section 4320 factors, it is unclear why the “Goal to be self-supporting” is listed as item 3 on page 1, before the age and health of the parties, since this section is called “Preliminary Findings” and applies to both parties. There is no reason this factor should not be included somewhere under the heading of “Findings Regarding [sic] the Supported Party.” It is helpful that the Family Code Section 4320 subdivisions are right there near each heading.</p> <p><i>Earning capacity (supported)</i> Organizing the factors around those applying to the Supported Party and those applying to the Supporting Party is helpful. It is</p>	<p>The committee agrees with the commenter and recommends that the form be revised to also reflect the use of the form as the parties’ stipulations.</p> <p>The committee recommends that the form include an organization scheme that divides the form into 4 sections (“Section 1, Section 2, Section 3, and Section 4).</p> <p>The committee agrees with these suggestions and has incorporated them, with minor alterations, into the amendments that it is recommending for adoption.</p> <p>The committee agrees with the commenter and recommend that the “Goal to be self-supporting” be placed in the section about the supported party.</p> <p>No response required.</p>

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Form FL-349		
Commenter	Comment	Committee Response
	<p>great that the form does not simply follow the order of the 4320 subsections (see my earlier comment on FL-157, where this should also be done).</p> <p><i>Earning ability & contributions</i> Each of these factors in Family Code section 4320 are “the extent to which” questions. In other words, it is not just about whether it is or it is not, but about degree. The degree is part of the finding. In Line #7, it is listed as two separate pieces, and then there is a tiny parenthetical direction to explain. In Line #8, there is no directive to explain and it is listed as one statement. If the supported party did contribute that is only the threshold question. There has to be explanation about the extent so that should be clear in the form for both #7 and #8.</p> <p><i>Care for children</i> This is again a compound question, which rests first on the idea that there are children in the supported party’s care. That should be a separate subsection question first similar to the way it is laid out in Line #7.</p> <p>It is not clear why for this particular factor only there is an added “if needed use the space below to clarify the finding.” We should be encouraging the court to be clear in its findings and the support for those findings. Making the explanation optional and leaving a finding to merely a checkbox does not serve the purpose of making it clear what findings were based on and how the court looked at the facts.</p> <p><i>Assets and obligations</i> As with the other forms, the term “values and balances” is not</p>	<p>The committee agrees with these suggestions and has incorporated them, with minor alterations, into the amendments that it is recommending for adoption.</p> <p>The committee agrees with these suggestions and has incorporated them, with minor alterations, into the amendments that it is recommending for adoption.</p> <p>The committee agrees with these suggestions and has incorporated them, with minor alterations, into the amendments that it is recommending for adoption.</p> <p>The committee agrees with these suggestions and has incorporated them, with minor alterations, into the</p>

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Form FL-349		
Commenter	Comment	Committee Response
	<p>clear. It would also be better to split this into assets and obligations as two separate subsections.</p> <p><i>Other findings regarding the supported party</i> There is no catch-all for other findings under 4320 outside of 4320, subdivision (n), which is “any other factors the court determines just and equitable.” The statute does not ask for other findings. This question encourages considerations that may not be allowed and may not be appropriate. If the court finds there are other factors that are just and equitable it needs to identify those factors first and explain why they are just and equitable and then make its findings. There is already a Line #20 which is specific to 4320, subdivision (n), so there is no need for this section about findings without clarification as to the factors they relate to on this issue and what makes those factors just and equitable.</p> <p><i>Earning capacity (supporting)</i> The form would benefit from added space to explain the court’s finding here separate from an attachment despite this being a critical threshold issue. The court should explain why it is finding that the party’s earning capacity is not sufficient right there in the form as with the other factors.</p> <p><i>Ability to pay support</i> Items 13(b)-(e) are actually factors in determining (a), and should be listed that way rather than as equal facts. While there is space listed below b-d it is again not clear that the court needs to explain what is the basis for its finding after discussing #13e.</p>	<p>amendments that it is recommending for adoption.</p> <p>The committee agrees with these suggestions and has incorporated them, with minor alterations, into the amendments that it is recommending for adoption.</p> <p>The committee agrees with these suggestions and has incorporated them, with minor alterations, into the amendments that it is recommending for adoption.</p> <p>The committee agrees with these suggestions and has incorporated them, with minor alterations, into the amendments that it is recommending for adoption.</p>

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Form FL-349		
Commenter	Comment	Committee Response
	<p>Family Code section 4320, subdivision (c) specifies “earned and unearned income” but that is not reflected in the statements. Line #13b refers to gross income, c to investment income and d to assets and their values and balances.</p> <p>It is also not clear why values and balances is being listed as part of the finding when in other places it is part of the parenthetical including in Line #14. The code section only says “assets” and does not use the added words. If “values and balances” are going to be asked for it should be in a consistent way throughout the form and consistent with section 4320 which does not use that term directly.</p> <p>In addition, there is nothing in the statute that uses the word “current” to describe these items and in other parts of the form that word is not used. Again, there should be consistency when making factual findings about numbers that the time periods are clear.</p> <p>For line #13e, it is not appropriate to have a parenthetical about what a court should describe when making a finding on a party’s standard of living. The court should itself explain how it determined the marital standard of living and it may have nothing to do with what the parenthetical asks it to describe (this seems like it was cut and pasted from FL-157 which is a declaration not an order).</p> <p><i>Other findings regarding the supporting party</i> See comment for Line #11 for this same form. There is no catch-all for additional findings that the court may want to make in 4320. The purpose of this form in part is to keep the</p>	<p>The committee agrees with these suggestions and has incorporated them, with minor alterations, into the amendments that it is recommending for adoption.</p> <p>The committee agrees with these suggestions and has incorporated them, with minor alterations, into the amendments that it is recommending for adoption.</p> <p>The committee agrees with these suggestions and has incorporated them, with minor alterations, into the amendments that it is recommending for adoption.</p> <p>The committee agrees with these suggestions and has incorporated them, with minor alterations, into the amendments that it is recommending for adoption.</p>

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Form FL-349		
Commenter	Comment	Committee Response
	<p>court on track with the factors it is supposed to make findings on, not leave an open ended option at the end.</p> <p><i>Documented history of domestic violence</i> It is nice that it is a separate section but there should be clarification with the other section headings as this and the factors below are related to both parties. Perhaps “Preliminary Findings for Both Parties,” then acknowledging this section is for both parties and the following section as well. This is also why it would be good to have numbers for the Sections. This section could also go earlier than the sections on separate findings for the other parties, since for Line #17 it could be a basis for prohibiting support altogether.</p> <p>I think it is important for the findings section to include the information about which party or party were the subject of the no contest plea, the restraining order etc. There is also nothing here which asks the court to describe the documented evidence that it admitted or credited or found which is particularly important for findings made based on #16(b)(2) and #16(b)(3) which are less clear and specific.</p> <p>The statute asks the court to consider domestic violence “between the parties”. While there are situations where there is mutual acts of domestic violence with no dominant aggressor or acts in self-defense this is hardly the norm or the majority. The evidence of domestic violence being perpetrated by either the proposed supported or supporting party so including the details of what documented evidence was found and who is implicated in that evidence is important for parties to know and</p>	<p>The committee agrees with these suggestions and has incorporated them, with minor alterations, into the amendments that it is recommending for adoption.</p> <p>The committee agrees with these suggestions and has incorporated them, with minor alterations, into the amendments that it is recommending for adoption.</p> <p>Same as above response.</p>

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Form FL-349		
Commenter	Comment	Committee Response
	<p>understand and for use of the findings in appeal or as support. This section is designed to address the additional factors created by Assembly Bill 929. According to the author Senator Rubio, the bill was in part prompted by a case where the perpetrator of abuse was able to use the litigation process to engage in abuse and further acts of coercive control which is something at FVAP we know occurs frequently. Clarity and directness in both what is asked for and what is found is part of the key to addressing these issues.</p> <p><i>Documented evidence of criminal conviction</i> This is an awkward section because it relies on reference to other code sections rather than description. Under #17(a) there is a line that says “Based on the criminal conviction, described in a”. This sentence is a part of “a” so that is confusing. It is also awkward since this would only be relevant if the first sentence checked “is”. There is also no room for detail or description after affirming that there is or is not a conviction.</p> <p>There needs to be space there to say what is the evidence or what is the conviction and against whom (the supported or supporting party).</p> <p>Since the sub-questions in #17(a) and #17(b) both have a threshold question which may or may not make the sub-questions irrelevant, it should be laid out in that way.</p> <p><i>Tax consequences</i> This is under a section called “Findings on Other Factors.” Since this question asks for the tax consequences on each party individually, it is not clear why this could not be separated into</p>	<p>The committee agrees with these suggestions and recommends simplifying this item on the form.</p> <p>The conviction will necessarily relate to the party asking for support. Therefore, the committee recommends simplifying this section accordingly.</p> <p>The committee agrees with these suggestions and has incorporated them, with minor alterations, into the amendments that it is recommending for adoption.</p> <p>The committee agrees with these suggestions and has incorporated them, with minor alterations, into the amendments that it is recommending for adoption.</p>

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Form FL-349		
Commenter	Comment	Committee Response
	<p>and included under the separate headings for Findings Regarding the [] Party.” This would be more consistent with the organization of the form and allow someone to more easily find the findings specific only to each person.</p> <p><i>Balance of hardships for each party</i> It would be more effective if the court were required to actually state what it finds to be the hardships of each party or if the court thinks they are none. Sentences which say “On balance the hardships of each party are the same,” or, “On balance the level of hardship to each party is appropriate” may be findings but say nothing for a litigant who should have the information about the basis for the finding.</p> <p><i>Other factors</i> This title should be changed to be more consistent with the language of the code section. It should be “Other factors which the court finds just and equitable” to inform litigants that this where the court can and will add additional factors that they may not have been aware of but that there has to be an argument for why the court thinks these additional factors are just and equitable. This clarifies to some extent that this is something that could be pushed back on or appealed if the party believes it does not meet those definitions.</p>	<p>The committee recommends revising this item on the form to prompt the court or the parties to describe the analysis used in the balancing of the hardships to the parties.</p> <p>The committee agrees with these suggestions and has incorporated them, with minor alterations, into the amendments that it is recommending for adoption.</p>
<p>Superior Court of Riverside County by Susan Ryan</p>	<p>This document was created to aid the judicial officers and stating findings. This form is odd and unlike any other findings form used in Family Law. Rather than provide checkboxes for findings as you would see, for example, in FL 341(B) Child</p>	<p>The required findings under Family Code section 4320 are more complicated than the findings under Family Code section 3048. Form FL-341(B) also allows the court to attach documents to specify terms of the orders,</p>

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Form FL-349		
Commenter	Comment	Committee Response
	<p>Abduction Orders. This form would probably not be utilized since the judges would need to attach multiple documents if the allotted space under each section was insufficient.</p> <p>The committee should receive feedback from judicial officers before pursuing this form.</p>	<p>but attachments are not required in either form.</p> <p>The committee is attempting to provide a form for use by the court or by the parties who have a stipulation. Based on the comments received, the recommendation to adopt the form with modifications is supported.</p>
<p>Trial Court Presiding Judges Advisory Committee/Court Executive Advisory Committee Joint Rules Subcommittee</p>	<p>Good idea. Form to be used as attachment to FL-343 cross-referenced to Form 343 item 2.d.(2).</p> <p>The factors the court is required to consider pursuant to FC Sec. 4320 are included in a logical manner. Only factor 4320 (d) is missing. Suggest including space for findings related to 4320(d).</p> <p>The form does not provide a space for how the findings are balanced together and the court makes its actual award for support. It only lists each of the findings but does not prompt a place for analysis for how the various findings resulted in the amount of support. Suggest a final space where the court can set forth its decision as a result of balancing all of the factors.</p> <p>13(e) includes a list in the parentheses that is either not necessary, or too limiting. If there are to be examples given, recommend those examples from case law and treatises be included, such as a reference to the parties’ “general station</p>	<p>No response required.</p> <p>The committee agrees with these suggestions and has incorporated them, with minor alterations, into the amendments that it is recommending for adoption.</p> <p>The committee appreciates the commenter’s suggestions. Form FL-349 is designed to be an attachment to a judgment or order and is intended to give the judicial officer an optional form for making findings required by Family Code section 4320. The court’s decision would be entered on a separate document as part of the court’s judgment or order, for which the Judicial Council provides other forms (e.g., FL-340 and FL-180). For that reason, the committee recommends not including a space on this particular form for the court to set forth its decisions.</p> <p>The committee appreciates the commenter’s suggestions. Based on other comments, the committee prefers to recommend deleting the examples given in the form to describe examples of “standard of living,” as it is more appropriate for the parties declaration (form FL-</p>

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Form FL-349		
Commenter	Comment	Committee Response
	<p>in life”, ability to save for retirement (Marriage of Kerr)</p> <p>Item 17. Propose following changes: o 17.a. refers to FC Sec. 4324.5. This section applies to felony convictions and an award of spousal support to the convicted spouse from the injured spouse is prohibited.</p> <p>Suggest 17a be simplified to provide: There is documented evidence that [] Petitioner [] Respondent was convicted of a violent sexual felony or a domestic violence felony and [] Petitioner [] Respondent was the victim of that offense. Based on this finding the convicted spouse is prohibited from receiving an award of spousal support from the injured spouse. (Family Code Sec. 4324.5)</p> <p>Item 17b. Applies to misdemeanor convictions. As written, it does not comport with the language in FC Section 4325 because there is not a complete prohibition of an award of support in that section, only a rebuttable presumption against an award of support.</p> <p>Suggest 17b be simplified to provide: There is documented evidence that [] Petitioner [] Respondent was convicted of a domestic violence misdemeanor or a criminal conviction for a misdemeanor that results in a term of probation pursuant to Penal Code Section 1203.097 and [] Petitioner [] Respondent was the victim of that offense. Based on this finding, there is a rebuttable presumption that the convicted spouse is prohibited from receiving an award of spousal</p>	<p>157) than for a document completed by the court.</p> <p>The committee agrees to simplify this section of the form. For example, the party asking for support will, under the Code, be the convicted party. Therefore, the section could be simplified accordingly.</p> <p>The committee appreciates the commenter’s suggestions for improving this part of the form. After considering other comments, the committee recommends revising this part of the form using simplified language that still reflects the requirements of the statute.</p> <p>Same as above response.</p> <p>Same as above response.</p>

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Form FL-349		
Commenter	Comment	Committee Response
	support from the injured spouse. The court finds that the presumption: [] has not been rebutted by a preponderance of the evidence, and based on this finding the convicted spouse is prohibited from receiving an award of spousal support from the injured spouse. [] has been rebutted by a preponderance of the evidence.	