



Judicial Council of California

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REPORT TO THE JUDICIAL COUNCIL

Item No.: 25-037

For business meeting on October 24, 2025

Title

Family Law: Rules and Forms to Determine Parental Relationship Based on Gestational Carrier Agreement

Rules, Forms, Standards, or Statutes Affected

Adopt Cal. Rules of Court, rule 5.78; amend rules 5.2, 5.7, 5.16, 5.50, 5.52, and 5.96; repeal rule 5.51; adopt forms SUR-100, SUR-100(J), SUR-110, SUR-120, SUR-165, and SUR-230; approve forms SUR-050-INFO, SUR-113, SUR-115, SUR-117, and SUR-230(A); revise forms FL-190, FL-211, and FL-250

Recommended by

Family and Juvenile Law Advisory Committee
Hon. Tari L. Cody, Cochair
Hon. Stephanie E. Hulsey, Cochair

Report Type

Action Required

Effective Date

July 1, 2026

Date of Report

October 10, 2025

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Executive Summary

The Family and Juvenile Law Advisory Committee recommends a new form series for parties (intended parents) who conceive a child with a gestational carrier (also known as a surrogate) under the terms of a gestational carrier agreement (also called “an assisted reproduction agreement for gestational carriers”) and then seek a judgment in family court determining a parental relationship under Family Code sections 7960–7962. The committee also recommends that the council adopt a new rule of court, amend several rules, repeal one rule, and revise three family law forms to add content for gestational surrogacy cases. The proposal originates from judicial officers and attorneys who shared their ideas for uniform rules and forms, specific to

gestational surrogacy cases, that would benefit family court judges, court clerks, the parties, and their attorneys.

Recommendation

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective July 1, 2026:

1. Adopt California Rules of Court, rule 5.78, Actions or proceedings to determine a parental (or nonparental) relationship involving an assisted reproduction agreement;
2. Amend rules 5.2, 5.7, 5.16, 5.50, 5.52, and 5.96 to include new terms, references to forms in a new gestational surrogacy (SUR) series, and procedures specific to parentage cases based on a gestational carrier agreement;
3. Repeal rule 5.51, Confidential cover sheet for parentage actions or proceedings involving assisted reproduction; other requirements, the substance of which is being moved into rule 5.78;
4. Adopt six mandatory forms:
 - *Petition to Determine Parental Relationship* (form SUR-100), for alternative mandatory use;
 - *Joint Petition to Determine Parental Relationship* (form SUR-100(J)), for alternative mandatory use;
 - *Summons—Gestational Carrier Agreement* (form SUR-110);
 - *Response to Petition to Determine Parental Relationship* (form SUR-120);
 - *Request to Enter Default* (form SUR-165); and
 - *Declaration for Default or Uncontested Judgment* (form SUR-230);
5. Approve five optional forms:
 - *How to Ask for a Judgment—Gestational Carrier Agreement* (form SUR-050-INFO);
 - *Notice of Lodging* (form SUR-113);
 - *Proof of Service of Summons* (form SUR-115);
 - *Notice and Acknowledgment of Receipt* (form SUR-117); and
 - *Declaration and Conditional Waiver of Rights Under the Servicemembers Civil Relief Act* (form SUR-230(A)); and
6. Revise three forms to include parentage cases involving a gestational carrier agreement:
 - *Notice of Entry of Judgment* (form FL-190);
 - *Confidential Cover Sheet—Parentage Action Involving Assisted Reproduction* (form FL-211); and
 - *Judgment* (form FL-250).

The proposed rules and forms are attached at pages 18–56.

Relevant Previous Council Action

The Judicial Council has not previously taken action to develop rules and forms specifically to determine a parental relationship based on a gestational carrier agreement.

The Judicial Council previously took action with respect to a number of rules (rules 5.2, 5.7, 5.16, 5.50, 5.52, and 5.96) and three forms (forms FL-190, FL-211, and FL-250) in this report but that action is not relevant to this report.

Analysis/Rationale

Assisted reproduction

Assisted reproduction is conception by any means other than sexual intercourse.¹ It typically involves the use of technology to help increase the chance of conception and birth of a child and can include the use of donated genetic material (sperm, ova, or fertilized embryos) to conceive a child. Children conceived through assisted reproduction may be carried either by a person who intends to be a parent to the child (an “intended parent”) or by a surrogate.

Assisted reproduction often involves parties executing an “assisted reproduction agreement.” One type of agreement is a gestational carrier agreement used in surrogacy arrangements. Family Code section 7962 mandates that there be a written agreement and enumerates the mandatory content for an assisted reproduction agreement for gestational carriers.

There is also statutory language found in Family Code section 7613.5 (known as “statutory forms”), which can be used to create agreements for situations in which the person who carries and gives birth to the child is an intended parent. An intended parent may, but is not required to, incorporate the statutory language in their agreements to demonstrate their intent to be a legal parent of a child conceived in a manner described in section 7613.²

Surrogacy and surrogacy arrangements

Surrogacy is the process by which a woman (known as a surrogate or gestational carrier) carries and gives birth to a child for another person or persons (called the intended parent(s)).³ Family Code section 7960(f) identifies two types of surrogates: (1) a “traditional surrogate” is a woman who carries an embryo that was formed with her own ova and donated sperm, and (2) a

¹ Fam. Code, § 7606(a).

² The recommendations do not encompass cases involving statutory forms under section 7613.5. A party to an arrangement addressed by a statutory form for assisted reproduction would, instead, use the existing Judicial Council forms to ask for a judgment under the Uniform Parentage Act (UPA), commencing with *Petition to Determine Parental Relationship* (form FL-200), including *Confidential Cover Sheet—Parentage Action Involving Assisted Reproduction* (form FL-211).

³ Fam. Code, § 7960(f). A gestational carrier has no genetic relationship to the child or children because they do not provide any genetic material required to create the embryo or embryos used in the embryo transfer. (*Id.*, § 7960(f)(2).)

“gestational carrier” is a woman who is not the intended parent and who agrees to gestate a genetically unrelated embryo pursuant to an assisted reproduction agreement.

Section 7962 sets forth a process to be followed by parties to an “assisted reproduction agreement for gestational carriers” (referred to as a “gestational carrier agreement” in this proposal) to (1) establish a parent and child relationship between the intended parent or parents and the child conceived under the terms of that agreement and (2) rebut the presumptions of parentage of the gestational carrier and, if applicable, the gestational carrier’s spouse or domestic partner.⁴ The committee proposes to formalize the process described in section 7962 in the California Rules of Court and Judicial Council forms.

Cases and statutes involving a gestational carrier agreement

In 2013, Family Code sections 7960–7962 (Link A) were enacted to codify a series of California cases that upheld the validity of surrogacy contracts involving disputes between the intended parents and the surrogate about legal parentage of the child conceived under the terms of the contract.⁵ As amended in 2016, Family Code section 7620 established the requirements for subject matter jurisdiction and venue for parties who seek a judgment determining a parental relationship in family court under the Uniform Parentage Act (UPA). In 2020, section 7962 was amended to provide the requirements for a gestational carrier agreement.

Current procedures to begin parentage action involving a gestational carrier agreement

Parties to a gestational carrier agreement are required to obtain a judgment in family court to establish that the intended parents named in the agreement are the legal parents of the child and that the gestational carrier and the spouse or domestic partner of the gestational carrier are not the legal parents.⁶

Currently there are no Judicial Council forms that specifically address gestational surrogacy filings. As a result, intended parents and gestational carriers must pursue a judgment of parentage using the existing family law forms to establish a parent and child relationship between the intended parent or parents and the child conceived under the terms of a gestational carrier agreement. To this end, one of the parties—usually but not always the intended parents—will commence an action in family court to determine a legal parental relationship by filing *Petition to Determine Parental Relationship* (form FL-200), which requires *Confidential Cover Sheet—Parentage Action Involving Assisted Reproduction* (form FL-211).

⁴ The committee also recommends using “gestational carrier agreement” in the forms and rules of court instead of the statutory phrasing, an “assisted reproduction agreement for gestational carriers.”

⁵ *Johnson v. Calvert* (1993) 5 Cal.4th 84, *In re Marriage of Buzzanca* (1998) 61 Cal.App.4th 1410, *C.M. v. M.C.* (2017) 7 Cal.App.5th 1188, and a series of three companion cases before the California Supreme Court in 2005: *Elisa B. v. Superior Court* (2005) 37 Cal.4th 108, *K.M. v. E.G.* (2005) 37 Cal.4th 130, and *Kristine H. v. Lisa R.* (2005) 37 Cal.4th 156.

⁶ Fam. Code, § 7962(f)(2).

As reported to the committee by a group of attorneys who practice reproduction and fertility law and assisted reproduction technology law in California and internationally, many petitions to determine parental relationship in cases of gestational surrogacy are uncontested because both sides want the same relief—a determination based on their written agreement that the intended parents are the child’s parents, and the gestational carrier and any spouse or partner are not. This often results in the parties working together. For example, it is common practice for the petitioner’s attorney to prepare the forms on behalf of the respondent or respondents for review and signature. It is also common practice for the petitioner to file the initial papers, the completed response to the petition, and all documents necessary on behalf of all parties to request that the court enter a judgment.

New form series to increase uniformity in processing judgments

The committee recommends a new series of Judicial Council forms for cases involving gestational carrier agreements to facilitate processing a judgment in these cases. Having statewide forms for actions involving gestational carrier agreements under the UPA will create more uniformity, standardize processes statewide, and reduce delay in establishing parent and child relationships. This would facilitate:

- The timely entry of the intended parents’ names on the initial birth certificate as the child’s legal parents;⁷
- Authorizing the intended parents to independently direct the medical staff with respect to the child’s care after birth;
- Allowing the intended parents to add the child to their health insurance; and
- Permitting the intended parents to obtain travel documents for the child, for example, if traveling with the child to their home country.

Rules of court

To align with current practices and ensure that the process for obtaining a parentage judgment in gestational surrogacy cases is accessible, efficient, and uniform throughout the state, the committee recommends adopting a new rule, amending five rules, and repealing one rule.

Rule 5.78, Actions or proceedings to determine a parental (and nonparental) relationship involving an assisted reproduction agreement

This new rule identifies the forms needed to file a petition and response to determine a parental (and nonparental) relationship for cases involving the statutory forms for assisted reproduction, as well as traditional surrogacy and gestational surrogacy actions.

The rule incorporates the language in current rule 5.51 about the confidentiality of these actions. It also includes new content which reflects (1) existing collaborative practice in which a petitioner commences the action by filing and serving initial papers for the petitioner in the case or by completing all forms, declarations, and other documents for *all* parties to request entry of

⁷ Health and Safety Code section 102400 states, “Each live birth shall be registered with the local registrar of births and deaths for the district in which the birth occurred within 21 days following the date of the event.”

judgment and (2) existing practice of filing a declaration of the parties' fertility physician to demonstrate compliance with Family Code section 7962(d).⁸

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

This rule, which mandates the filing of a cover sheet to specify that an action is being filed under Family Code sections relating to assisted reproduction agreements, will be repealed because the proposal incorporates its provisions into new rule 5.78.

Rule 5.2, Division title; definitions; application of rules and laws

This rule includes and defines terms that are not found in the Family Code but are commonly used by parties, law practitioners, and court professionals. Rule 5.2(b) will be amended to add the term "gestational carrier agreement" and specify that it refers to an assisted reproduction agreement for gestational carriers as described in Family Code section 7962.

Rule 5.7, Use of forms

Rule 5.7(a) lists the types of forms adopted by the Judicial Council for use in family law proceedings. The rule will be revised to include the new form series for gestational surrogacy (to be identified by the prefix "SUR") in the list of form series (ADOPT, DV, EJ, and FL).

Rule 5.16, Designation of parties

Rule 5.16(b)(5) describes the parties who may take part in a proceeding to determine parentage. The text of subdivision (b)(5) will be reformatted as a list of such persons and expanded to include the intended or natural parents⁹ of a child conceived through assisted reproduction and the gestational carrier (and the gestational carrier's spouse or domestic partner, if applicable).

In addition, the rule will be amended to replace "the minor child" with "the child, as described in Family Code section 7635(a)." Even though the term "minor child" is used throughout the Family Code relating to actions for dissolution, legal separation, and nullity, the UPA specifically uses the term "child." Section 7635(a) specifies that the child under 12 years of age may and a child 12 years of age or older must be made a party to the action, and if the child is a minor, then the child must be represented by a guardian ad litem. This change makes the rule more consistent with the language of the governing law.¹⁰

⁸ Family Code section 7962(d) provides that the parties to a gestational carrier agreement must not undergo an embryo transfer procedure, or commence injectable medication in preparation for an embryo transfer for assisted reproduction purposes, until the gestational carrier agreement has been fully executed as required by subdivisions (b) and (c).

⁹ Under Family Code section 7601, "natural parent" means a nonadoptive parent, whether biologically related to the child or not.

¹⁰ The committee's recommendation in this report relates only to rule 5.16(b). However, rule 5.16(a) is part of a concurrent Judicial Council report, *Family Law: Joint Petition for Dissolution or Legal Separation* (item 25-155).

Rule 5.50, Papers issued by the court

Rule 5.50 lists the summons forms that must be issued by the court in family law proceedings. Rule 5.50(a) will be amended to provide that *Summons—Gestational Carrier Agreement* (form SUR-110) must be issued when the parties file *Petition to Determine Parental Relationship* (form SUR-100).¹¹ The heading of subdivision (b) will be amended to state “the clerk of the court,” instead of “clerk.”

Rule 5.52, Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)

This rule requires parties to file *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)* (form FL-105/GC-120) in all child custody, support, and parentage cases. The committee recommends amending the rule to include that, in actions involving an assisted reproduction agreement, form FL-105/GC-120 must be filed only when child custody or visitation (parenting time) or both are at issue. Using the term “assisted reproduction agreement” in the rule will cover all cases involving such an agreement—not only those involving a gestational carrier agreement.

Rule 5.96, Place and manner of filing

The new subdivision in the rule will establish the procedures for handling material lodged physically or electronically with the clerk of the court after a determination is made.¹² This new subdivision is modeled on an analogous provision in California Rules of Court, rule 3.1302, which addresses requirements for lodged material in civil matters.¹³ It is included in this proposal because Family Code section 7962(f)(1) requires that the parties lodge the gestational carrier agreement with the superior court.

Forms proposal

The committee recommends revising three mandatory forms in the family law series and creating 11 new forms in a new forms series, which will use the prefix “SUR,” for gestational surrogacy cases.

The recommended new forms series includes those that must be filed and served for gestational surrogacy cases that are uncontested, contested, or proceed by default. They include a joint petition form, which can be used when all parties to the arrangement are in agreement, and petition and response forms if the parties are not willing to sign a joint petition. The new form series also includes optional forms that parties file in support of a request to enter a judgment and an information sheet that describes several paths to obtain a judgment.

¹¹ The committee’s recommendation is to add a new subpart (E) to rule 5.50(a)(1). Rule 5.50 is also part of the concurrent Judicial Council report *Family Law: Joint Petition for Dissolution or Legal Separation* (item 25-155), which adds a new subpart (F) to subdivision (a)(1).

¹² Family Code section 7962 requires that the gestational carrier agreement be lodged with the court.

¹³ See Cal. Rules of Court, rules 3.1100, 3.1103. The rules do not apply to causes arising under the Family Code, except to discovery proceedings in family law.

Formatting and party references

Each form is specifically formatted to meet the needs of gestational surrogacy parentage cases. For example:

- Each form (except for the summons and information sheet) is marked “Confidential” because assisted reproduction cases are confidential cases under Family Code section 7643.5;
- The forms’ captions include space to provide the names of multiple petitioners and respondents for cases in which there are more than two intended parents or the gestational carrier has a spouse or domestic partner;¹⁴
- Additional date and signature lines are included for the parties and their attorneys; and
- Each form uses “(Gestational Carrier Agreement)” to designate the form family in the footer. Each form will also state that a gestational carrier agreement is also called “assisted reproduction agreement for gestational carriers” and will include a reference to Family Code section 7962.

Proposed new forms

How to Ask for a Judgment—Gestational Carrier Agreement (form SUR-050-INFO)

This information sheet is intended to serve as a resource for parties, attorneys, court clerks, and judicial officers. It lists the forms and documents required to be filed to commence an action in family court involving a gestational carrier agreement, as well as those required to ask for a judgment. The information sheet includes a list of resources to help connect parties to attorneys who specialize in assisted reproduction law and to free and low-cost legal help.

Petition to Determine Parental Relationship (form SUR-100)

This alternative mandatory form allows a party to petition the court to determine the parentage of any child conceived under the terms of a gestational carrier agreement if a joint petition (form SUR-100(J)) cannot be filed.¹⁵ It requires the petitioner to (1) specify the names, birthdates, and ages of the children (or the expected date of delivery of any children who are not yet born), the anticipated place of birth, and the number of children expected to be born; (2) provide information relating to jurisdiction and venue; (3) identify statutory claims that the party wants to make in the case; (4) detail their request for specific orders; (5) state whether they request other orders; and (6) date and sign the form.

¹⁴ The spouse or domestic partner is a required party to the action or proceeding under Family Code section 7962 because they are presumed to be the child’s parents under Family Code sections 7540 and 7611, unless the presumption is rebutted.

¹⁵ The Judicial Council has adopted mandatory forms as alternative forms, one of which must be used in a proceeding. For example, rule 7.101(b) of the California Rules of Court lists forms used in probate proceedings that have been adopted as alternative mandatory forms. Forms SUR-100 and SUR-100(J) would be the first forms adopted for alternative mandatory use in family law proceedings.

Form SUR-100 also includes an item for the petitioner to declare that the gestational carrier agreement:

- Meets the requirements of section 7962;
- Does not fully meet the requirements of section 7962 but, even so, the parties agree that parentage should be established; or
- Does not fully meet the requirements of section 7962 and thus a parental relationship should not be established.

Joint Petition to Determine Parental Relationship (form SUR-100(J))

This alternative mandatory form permits parties to a gestational carrier agreement to jointly petition the court for a judgment under the UPA. Parties who are in agreement on the terms of their proposed judgment would complete and sign the joint petition, lodge the gestational carrier agreement, file all declarations, and submit a judgment packet that includes *Judgment* (form FL-250), *Notice of Entry of Judgment* (form FL-190), and self-addressed, stamped envelopes.

This joint petition process is patterned after the summary dissolution proceeding for marriage or domestic partnership cases in which parties jointly request that the court enter a dissolution judgment under Family Code section 2400. As in the summary dissolution proceeding, the court will not issue a summons with the joint petition. Further, the joint petition is a simplified form that incorporates several of the forms used to ask for a judgment of legal parentage.¹⁶

Summons (form SUR-110)

Form SUR-110 is recommended for mandatory use as the summons when a petitioner files *Petition to Determine Parental Relationship* (form SUR-100). It mirrors *Summons* (form FL-210) and includes the statutory content required for UPA cases.

Notice of Lodging (form SUR-113)

Family Code section 7962(e) requires that a copy of the gestational carrier agreement be lodged with the court. Form SUR-113 is an optional form that parties may use to comply with that statutory requirement.

Proof of Service of Summons (form SUR-115)

This optional form will allow parties to comply with rule 5.66 (Proof of service), which requires parties to “file with the court a completed form to prove that the other party received the petition or complaint or response to petition or complaint.”¹⁷ The content of form SUR-115 reflects the

¹⁶ Content from the following forms has been combined into the new form: *Appearance, Stipulations, and Waivers* (form FL-130), *Declaration for Default or Uncontested Judgment* (form FL-230), *Advisement and Waiver of Rights Re: Determination of Parental Relationship* (form FL-235), and *Stipulation for Entry of Judgment Re: Determination of Parental Relationship* (form FL-240).

¹⁷ Cal. Rules of Court, rule 5.66(a).

collaborative practice among attorneys in gestational surrogacy cases in which a petitioner’s attorney may complete all the paperwork for the petitioner *and* each respondent.

Notice and Acknowledgment of Receipt (form SUR-117)

This form for optional use is patterned after *Notice and Acknowledgment of Receipt* (form FL-117), which is used instead of a proof of service of summons form for cases in which the petitioner declares that the documents listed on the form were served by mail to the respondent.

Response to Petition to Determine Parental Relationship (form SUR-120)

This mandatory form allows respondents to indicate whether they agree or disagree with the assertions in the petition about such matters as parentage and nonparentage, jurisdiction, venue, and whether the gestational carrier agreement complies with Family Code section 7962.

Request to Enter Default (form SUR-165)

This mandatory form is filed by the petitioner to ask the court to issue a default judgment when the respondent has failed to file and serve a response to the petition within 30 days. As in the current family law parentage process, a default judgment could be entered as either a “true” default (no response to the petition is filed in the case) or a “default with agreement” (no response to the petition is filed but the parties have signed a settlement agreement or proposed judgment).

Declaration for Default or Uncontested Judgment (form SUR-230)

The committee recommends this single declaration form for mandatory use. The form—based on the content of several forms used to determine a parental relationship (see footnote 16)—would be used to ask that the court enter the judgment based on a respondent’s default or the agreement of the parties in an uncontested matter.

Declaration and Conditional Waiver of Rights Under the Servicemembers Civil Relief Act (form SUR-230(A))

Optional form SUR-230(A) is based on form FL-130(A). Form SUR-230(A) will serve as the mandatory waiver attached to form SUR-230 if the respondent is a member of the military services of the United States of America, per item 1b of form SUR-230. The form is drafted to comply with the requirements of the Servicemembers Civil Relief Act, including that the waiver must be in at least 12-point type.¹⁸

Revised FL forms

The committee recommends that parties in assisted reproduction cases be required to complete the two current forms used in nonconfidential parentage proceedings, *Notice of Entry of Judgment* (form FL-190) and *Judgment* (form FL-250), rather than recreating these forms with the prefix “SUR.” And because form FL-250 is not a confidential form, the committee proposes revisions that will maintain the confidential nature of the assisted reproduction proceeding. For example, no content on the forms would specify that the case involves an assisted reproduction

¹⁸ 50 U.S.C. § 3918.

agreement. This protection is particularly important for some international intended parents who will return to their home country and seek to establish a legal parental relationship once there.¹⁹

Notice of Entry of Judgment (form FL-190)

This form is used by court clerks to notify the parties and their attorneys that the court entered a judgment in the case. The caption of current form FL-190 will be revised to accommodate cases involving multiple parties. Items 1 through 8 will be reformatted to allow for more space at the bottom of the form for two additional mailing address boxes.

To address a separate issue raised by court professionals, the form will be updated to provide two separate fields for the effective date of a judgment of dissolution.²⁰ The revision is unrelated to the changes required for parties to use the form for parentage cases involving assisted reproduction.

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

Family Code section 7643.5 requires that a party use this form to identify that the party is initiating an action or proceeding involving assisted reproduction under Family Code section 7613, section 7630(f), or sections 7960–7962. The form will be revised to remove references to sections 7960–7962 and specify that the form is not used for cases involving gestational carrier agreements under sections 7960–7962.

Judgment (form FL-250)

The committee recommends various changes to form FL-250. Its caption will be revised to provide space to identify multiple parties. Several items in the form will also be changed for the parties to specify that there are multiple petitioners and multiple respondents in the case.

The committee recommends reorganizing item 2 on the current form under new headings numbered as items 2 to 5 to make the form easier to read. Item 3 will include the list of all persons present at the hearing, if applicable. Items 4 and 5 reorganize the declarations for each party that are at items 2f and 2g in the current form.

The committee recommends formatting and other technical changes to the second page of the form to accommodate the needs of parentage actions involving gestational carrier agreements. The changes include blank space in item 6 to write the names of the parties who are, and are not, determined to be the parents of the children also listed in item 6, adding a separate heading for child support orders, and, under the item for further court orders, include a checkbox and blank

¹⁹ International laws on surrogacy are inconsistent, and some countries have banned all forms of surrogacy. More information on surrogacy laws is available at Surrogacy360, <https://surrogacy360.org/considering-surrogacy/current-law/>.

²⁰ In response to requests from court professionals, the form will be updated to provide two separate fields for the effective date of termination of marital status and domestic partnership status to accommodate situations in which a party has petitioned to dissolve both their marriage and domestic partnership in a single proceeding under Family Code section 299(e).

space for the court to indicate the changed names of the children and additional checkboxes for the court to specify how the birth certificate must be amended.

Policy implications

The rules and forms in this report contribute to two goals outlined in the *Strategic Plan for California's Judicial Branch*.²¹ The new rules and forms contribute to Goal I, Access, Fairness, Diversity, and Inclusion, in that they promote procedures that are uniform, efficient, and understandable, and that increase equal access to the court and litigants' access to justice; and Goal III, Modernization of Management and Administration, by allowing courts across the state to uniformly implement fair and effective practices specific to petitions to determine parental relationship based on a gestational carrier agreement.

Comments

This proposal was open for public comment from April 14 through May 23, 2025. A total of 79 commenters responded to the proposal, including 73 commenters who agreed with the proposal; three who agreed, if it were modified; and three who did not indicate a position but expressed support while requesting changes to forms. No commenter disagreed with the proposal.

Most comments were submitted by legal professionals who specialize in surrogacy and fertility law, including attorneys, legal assistants, and paralegals, all of whom generally noted their support for the proposal as a whole and did not request any changes to the rules and forms.

The committee also received comments from the following organizations and courts: California Lawyers Association, Family Law Section, Executive Committee; Child Support Directors Association of California; Department of Child Support Services; Orange County Bar Association; Superior Court of Los Angeles County; Superior Court of Orange County; Superior Court of San Diego County; and the Joint Rules Subcommittee of the Trial Court Presiding Judges Advisory Committee and the Court Executives Advisory Committee.

The most significant changes made in response to comments are described below. All comments and the committee's responses are provided in the attached chart of comments at pages 57–94.

Comments about application of rules and forms beyond gestational surrogacy

One commenter stated that the rules and forms exclude traditional surrogacy. The commenter recommended that the forms be redrafted for general use by parties to surrogacy agreements. In response, the committee notes that rule 5.78 addresses traditional surrogacy and references the definition of "traditional surrogacy" found in the Family Code. The rule also provides direction to parties to traditional surrogacy agreements.

The committee does not recommend that the forms be expanded for use in all surrogacy actions. The Legislature has provided statutory language in Family Code section 7613.5, which intended

²¹ For information about the *Strategic Plan for California's Judicial Branch*, visit <https://courts.ca.gov/policy-administration/judicial-council/judicial-branch-strategic-plan>.

parents may incorporate into their written agreement to establish legal parentage for traditional surrogacy matters. The SUR series of forms is intended to reflect only the requirements for gestational carrier agreements under Family Code sections 7960–7962.

Comments about form FL-250

In response to comments about *Judgment* (form FL-250), the committee recommends changes to the form to be consistent with two sections of the current *Judgment* (form FL-180). Specifically, the space for the judicial officer to print their name will be removed to avoid confusion by the parties, who might believe that they need to complete this part of the form. In addition, a statement will be added above the judicial officer’s signature to note that the attachments to the judgment are incorporated into the judgment.

The committee also recommends reformatting items 4, 5, and 9 to include an item for “other (*specify*)” to allow the parties to provide information pertinent to their case, which is not accounted for in the preprinted, numbered items on the form.

Adding a reference to child support

The Department of Child Support Services (DCSS) and the Child Support Directors Association of California (CSDAC) commented that the petitions do not address child support, and that “[f]ailure to provide notice to the parties that child support could be at issue may require child support agencies to duplicate efforts when and if they intervene in these cases.” CSDAC stated that “[t]he petition should raise the issue of child support for it to be ordered in the Judgment.”

In response, the committee agreed with the suggestions and incorporated the following language into forms SUR-100, SUR-100(J), and SUR-120: “CHILD SUPPORT: The court may make orders for support of the children and issue an earnings assignment order without further notice to any person found to be a parent or intended parent in this matter.” This change will more closely align these SUR forms with the content of current forms FL-200 and FL-220.

Attorney declarations under Family Code section 7962(f)(1)

The committee recognized that changes were needed to the proposed rules and forms because they circulated for comment specifying that the attorney declarations are filed, instead of attached to the gestational carrier agreement. Family Code section 7962(f)(1) requires that these declarations be attached to the gestational carrier agreement and lodged with the court. To align with the statute, the committee decided to recommend that rule 5.78 and forms SUR-050-INFO, SUR-113, SUR-115, and SUR-117 specify that the attorney declarations must be attached to the gestational carrier agreement that is lodged with the clerk of the court.

Alternatives considered

The committee considered the alternative of taking no action to adopt rules and forms for actions under the UPA involving gestational surrogacy but determined that courts, attorneys, and self-represented parties in such cases would benefit from a uniform statewide method of seeking a judgment that complies with the requirements of the Family Code. Without this action, existing

resources for filing these cases would remain sparse in some counties and courts would not realize savings from efficiencies in case processing.

Content addressing a party's primary language

The committee deliberated about the items regarding primary language on the proposed petition (form SUR-100), joint petition (form SUR-100(J)), and response (form SUR-120). There was a concern that this information could potentially introduce bias into the proceedings. For this reason, the committee sought specific input from the public on this question as it appears on the petition and response forms, as well as in the “Interpreter’s Declaration” on form SUR-100(J) and form SUR-210.

Two commenters believed that inquiring about a party’s primary language should not be in the forms because it could, for example, “evoke unintended bias.” A third commenter also stated that “[t]here is no specific reference in any of the proposed forms for disclosure of ‘primary language’ and the rules and statutes referenced do not provide for such disclosure.”

After considering the comments, along with the stated purpose of the forms, the committee notes that:

- *Advisement and Waiver of Rights Re: Determination of Parental Relationship* (form FL-235) currently requires *the interpreter* to provide the primary language of each party who is unable to read or understand *Judgment* (form FL-250) and form FL-235.
- *Joint Petition to Determine Parental Relationship* (form SUR-100(J)) and *Declaration for Default or Uncontested Judgment* (form SUR-230) (used if form SUR-100 is filed) incorporate a similar Interpreter’s Declaration as that found in form FL-235. The difference is that the SUR forms require the parties—not the interpreter—to identify their primary language only if English is not their primary language.
- Gestational surrogacy cases are unique among family law proceedings. All parties could potentially be visitors to the United States who undergo fertility treatments or an embryo transfer in California. Thus, the case could involve more than one interpreter or translator.
- The forms require the parties to declare under penalty of perjury that they fully understand the documents written in English.

Based on the above, the committee concluded that the content should remain on the forms. Including the statements could avoid having the court set a hearing on its own motion for the sole purpose of ensuring that the parties whose primary language is not English fully understand the documents they signed and the terms of the judgment before it is entered.

Implementation date

The committee considered recommending that the proposal take effect on January 1, 2026, the customary effective date for proposals circulated for comment during the spring rule-making

cycle. The committee also considered recommending a delay in implementing the proposal. Four of seven commenters supported delaying implementation until July 1, 2026, for several reasons. Following discussion, the committee decided to recommend a delayed implementation date of July 1, 2026, principally to allow courts the time needed to prepare for these new forms.

Declarations to implement Family Code section 7962(d)

Family Code section 7962 requires specific declarations from the parties and their attorneys in these cases.²² However, there is no specific guidance about how parties demonstrate compliance with section 7962(d).²³ The rule and forms in the proposal reflect a common practice among attorneys specializing in this field, which is to file the declaration of the fertility physician who performed the medical procedures to verify compliance with subdivision (d).

With respect to the fertility physician’s declaration, the committee considered whether or not to propose that the rule and forms reflect the common practice of using a declaration of the fertility physician to verify compliance with section 7962(d). The committee considered if there were other ways that parties could verify compliance with Family Code section 7962(d) in place of a physician’s declaration. The committee also considered whether to develop an optional declaration form as part of the new forms series to implement section 7962(d). The committee decided to recommend that the declaration of the fertility physician be listed as a required declaration in the new rule and forms to uniformly implement 7962(d) statewide. However, the committee decided not to develop an optional form for this purpose. It believed that referencing the declaration of the fertility physician in rule 5.78 and form SUR-050-INFO would be sufficient to inform the parties about how to comply with section 7962(d).

Questions on forms to identify prior use of surrogacy services

The committee discussed the potential for abuse in surrogacy cases, including for bad actors to use the statutory framework as a means for human trafficking. The committee understands the gravity of the potential harm and considered whether any of the rules and forms developed in this proposal could address these concerns. For example, the committee considered recommending that the petition and response forms require parties to indicate the number of times either intended parent has used the services of a surrogate and the number of times the surrogate has served as a surrogate. Having this information on the forms could assist the judicial officer to determine if the court should set a hearing to obtain information and testimony from the parties before additional steps are taken to finalize legal parentage.

²² Section 7962(e) requires parties to the gestational carrier agreement to declare that they have complied with this section in entering into that agreement. Section 7962(f)(1) requires that the declarations of the separate, independent attorneys who represented the parties to the gestational carrier agreement be attached and lodged with clerk of the court.

²³ Family Code section 7962(d) provides that the parties to a gestational carrier agreement must not undergo an embryo transfer procedure, or commence injectable medication in preparation for an embryo transfer for assisted reproduction purposes, until the gestational carrier agreement has been fully executed as required by subdivisions (b) and (c).

However, the committee decided not to require the parties to provide information related to surrogacy services previously used or rendered as doing so would impose requirements not mandated by statute. Similar questions are not included on forms for other types of parenting actions. For example, forms for cases involving custody or parentage do not ask parties to indicate the number of children they have with other persons who are not parties to the immediate action. While the committee recognizes the seriousness of the concerns regarding abuse of the gestational surrogacy process, it determined that this problem is more appropriate for the Legislature to address.

The committee considered delaying this recommendation to a future cycle to coincide with potential legislative updates to the gestational surrogacy provisions of the Uniform Parentage Act that may address some of these concerns. However, given the positive comments the committee received on this proposal, the committee believes that finalizing these new rules and forms so that they can take effect on July 1, 2026, will bring uniformity to these cases that courts, justice partners, and the public greatly desire. The committee will continue to monitor developments and relevant legislation and make recommendations for future revisions as appropriate.

Fiscal and Operational Impacts

Based on comments received from the Superior Courts of Los Angeles, Orange, and San Diego Counties, as well as the Joint Rules Subcommittee regarding the requirements for courts to implement the new forms series, courts will be required to do such things as:

- Develop internal procedures;
- Add filings and create new case codes in the case management system;
- Configure the electronic filing and portal access systems;
- Change the public website;
- Provide many hours of training to judicial officers, supervisors, court clerks (senior clerks, self-help clerks, and processing clerks), and self-help attorneys; and
- Create new forms packets and other materials for self-help centers to instruct parties on how to complete the forms.

The committee believes that the initial costs for implementing the new rules and forms will be offset by the savings achieved through more efficient case processing once the rules are in effect and the forms are in use.

Attachments and Links

1. Cal. Rules of Court, rules 5.2, 5.7, 5.16, 5.50, 5.51, 5.52, 5.78, 5.96, at pages 18–24
2. Forms FL-190, FL-211, FL-250, SUR-050-INFO, SUR-100, SUR-100(J), SUR-110, SUR-113, SUR-115, SUR-117, SUR-120, SUR-165, SUR-230, SUR-230(A), at pages 25–56
3. Chart of comments, at pages 57–94
4. Link A: Fam. Code, §§ 7960–7962,
https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=FAM&division=12.&title=&part=7.&chapter=&article=

5. Link B: Fam. Code, § 7643.5,

https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=FAM§ionNum=7643.5

Rule 5.78 of the California Rules of Court is adopted; rules 5.2, 5.7, 5.16, 5.50, 5.52, and 5.96 are amended; and rule 5.51 is repealed, effective July 1, 2026, to read:

1 **Rule 5.2. Division title; definitions; application of rules and laws**

2
3 (a) * * *

4
5 (b) **Definitions and use of terms**

6
7 As used in this division, unless the context or subject matter otherwise requires, the
8 following definitions apply:

9
10 (1)–(11) * * *

11
12 (12) “Gestational carrier agreement” refers to an assisted reproduction agreement
13 for gestational carriers as described in Family Code section 7962.

14
15
16 **Rule 5.7. Use of forms**

17
18 (a) **Status of family law and domestic violence forms**

19
20 All forms adopted or approved by the Judicial Council for use in any proceeding
21 under the Family Code, ~~including any form in the FL, ADOPT, DV, and EJ, and~~ and
22 SUR series; ~~are~~ are adopted as rules of court under the authority of Family Code
23 section 211; article VI, section 6 of the California Constitution; and other
24 applicable law.

25
26 (b)–(c) * * *

27
28
29 **Rule 5.16. Designation of parties**

30
31 (a) * * *

32
33 (b) **Parties to proceeding**

34
35 (1)–(4) * * *

36
37 (5) The only persons or agencies permitted to be parties to a family law
38 proceeding to ~~establish~~ determine parentage are ~~the following: the presumed~~
39 ~~or putative parents of the minor child, the minor child, a third party who is~~
40 ~~joined in the case under rule 5.24, or a local child support agency that~~
41 ~~intervenes in the case.~~

- 1 (A) The presumed or putative parents of the child;
2
3 (B) The intended or natural parents of a child conceived through assisted
4 reproduction as defined in Family Code section 7613 and sections
5 7690–7692;
6
7 (C) The gestational carrier, as named in a gestational carrier agreement, and
8 the gestational carrier’s spouse or domestic partner;
9
10 (D) The child, as described in Family Code section 7635(a);
11
12 (E) A third party who is joined in the case under rule 5.24; or
13
14 (F) A local child support agency that intervenes in the case.
15

16 **Rule 5.50. Papers issued by the court**

17
18 **(a) Issuing the summons; form**

19
20 If a summons is required to commence a family law case, the clerk of the court
21 must issue the summons using the same procedure for issuing a summons in civil
22 actions, generally.

23
24 (1) The clerk of the court must:

- 25
26 (A) Issue ~~a~~ *Summons (Family Law)* (form FL-110) for divorces, legal
27 separations, or annulment cases involving married persons or domestic
28 partnerships;
29
30 (B) Issue ~~a~~ *Summons (Uniform Parentage—Petition for Custody and*
31 *Support)* (form FL-210) for parentage or custody and support cases;
32
33 (C) Issue ~~a~~ *Summons (UIFSA)* (form FL-510) when a party seeks to
34 establish or enforce child support orders from other states; ~~and~~
35
36 (D) Process ~~a~~ *Summons and Complaint or Supplemental Complaint*
37 *Regarding Parental Obligations* (form FL-600) as specified in rule
38 5.325;
39
40 (E) Issue *Summons—Gestational Carrier Agreement* (form SUR-110)
41 when parties file *Petition to Determine Parental Relationship* (form
42 SUR-100); and
43

1 (F) Issue Joint Summons—Joint Petition (form FL-710) when parties file a
2 joint petition for dissolution of marriage or domestic partnership or
3 legal separation as specified in Family Code sections 2330(c) and 2331.
4

5 (2) * * *

6
7 (b) **Automatic temporary family law restraining order in summons; handling by**
8 **the clerk of the court**

9 * * *

10
11
12 (c) * * *

13
14 **Rule 5.51. Confidential cover sheet for parentage actions or proceedings involving**
15 **assisted reproduction; other requirements [Repealed]**

16
17 (a) ~~Application~~

18
19 ~~This rule applies to actions or proceedings filed with the court after January 1,~~
20 ~~2023, involving assisted reproduction, in which the parties seek to determine a~~
21 ~~parental relationship under Family Code section 7613 or 7630, or sections 7960–~~
22 ~~7962.~~

23
24 (b) ~~Filing Requirement~~

25
26 ~~To comply with Family Code section 7643.5, for all actions in (a):~~

27
28 (1) ~~Petitioner must complete a *Confidential Cover Sheet—Parentage Action*~~
29 ~~*Involving Assisted Reproduction* (form FL-211) and attach it to the initial~~
30 ~~papers being filed with the court; and~~

31
32 (2) ~~The court clerk must maintain form FL-211, the initial papers, and all~~
33 ~~subsequent papers—other than the final judgment—in a confidential court~~
34 ~~file.~~

35
36 **Rule 5.52. Declaration under Uniform Child Custody Jurisdiction and Enforcement**
37 **Act (UCCJEA)**

38
39 (a) **Filing requirements; application**

40
41 (1) Petitioner and respondent must each complete, serve, and file a *Declaration*
42 *Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)*

1 (form FL-105/GC-120) if there are children of their relationship under the
2 age of 18 years.

3
4 (2) The form is a required attachment to the petition and response in actions for
5 divorce; or in actions to establish parentage to determine a parental
6 relationship (except as provided in (3)), or in actions for custody and support
7 of minor children.

8
9 (3) The form is not a required attachment to the petition and response in actions
10 to determine a parental relationship involving a gestational carrier agreement
11 unless the petition or response specifies that child custody or visitation
12 (parenting time) or both are at issue in the case.

13
14 (b) * * *

15
16 **Rule 5.78. Actions or proceedings to determine a parental (or nonparental)**
17 **relationship involving an assisted reproduction agreement**

18
19 (a) **Authority**

20
21 This rule applies to actions or proceedings filed with the court involving an assisted
22 reproduction agreement as defined by Family Code section 7606(b), in which the
23 parties seek a court judgment determining a parental (or nonparental) relationship
24 under Family Code section 7613 or 7630(f) or sections 7960–7962.

25
26 (b) **Confidentiality**

27
28 Actions or proceedings to determine a parental (or nonparental) relationship
29 involving an assisted reproduction agreement are confidential under the Uniform
30 Parentage Act.

31
32 (c) **Actions involving statutory forms and traditional surrogacy**

33
34 For matters involving traditional surrogacy, as defined by Family Code section
35 7960(f)(1), or matters involving use of the assisted reproduction agreements found
36 in Family Code section 7613.5 (including those involving the disposition of
37 embryos), parties commence an action in family court to seek a judgment
38 determining a parental (or nonparental) relationship by using the following forms:

39
40 (1) *Confidential Cover Sheet—Parentage Action Involving Assisted*
41 *Reproduction* (form FL-211);

42
43 (2) *Summons* (form FL-210);

- 1
2 (3) Petition to Determine Parental Relationship (form FL-200);
3
4 (4) Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act
5 (UCCJEA) (form FL-105), only if child custody or visitation (parenting time)
6 or both are at issue in the case; or
7
8 (5) Any forms required for subsequent filings in actions under the Uniform
9 Parentage Act.

10
11 **(d) Actions involving a gestational carrier agreement**

- 12
13 (1) Parties to a gestational carrier agreement must commence an action in family
14 court to seek a judgment determining a parental (or nonparental) relationship
15 to a child born or expected to be born by using either:
16
17 (A) Petition to Determine Parental Relationship (form SUR-100); or
18
19 (B) Joint Petition to Determine Parental Relationship (form SUR-100(J)).
20
21 (2) Petitioner may, with the consent of other parties, complete and file with the
22 clerk of the court all the forms and documents required of all parties to
23 initiate the case and request entry of judgment. Petitioner may, but is not
24 required to, file all the forms and documents at one time.
25
26 (3) Consistent with Family Code section 7962:
27
28 (A) A true and correct copy of the notarized gestational carrier agreement
29 must be lodged with the clerk of the court, with the declarations of the
30 separate, independent attorneys attached. If applicable, a true and
31 correct copy of the English translation of the gestational carrier
32 agreement (certified under oath by a qualified interpreter) must also be
33 lodged with the clerk of court
34
35 (B) Parties must file a declaration of the fertility physician with the clerk of
36 the court to demonstrate compliance with section 7962(d).
37
38 (C) Parties must file their declarations under section 7962(e) with the clerk
39 of the court.
40
41 (4) For cases in which respondent wants to file a response to *Petition to*
42 *Determine Parental Relationship* (form SUR-100), the response must be

1 provided on *Response to Petition to Determine Parental Relationship* (form
2 SUR-120).

3
4 **(e) Issuance of judgment**

5
6 (1) In all assisted reproduction parentage proceedings, a judgment:

7
8 (A) Must be issued on *Judgment* (form FL-250); and

9
10 (B) Need not reference that the case involves a gestational carrier
11 agreement, if applicable.

12
13 (2) The clerk of the court must mail *Notice of Entry of Judgment* (form FL-190)
14 to the parties or their attorneys, if the parties are represented, as specified in
15 the Clerk's Certificate of Mailing.

16
17 **(f) Confidentiality in actions to determine a parental (or nonparental)**
18 **relationship involving an assisted reproduction agreement**

19
20 Other than the final judgment, the clerk of the court must maintain the following in
21 a confidential court file subject only to access under Family Code section 7643.5:

22
23 (1) *Confidential Cover Sheet—Parentage Action Involving Assisted*
24 *Reproduction* (form FL-211) (not used in cases involving a gestational carrier
25 agreement);

26
27 (2) *Petition to Determine Parental Relationship* (form SUR-100);

28
29 (3) *Joint Petition to Determine Parental Relationship* (form SUR-100(J)); and

30
31 (4) All subsequent papers filed in the case.

32
33 **Rule 5.96. Place and manner of filing**

34
35 **(a)–(c) * * ***

36
37 **(d) Requirements for and maintenance of lodged materials**

38
39 (1) Materials lodged physically with the clerk of the court must be accompanied
40 by a self-addressed envelope with sufficient postage for mailing the material
41 if the party wants the clerk of the court to return the materials lodged
42 physically. If a self-addressed, stamped envelope does not accompany
43 materials lodged physically, the clerk of the court may destroy the lodged

1 materials after determination of the matter and after notice to the party who
2 lodged the materials.

3
4 (2) Materials lodged electronically with the clerk of the court must clearly
5 specify an email address to which the notice of deletion may be sent. After
6 determination of the matter, the clerk of the court may delete lodged
7 materials in electronic form after sending electronic notice to the party who
8 lodged the materials.

PETITIONER: [Redacted]	CASE NUMBER:
RESPONDENT: [Redacted]	

6. PARENTAL RELATIONSHIP

a. Name or names (specify):

is the parent (or are the parents) of:

Child's name

Date of birth

a child (or children) not yet born

Expected date of delivery:

Number of unborn children, if known:

Expected place of birth:

b. Name or names (specify, if applicable):

is not the parent (or are not the parents) of the child or children:

listed in item 6a.

not yet born.

7. CHILD CUSTODY ORDERS

Child custody and visitation are as specified in one or more of the attached forms:

a. Child Custody and Visitation (Parenting Time) Order Attachment (form FL-341)

b. Stipulation and Order for Custody and/or Visitation (Parenting Time) (form FL-355)

c. Other (specify):

8. CHILD SUPPORT ORDERS

a. Child support is as stated in one or more of the attached forms:

(1) Child Support Information and Order Attachment (form FL-342)

(2) Stipulation to Establish or Modify Child Support and Order (form FL-350)

(3) Other (specify):

b. All parties must complete and file with the court Child Support Case Registry Form (form FL-191) within 10 days of the date of this judgment. Thereafter, the parents must notify the court of any change in the information submitted, within 10 days of the change.

c. The form Notice of Rights and Responsibilities Regarding Child Support (form FL-192) is attached.

9. THE COURT FURTHER ORDERS

a. The names of the children are changed to (specify):

b. The birth certificates must be amended to conform to this court order by

(1) adding the following parent's name:

(2) changing the names of the children, as specified in item 9a.

(3) other (specify):

c. Attorney's fees and costs are as stated in the attached Attorney's Fees and Costs Order Attachment (form FL-346).

d. Reasonable expenses of pregnancy and birth are as stated in the attachment.

e. Other (specify):

f. Continued on Attachment 9f.

Each attachment is incorporated into this judgment, and the parties are ordered to comply with each attachment's provisions. Jurisdiction is reserved to make other orders necessary to carry out this judgment.

Date: _____

10. Number of pages attached: _____

JUDICIAL OFFICER
 SIGNATURE FOLLOWS LAST ATTACHMENT

SUR-050-INFO How to Ask for a Judgment—Gestational Carrier Agreement

This form lists the documents that a court may require to request a judgment determining a parental relationship based on a gestational carrier agreement (also called an “assisted reproduction agreement for gestational carriers” in Family Code section 7962). For information that includes how to start your case, visit the online Self-Help Guide to the California Courts at selfhelp.courts.ca.gov/parentage/surrogacy.

The forms that you need to finish the case will depend on how the case was started, whether the other party filed a response, and whether the parties have an agreement about the judgment.

You may use this form to understand what forms you need to:

① Request a judgment by filing *Joint Petition to Determine Parental Relationship* (form SUR-100(J));

or

② Finish your case after *Summons* (form SUR-110) and *Petition to Determine Parental Relationship* (form SUR-100) have been filed and served, a copy of the gestational carrier agreement has been lodged, the declarations mandated by statute have been filed, and the other party or parties:

- Did not file a response after 30 days of being served with the petition;
- Did not file a response after 30 days of being served with the petition because you have a written agreement with the other party or parties establishing a parental relationship;
- Filed a response or made an appearance, and there is a written agreement establishing a parental relationship; or
- Filed a response and there is no agreement establishing a parental relationship.

! To finish your case, you must provide the clerk of the court with envelopes of sufficient size and with sufficient postage to mail the *Judgment* (form FL-250) and *Notice of Entry of Judgment* (form FL-190) to the parties.

- One stamped envelope you provide is to mail the documents to the intended parents (unless they are represented by two separate attorneys).
- The other envelope is to mail the documents to the gestational carrier and, if applicable, the gestational carrier's spouse or domestic partner (unless they are represented by two separate attorneys).

① Joint Petition Process

File, lodge, or submit all of the following with the clerk of the court:

- File *Joint Petition to Determine Parental Relationship* (form [SUR-100\(J\)](#)).
- Use *Notice of Lodging* (form [SUR-113](#)) or similar document to lodge the gestational carrier agreement.
- Lodge a true and correct copy of the notarized gestational carrier agreement. Attach to the agreement the:
 - Certified English translation of the agreement, if applicable.
 - Declaration of the attorney for the intended parent or intended parents.
 - Declaration of the attorney for the gestational carrier and their spouse or domestic partner.
- File the declarations of the following people to comply with Family Code section 7962:
 - Each intended parent (individually or jointly).
 - Gestational carrier.
 - Gestational carrier’s spouse or domestic partner, if applicable.
 - Fertility physician (to show that you complied with Family Code section 7962(d)).
- Submit *Judgment* (form [FL-250](#)), any attachments, and copies.
- Submit *Notice of Entry of Judgment* (form [FL-190](#)) and copies.



2 Finish Your Case After Forms SUR-100 and SUR-110 Are Served

Choose the situation that applies to your case.

Default Process

*(No Response to Petition to Determine Parental Relationship (form SUR-120) was filed and served. The parties **do not** have a written agreement about legal parental relationship. The gestational carrier agreement was lodged with the clerk of the court and the declarations listed in ① were filed with the clerk of the court.)*

Forms to complete and file with the clerk of the court:

- *Proof of Service of Summons* (form [SUR-115](#)) or other proof of service.
- *Request to Enter Default* (form [SUR-165](#)).
- *Declaration for Default or Uncontested Judgment* (form [SUR-230](#)).
- *Judgment* (form [FL-250](#)), any attachments, and copies.
- *Notice of Entry of Judgment* (form [FL-190](#)) and copies.

Default with Agreement Process

(No Response to Petition to Determine Parental Relationship (form SUR-120) was filed and served. The parties have a written agreement about legal parental relationship. The gestational carrier agreement was lodged with the clerk of the court, and the declarations listed in ① were filed with the clerk of the court.)

Forms to complete and file with the clerk of the court:

- *Proof of Service of Summons* (form [SUR-115](#)) or other proof of service.
- *Request to Enter Default* (form [SUR-165](#)).
- *Declaration for Default or Uncontested Judgment* (form [SUR-230](#))
 - (For members of the U.S. military entering active duty): *Declaration and Conditional Waiver of Rights Under the Servicemembers Civil Relief Act* (form [SUR-230\(A\)](#)).
 - Attach written agreement signed by the parties and their attorneys, if applicable.
Respondent's signature must be notarized.
- *Judgment* (form [FL-250](#)), any attachments, and copies.
- *Notice of Entry of Judgment* (form [FL-190](#)) and copies.

Uncontested Process

(No Response to Petition to Determine Parental Relationship (form SUR-120) was filed and served (or respondent made an appearance). The parties have a written agreement about legal parental relationship. The gestational carrier agreement was lodged with the clerk of the court, and the declarations listed in ① were filed with the clerk of the court.)

Forms to complete and file with the clerk of the court:

- *Proof of Service of Summons* (form [SUR-115](#)) or other proof of service.
- *Declaration for Default or Uncontested Judgment* (form [SUR-230](#)). Attach written agreement signed by the parties and their attorneys, if applicable.
- *Judgment* (form [FL-250](#)), any attachments, and copies.
- *Notice of Entry of Judgment* (form [FL-190](#)) and copies.



Contested Case

(Response to Petition to Determine Parental Relationship (form *SUR-120*) was filed and served. Parties do not agree about the parental relationship. If the parties disagree about who is (or is not) a child's parent, the case is contested. The parties will need to ask the court to make a decision about the legal relationship between the parties and the child or children.)

Genetic testing

In cases involving a gestational carrier agreement, the court can order genetic testing to determine whether the gestational carrier surrogate is a biological parent (Fam. Code, § 7551(b)(1)(B)). To ask the court to order genetic testing, you can:

- File *Request for Order* (form [FL-300](#)) and [ask the court](#) to order the testing allowed by law.
- If you and the other person agree to the limited genetic testing under the Family Code, write up your agreement and submit it to the judge to make a court order.

Ask for a trial

If genetic testing does not answer who the child's legal parents are, then you can ask for a trial. Each court has its own process for how to set a case for trial. When you get a trial date, the court may set other court dates and give you tasks to complete, like file a trial brief. Talk to your [self-help center](#) or an [attorney](#) to learn more about how to ask for and prepare for trial.

Judgment

After genetic testing or after a trial, you will need to complete the final paperwork (a judgment) and submit it to the judge to sign. A party must prepare *Judgment* (form [FL-250](#)) and *Notice of Entry of Judgment* (form [FL-190](#)) and submit them as described on page 1 of this form.

Will there be a hearing?

- It is possible that parties may finalize their case and get a judgment without ever having a hearing.
- Even if the parties file a joint petition, the judge may, but is not required to, set a hearing for the parties to answer questions before a decision is made about the judgment.
- The parties may also decide to request a hearing if they cannot agree on an important issue in the case. To learn about how to ask for a hearing, read *Information Sheet for Request for Order* (form [FL-300-INFO](#)).

What if I have questions or need help?

This form provides only basic information. If you have questions or need help:

- Find an attorney who specializes in assisted reproduction technology law and fertility law through the Academy of California Adoption-ART Lawyers at www.acal.org/member-directory/.
- Find an attorney through your local bar association, the State Bar of California at www.calbar.ca.gov, or the Lawyer Referral Service at 1-866-442-2529.
- For free and low-cost legal help (if you qualify), go to www.lawhelpca.org.
- Contact your court's family law facilitator or self-help center for information and assistance, and referrals to local legal services providers. Go to selfhelp.courts.ca.gov/court-based-self-help-services.
- Find step-by-step instructions about how to start and finalize a parentage case on the Self-Help Guide to the California Courts selfhelp.courts.ca.gov/parentage.

PETITIONER: RESPONDENT:	CASE NUMBER:
--------------------------------	--------------

2. **Petitioner's claims (or petitioners' claims) about the gestational carrier agreement** (select a, b, or c.)

a. **The agreement meets all of the following requirements of Family Code section 7962, and it should be enforced.**

- (1) The agreement includes the date or dates of execution.
- (2) The agreement includes the identity of the person or persons from whom gametes originated, or if donated gametes were used, specifies whether the donated gamete or gametes were eggs, sperm, embryos, or all three.
- (3) The agreement includes the identity of the intended parent or parents.
- (4) The agreement includes disclosure regarding how the intended parents will cover the medical expenses of the gestational carrier and of the newborn or newborns. The disclosure includes a review of health-care policy provisions related to coverage for surrogate pregnancy, including any possible liability of the gestational carrier, third-party liability liens or other insurance coverage, and any notice requirements that could affect coverage or liability of the gestational carrier.
- (5) Before executing the written agreement, both parties were represented by separate independent licensed attorneys of their choosing.
- (6) All party signatures on the agreement have been notarized or witnessed by an equivalent method of affirmation.
- (7) The agreement was fully executed before the parties underwent the embryo transfer procedure or commenced injectable medication in preparation for an embryo transfer for assisted reproduction purposes.

b. **The agreement meets all of the requirements of Family Code section 7962, but it should *not* be enforced.**

If you checked item 2b, you must attach a declaration that specifies why the court should not enforce the terms of the gestational carrier agreement. *Attached Declaration* (form [MC-031](#)) may be used for this purpose.

c. **The agreement does not meet all of the requirements of Family Code section 7962, but it should still be enforced.**

(If you checked item 2c, you must do the following):

- (1) Attach a declaration to identify the specific statutory requirement or requirements that the gestational carrier agreement fails to meet (*Attached Declaration* (form [MC-031](#)) may be used for this purpose); and
- (2) Submit sufficient proof to show that the gestational carrier agreement establishes the parental relationship of the intended parents and rebuts the presumption of a parental relationship of the gestational carrier even though the requirement is not met.

3. **Lodging of gestational carrier agreement.**

A true and correct copy of the notarized gestational carrier agreement is being lodged with the court. You may use *Notice of Lodging* (form [SUR-113](#)) for this purpose.

The gestational carrier agreement is not written in English. A true and correct copy of the English translation of the notarized agreement (certified under oath by a qualified interpreter) is also being lodged with the court.

4. **The child or children** conceived under the terms of the gestational carrier agreement:

- a. has not (or have not) yet been born
 Number of unborn children, if known:
 Expected date of delivery:
 Expected place of birth:

b. has (or have) been born

<u>Full Name</u>	<u>Date of Birth</u>	<u>Place of Birth</u>
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PETITIONER: RESPONDENT:	CASE NUMBER:
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5. Child support

The court may make orders for support of the children and issue an earnings assignment without further notice to any person determined to be a parent or intended parent in this matter.

6. Jurisdiction

The court has jurisdiction under Family Code section 7620(b) because *(check all that apply)*:

- a. one or more of the parties to the gestational carrier agreement live in this state. The parties are *(specify each name)*:
- b. one or more of the parties lived in this state when the gestational carrier agreement was executed. The parties are *(specify each name)*:
- c. the medical procedures leading to conception, including in vitro fertilization or embryo transfer, or both, were carried out in this state.
- d. the child or children *(select one)* was (or were) born is (or are) anticipated to be born in this state.

7. Venue

The action is brought in this county because *(you must check one or more to file in this county; check all that apply)*:

- a. the child (or children) *(select one)* was (or were) born is (or are) anticipated to be born in this county.
- b. the intended parent or parents live in this county.
- c. the gestational carrier lives in this county.
- d. the gestational carrier agreement was executed in this county.
- e. the medical procedures under the gestational carrier agreement were performed in this county.
- f. a parent is deceased and proceedings for administration of the estate have been or could be started in this county *(specify name of parent)*:

8. Each petitioner asks that the court make the determinations indicated below

- a. Petitioner is or petitioners are
 - (1) the legal parent or parents of the child or children listed in item 4.
 - (2) **not** the legal parent or parents of the child or children listed in item 4.
- b. Respondent is or respondents are
 - (1) the legal parent or parents of the child or children listed in item 4.
 - (2) **not** the legal parent or parents of the child or children listed in item 4.
- c. Other *(specify)*:

Note: If the other court orders you are requesting are about child custody and visitation (parenting time), you must fill out and attach *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)* (form [FL-105/GC-120](#)).



PETITIONER: RESPONDENT:	CASE NUMBER:
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9. **Petitioner's or petitioners' primary language is not English**

- a. The primary language of each petitioner is (*specify*):

- b. Did petitioner or petitioners receive the assistance of a translator or interpreter, or both, in their primary language with the petition? Yes No (*explain your answer in item 9d*)
- c. Do all petitioners fully understand the documents written in English that were signed and are being filed with the court in support of this petition? Yes No (*explain your answer in item 9d*)
- d. Explanation (*specify*): below See [Attachment 9](#)

10. I have read the restraining order on page 2 of *Summons* (form [SUR-110](#)) and I understand that it applies to me when this Petition is filed and that it applies to each respondent when it is served on them.

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

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

INTENDED PARENT OR PARENTS: GESTATIONAL CARRIER: GESTATIONAL CARRIER'S SPOUSE OR DOMESTIC PARTNER:	CASE NUMBER:
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5. Child support

The court may make orders for support of the children and issue an earnings assignment without further notice to any person determined to be a parent or intended parent in this matter.

6. Jurisdiction

The court has jurisdiction under Family Code section 7620(b) because *(check all that apply)*:

- a. one or more of the parties to the gestational carrier agreement live in this state. The parties are *(specify each name)*:
- b. one or more of the parties lived in this state when the gestational carrier agreement was executed. The parties are *(specify each name)*:
- c. the medical procedures leading to conception, including in vitro fertilization or embryo transfer, or both, were carried out in this state.
- d. the child or children *(select one)* was (or were) born is (or are) anticipated to be born in this state.

7. Venue

The action is brought in this county because *(you must check one or more to file in this county; check all that apply)*:

- a. the child (or children) *(select one)* was (or were) born is (or are) anticipated to be born in this county.
- b. the intended parent or parents live in this county.
- c. the gestational carrier lives in this county.
- d. the gestational carrier agreement was executed in this county.
- e. the medical procedures under the gestational carrier agreement were performed in this county.
- f. a parent is deceased and proceedings for administration of the estate have been or could be started in this county.
(Specify name of parent):

8. Judgment of parental relationship

- a. We ask the court to approve the proposed *Judgment* (form FL-250) that is attached to this joint petition, and in which:
- (1) Each intended parent is identified as the *(specify)*: petitioner or petitioners. respondent or respondents.
 - (2) The gestational carrier and spouse or domestic partner is (or are) identified as the *(specify below)*:
 petitioner or petitioners. respondent or respondents.
- b. With this joint petition, we are also submitting:
- (1) The original and copies of the proposed *Judgment* (form FL-250) and *Notice of Entry of Judgment* (form FL-190) for the court to sign; and
 - (2) Postage prepaid (stamped) envelopes.
(Note: Unless the parties are represented by two separate attorneys, one stamped envelope must be submitted to the clerk of the court for mailing to the intended parents, and one stamped envelope must be submitted for the clerk of the court to mail to the gestational carrier and, if applicable, the gestational carrier's spouse or domestic partner.)
- c. We will keep the court and each other informed of any change of mailing address or phone number occurring before the court enters a judgment in the case using the *Notice of Change of Address or Other Contact Information* (form [MC-040](#)).

9. Waiver of Rights

- a. Each of us, individually, understands all of the following rights:
- (1) *Legal representation*. I have the right to be represented by an attorney of my own choice at my own expense. If I cannot afford an attorney, I can contact the attorney referral service of the local bar association or the family law facilitator for assistance.
 - (2) *Trial and appeal*. I have a right to have a judge decide whether I am the parent of the children named in this action. I also understand that I have the right to a notice of trial, a statement of decision, a motion for a new trial, and the right to appeal.



INTENDED PARENT OR PARENTS: GESTATIONAL CARRIER: GESTATIONAL CARRIER'S SPOUSE OR DOMESTIC PARTNER:	CASE NUMBER:
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- (3) *Confront and cross-examine witnesses.* In a trial, I have the right to confront and cross-examine the witnesses against me and to present evidence and witnesses in my own defense.
- (4) *Genetic testing.* Under Family Code section 7551(b)(1)(B), genetic testing may be ordered to resolve a dispute about whether the gestational carrier surrogate is a genetic parent.
- b. Each intended parent further understands all of the following obligations:
- (1) *Obligations.* If I admit that I am the parent of the children in this action then those children will be my children for legal purposes. I will also have the duty to contribute to the support of the children named in this action; this duty of support will continue for each child until the obligation is terminated by law.
- (2) *Criminal nonsupport.* If I willfully fail to support the child or children, criminal proceedings may be initiated against me.
- c. Each party agrees to all of the following:
- (1) I have read and understand *Judgment* (form FL-250) and the waiver of rights.
- (2) If I am represented by an attorney, my attorney has read and explained to me the contents of any and all stipulations, recitals, and waivers, and I acknowledge that I understand them.
- (3) I give up the rights that apply to me (except the right to an attorney, if I have an attorney) and freely and voluntarily agree that a judgment may be entered in accordance with the parties' agreements.
- (4) That none of the waivers or agreements included in the judgment will apply unless the court approves the judgment or incorporates the stipulation for judgment determining parental rights.

10. **Agreements and requests about party appearances and the proceeding** (*choose all that apply*):

- a. By filing this form, I make a general appearance in this case.
- b. This cause may be decided as an uncontested matter without notice.
- c. If I were to appear in court and were sworn, I would testify to the truth of the facts in this joint petition.
- d. I waive the right to notice of trial, a statement of decision, a motion for new trial, and the right to appeal.
- e. I agree that this joint petition may be decided by a commissioner sitting as a temporary judge who may determine whether to grant this request or require my appearance.
- f. None of these agreements or waivers will apply unless the court approves *Judgment* (form FL-250).
- g. I request that proof will be by this declaration and that I will not appear before the court unless I am ordered by the court to appear.
- h. I request that the court issue a judgment forthwith and without further evidence under Family Code section 7962(f)(2).

11. **Other** (*specify below*):

[Attachment 11.](#)

12. **English is not the primary language of one or more parties.**

- a. Specify the name and primary language of each party who was assisted by a translator, interpreter, or both.
- b. Each party whose primary language is not English was assisted by a translator or interpreter, or both, in their primary language with this joint petition and *Judgment* (form FL-250) and all attachments, and fully understands the documents written in English that were signed and are being filed and submitted with the court in support of this joint petition.

13. Number of pages attached: _____



INTENDED PARENT OR PARENTS: GESTATIONAL CARRIER: GESTATIONAL CARRIER'S SPOUSE OR DOMESTIC PARTNER:	CASE NUMBER:
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14. I declare under penalty of perjury under the laws of the State of California that the foregoing and all attached documents are true and correct.

Date: _____ (TYPE OR PRINT NAME OF INTENDED PARENT)	▶	_____ (SIGNATURE OF INTENDED PARENT)
Date: _____ (TYPE OR PRINT NAME OF INTENDED PARENT)	▶	_____ (SIGNATURE OF INTENDED PARENT)
Date: _____ (TYPE OR PRINT NAME OF INTENDED PARENT)	▶	_____ (SIGNATURE OF INTENDED PARENT)
Date: _____ (TYPE OR PRINT NAME OF GESTATIONAL CARRIER)	▶	_____ (SIGNATURE OF GESTATIONAL CARRIER)
Date: _____ (TYPE OR PRINT NAME OF GESTATIONAL CARRIER'S SPOUSE OR DOMESTIC PARTNER)	▶	_____ (SIGNATURE OF GESTATIONAL CARRIER'S SPOUSE OR DOMESTIC PARTNER)

INTERPRETER'S DECLARATION

I certify under penalty of perjury under the laws of the State of California that

1. I have, to the best of my ability, interpreted or translated this *Joint Petition and Judgment* (form FL-250) for the person or persons indicated below in their primary language.
 - a. Each party listed in item 12a.
 - b. Name (*specify*):

2. Each person listed above stated to me that they understood the contents of this *Joint Petition and Judgment* (form FL-250) before signing them.

3. Other (*specify below*):

Date: _____ (TYPE OR PRINT NAME)	▶	_____ (SIGNATURE OF INTERPRETER)
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Note: If more than one interpreter was needed in this case, complete and attach a separate "Interpreter's Declaration" to this petition that includes the same content as the above "Interpreter's Declaration." (*Declaration* (form [MC-031](#)) may be used for this purpose.)

SUMMONS—Gestational Carrier Agreement

CITACIÓN—Acuerdo de portadora gestacional

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

NOTICE TO RESPONDENT (Name):

AVISO AL DEMANDADO (Nombre):

DRAFT

**NOT APPROVED BY THE
JUDICIAL COUNCIL**

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

Petitioner's name:

El nombre del demandante:

CASE NUMBER: (Número de caso)

<p>A "gestational carrier agreement" is also called an "assisted reproduction agreement for gestational carriers" in Family Code section 7962.</p>	<p>Un <<acuerdo de portadora gestacional>> también se llama <<un acuerdo de reproducción asistida para portadoras gestacionales>> en las secciones 7606 y 7962 del Código de Familia.</p>
<p>You have 30 calendar days after this <i>Summons</i> and <i>Petition</i> (form SUR-100) are served on you to file a <i>Response</i> (form SUR-120) at the court and have a copy served on the petitioner. A letter, phone call, or court appearance will not protect you.</p>	<p>Tiene 30 días calendario después de haber recibido la entrega legal de esta Citación y Petición (formulario SUR-100) para presentar una Respuesta (formulario SUR-120) ante la corte y efectuar la entrega legal de una copia al demandante. Una carta o llamada telefónica o una audiencia de la corte no basta para protegerlo.</p>
<p>If you do not file your <i>Response</i> on time, the court may make orders affecting your right to custody of your children. You may also be ordered to pay child support and attorney fees and costs.</p>	<p>Si no presenta su Respuesta a tiempo, la corte puede hacer órdenes que afecten la custodia de sus hijos. La corte también le puede ordenar que pague manutención de los hijos, y honorarios y costos legales.</p>
<p>For legal advice, contact an attorney immediately. Get help finding an attorney at the Self-Help Guide to the California Courts (selfhelp.courts.ca.gov), at the California Legal Services website (www.lawhelpca.org), or by contacting your local bar association.</p>	<p>Para asesoramiento legal, póngase en contacto de inmediato con un abogado. Puede obtener información para encontrar un abogado en la Guía de Ayuda de las Cortes de California (selfhelp.courts.ca.gov/es), en el sitio web de los Servicios Legales de California (www.lawhelpca.org/es), o poniéndose en contacto con el colegio de abogados de su condado.</p>
<p>NOTICE: The restraining order on page 2 remains in effect against each party until the petition is dismissed, a judgment is entered, or the court makes further orders. This order is enforceable anywhere in California by any law enforcement officer who has received or seen a copy of it.</p>	<p>AVISO: La orden de protección que aparece en la página 2 continuará en vigencia en cuanto a cada parte hasta que se emita un fallo final, se despida la petición o la corte haga otras órdenes. Cualquier agencia del orden público que haya recibido o visto una copia de esta orden puede hacerla cumplir en cualquier lugar de California.</p>
<p>FEE WAIVER: If you cannot pay the filing fee, ask the clerk for a fee waiver form. The court may order you to pay back all or part of the fees and costs that the court waived for you or the other party.</p>	<p>EXENCIÓN DE CUOTAS: Si no puede pagar la cuota de presentación, pida al secretario un formulario de exención de cuotas. La corte puede ordenar que usted pague, ya sea en parte o por completo, las cuotas y costos de la corte previamente exentos a petición de usted o de la otra parte.</p>

[SEAL]

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

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



STANDARD RESTRAINING ORDER
(Gestational Carrier Agreement)

ORDEN DE RESTRICCIÓN ESTÁNDAR
(Acuerdo de Portadora Gestacional)

Starting immediately, you and every other party are restrained from removing from the state, or applying for a passport for, the minor child or children for whom this action seeks to establish a parent-child relationship or a custody order without the prior written consent of every other party or an order of the court.

This restraining order takes effect against the petitioner when the petitioner files the petition and against the respondent when the respondent is personally served with the *Summons* and *Petition* OR when the respondent waives and accepts service.

This restraining order remains in effect until the judgment is entered, the petition is dismissed, or the court makes other orders.

This order is enforceable anywhere in California by any law enforcement officer who has received or seen a copy of it.

En forma inmediata, usted y cada otra parte tienen prohibido llevarse del estado a los hijos menores para quienes esta acción judicial procura establecer una relación entre hijos y padres o una orden de custodia, ni pueden solicitar un pasaporte para los mismos, sin el consentimiento previo por escrito de cada otra parte o sin una orden de la corte.

Esta orden de restricción entrará en vigencia para el demandante una vez presentada la petición, y para el demandado una vez que éste reciba la entrega legal en persona de la Citación y Petición, o una vez que renuncie a su derecho a la entrega legal y acepte la entrega de los dos documentos legales.

Esta orden de restricción continuará en vigencia hasta que se emita un fallo final, se despida la petición o la corte haga otras órdenes.

Cualquier agencia del orden público que haya recibido o visto una copia de esta orden puede hacerla cumplir en cualquier lugar de California.

NOTICE—ACCESS TO AFFORDABLE HEALTH

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

AVISO—ACCESO A SEGURO DE SALUD MÁS

ECONÓMICO: ¿Necesita seguro de salud a un costo asequible, ya sea para usted o alguien en su hogar? Si es así, puede solicitar cobertura con Covered California. Covered California puede ayudar a reducir lo que tiene que pagar por seguro de salud asequible y de alta calidad. Para obtener más información, visite www.coveredca.com. O llame a Covered California al 1-800-300-0213.

CONFIDENTIAL

SUR-115

<p>PARTY WITHOUT ATTORNEY or ATTORNEY STATE BAR NO.:</p> <p>NAME:</p> <p>FIRM NAME:</p> <p>STREET ADDRESS:</p> <p>CITY: STATE: ZIP CODE:</p> <p>TELEPHONE NO.: FAX NO.:</p> <p>EMAIL ADDRESS:</p> <p>ATTORNEY FOR (name):</p>	<p>FOR COURT USE ONLY</p> <p>Draft</p> <p>Not Approved by the Judicial Council</p>
<p>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</p> <p>STREET ADDRESS:</p> <p>MAILING ADDRESS:</p> <p>CITY AND ZIP CODE:</p> <p>BRANCH NAME:</p>	
<p>PETITIONER:</p> <p>RESPONDENT:</p>	
<p>PROOF OF SERVICE OF SUMMONS</p>	<p>CASE NUMBER:</p>

This form tells the court that the other parties to the gestational carrier agreement (also called an "assisted reproduction agreement for gestational carriers" in Family Code section 7962) were served with legal papers to start the case in family court.

- At the time of service I was at least 18 years of age and not a party to this action.
- I served each respondent with the following:
 - Summons—Gestational Carrier Agreement* (form [SUR-110](#)) and *Petition to Determine Parental Relationship* ([SUR-100](#))
 - Lodging of gestational carrier agreement
 - Notice of lodging (not a form) *Notice of Lodging* (form [SUR-113](#))
 - Gestational carrier agreement English translation of gestational carrier agreement
 - Declaration of attorney for intended parent or intended parents (name):
 - Declaration of attorney for gestational carrier (and the gestational carrier's spouse or domestic partner) (name):
 - Other declarations
 - Declaration of intended parents Joint declaration Individual declarations (names):
 - Declaration of gestational carrier Declaration of gestational carrier's spouse or domestic partner (names):
 - Declaration of fertility physician (name):
 - Other (specify):
- Indicate whether the documents listed below being served (1) were prepared by petitioner's attorney for each respondent to review and sign or (2) are blank forms to be completed by each respondent:
 - I also served each respondent with the following
 - blank forms:
 - forms prepared by petitioner's attorney for each respondent to review:
 - Response to Petition to Determine Parental Relationship* (form [SUR-120](#))
 - Other (specify):
- Address where each respondent was served:

Name and address:

Name and address:

Name and address:



PETITIONER: RESPONDENT:	CASE NUMBER:
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5. I served each respondent by the following means (check the appropriate boxes):

- a. **Personal service** (Code Civ. Proc., § 415.10). I personally delivered the copies on
 - Name: _____ (date and time): _____
 - Name: _____ (date and time): _____
 - Name: _____ (date and time): _____

- b. **Substituted service.** On (date and time): _____ I left the copies with or in the presence of
 - (name): _____ who is (title or relationship to respondent): _____
 - (name): _____ who is (title or relationship to respondent): _____
 - (name): _____ who is (title or relationship to respondent): _____
 - (1) **(Business)** a person at least 18 years of age who was apparently in charge at the office or usual place of business of each respondent. I informed the person of the general nature of the papers.
 - (2) **(Home)** a competent member of the household (at least 18 years of age) at the home of each respondent. I informed the person of the general nature of the papers.

I thereafter mailed additional copies (by first class, postage prepaid) to each respondent at the place where the copies were left (Code Civ. Proc., § 415.20b) on (date): _____

A declaration of diligence is attached, stating the actions taken to first attempt personal service.

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

- d. **Other** (specify code section): _____

6. **Person who served papers**

Name: _____
 Address: _____

 Telephone number: _____

This person is

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

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

-or-

8. I am a California sheriff, marshal, or constable, and I certify that the foregoing is true and correct.

Date: _____

 (NAME OF PERSON WHO SERVED PAPERS)

 (SIGNATURE OF PERSON WHO SERVED PAPERS)

PETITIONER: RESPONDENT:	CASE NUMBER:
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d. Other (*specify*):

5. a. I agree that I also received the following
- (1) blank forms:
 - (2) forms prepared by petitioner's attorney to be reviewed and signed:
- b. *Response to Petition to Determine Parental Relationship* (form SUR-120)
- c. Other (*specify*):

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

(TYPE OR PRINT NAME OF PERSON ACKNOWLEDGING RECEIPT)

▶ _____
(SIGNATURE OF PERSON ACKNOWLEDGING RECEIPT)

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

(TYPE OR PRINT NAME OF PERSON ACKNOWLEDGING RECEIPT)

▶ _____
(SIGNATURE OF PERSON ACKNOWLEDGING RECEIPT)

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

(TYPE OR PRINT NAME OF PERSON ACKNOWLEDGING RECEIPT)

▶ _____
(SIGNATURE OF PERSON ACKNOWLEDGING RECEIPT)

PETITIONER: RESPONDENT:	CASE NUMBER:
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4. **The child or children** conceived under the terms of a gestational carrier agreement.

- a. I agree with the information in item 4 of the petition.
- b. I disagree with some or all of the information in item 4 of the petition and provide the following information:

The child or children who was (or were) conceived based on a gestational carrier agreement:

- (1) has not (or have not) yet been born
 - Number of unborn children, if known:
 - Expected date of delivery:
 - Expected place of birth:

- (2) has (or have) been born

<u>Full Name</u>	<u>Date of Birth</u>	<u>Place of Birth</u>
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5. **Child support**

The court may make orders for support of the children and issue an earnings assignment without further notice to any person determined to be a parent or intended parent in this matter.

6. **Jurisdiction**

- a. The court has jurisdiction under Family Code section 7620, as stated in the petition.
- b. The court does not have jurisdiction under Family Code section 7620 because all of the following apply:
 - (1) the medical procedures leading to conception, including in vitro fertilization or embryo transfer, or both, were not carried out in this state;
 - (2) none of the parties to the gestational carrier agreement live in this state;
 - (3) none of the parties lived in this state when the gestational carrier agreement was executed; and
 - (4) the child or children (*select one*) was (or were) not born is (or are) not anticipated to be born in this state.
- c. Other (*specify*):

7. **Venue**

- a. Venue for this case is proper in the county where the petition was filed under Family Code section 7620.
- b. Venue is not proper in the county where the petition was filed because all of the following apply:
 - (1) the child or children (*select one*) was (or were) not born is (or are) not anticipated to be born in this county;
 - (2) the intended parent does not (or the intended parents do not) live in this county;
 - (3) the gestational carrier does not live in this county;
 - (4) the gestational carrier agreement was not executed in this county;
 - (5) the medical procedures under the assisted reproduction agreement were not performed in this county; and
 - (6) no proceedings for administration of the estate of a deceased parent have been or could be started in this county.
- c. Other (*specify*):



PETITIONER: RESPONDENT:	CASE NUMBER:
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8. **Response to request for court determination regarding parental relationship**

- a. I agree with the requests in item 8 of the petition.
- b. I disagree with some or all of the claims in item 8 of the petition, and request that the court make the following determinations:
 - (1) Petitioner is or petitioners are
 - the legal parent or parents of the child or children listed in the petition. item 4 of this form.
 - not** the legal parent or parents of the child or children listed in the petition. item 4 of this form.
 - (2) Respondent is or respondents are
 - the legal parent or parents of the child or children listed in the petition. item 4 of this form.
 - not** the legal parent or parents of the child or children listed in the petition. item 4 of this form.
 - (3) Other (*specify*):

Note: If the other court orders you are requesting are about child custody and visitation (parenting time), you must fill out and attach *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)* (form [FL-105/GC-120](#)).

9. **Respondent's or respondents' primary language is not English**

- a. The primary language of each respondent is (*specify*):
- b. Did respondent or respondents receive the assistance of a translator or interpreter, or both, in their primary language with this response? Yes No (*explain your answer in item 9d*)
- c. Does each respondent fully understand the documents written in English that were signed and are being filed with the court in support of their response to the petition? Yes No (*explain your answer in item 9d*)
- d. Explanation (*specify*): below See [Attachment 9d](#).

10. I have read the restraining order on the back of the *Summons* (form [SUR-110](#)) and I understand that it applies to me.

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

Date:	
(TYPE OR PRINT NAME)	 <hr style="border: 0; border-top: 1px solid black;"/> (SIGNATURE OF RESPONDENT)
Date:	
(TYPE OR PRINT NAME)	 <hr style="border: 0; border-top: 1px solid black;"/> (SIGNATURE OF RESPONDENT)
Date:	
(TYPE OR PRINT NAME)	 <hr style="border: 0; border-top: 1px solid black;"/> (SIGNATURE OF RESPONDENT)

PARTY WITHOUT ATTORNEY OR ATTORNEY STATE BAR NUMBER: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR (name):	<p style="text-align: center;"><i>FOR COURT USE ONLY</i></p> <p style="text-align: center;">DRAFT</p> <p style="text-align: center;">NOT APPROVED BY THE JUDICIAL COUNCIL</p>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER: RESPONDENT:	
REQUEST TO ENTER DEFAULT	CASE NUMBER:

1. **TO THE COURT CLERK:** On the *Petition to Determine Parental Relationship* (form SUR-100)
- a. filed on (*specify date*):
 - b. filed by (*name*):
 - c. I request that the court enter the default of respondent (*name*):
 (Note: A gestational carrier agreement is also called an "assisted reproduction agreement for gestational carriers" in Family Code section 7962.)

Date: _____

(TYPE OR PRINT NAME)	▶	(SIGNATURE OF [ATTORNEY FOR] PETITIONER)
(TYPE OR PRINT NAME)	▶	(SIGNATURE OF [ATTORNEY FOR] PETITIONER)
(TYPE OR PRINT NAME)	▶	(SIGNATURE OF [ATTORNEY FOR] PETITIONER)

2. **Declaration**
- a. No mailing is required because service was by publication or posting and the address of the respondent remains unknown.
 - b. A copy of this *Request to Enter Default*, including any attachments and an envelope with sufficient postage, was provided to the court clerk, with the envelope addressed as follows (*address of the respondent's attorney or, if none, the respondent's last known address*):
 - c. I understand that *Request to Enter for Default* must be filed for each respondent who has failed to respond to the petition.

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

Date: _____

(TYPE OR PRINT NAME OF EACH DECLARANT)	▶	(SIGNATURE OF EACH DECLARANT)
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FOR COURT USE ONLY
<input type="checkbox"/> <i>Request to Enter Default</i> mailed to the respondent or the respondent's attorney on (<i>date</i>): _____
<input type="checkbox"/> Default entered as requested on (<i>date</i>): _____
<input type="checkbox"/> Default not entered. Reason: _____
Clerk, by _____, Deputy

PETITIONER: RESPONDENT:	CASE NUMBER:
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3. Memorandum of costs

- a. Costs and disbursements are waived.
- b. Costs and disbursements are listed as follows:
- | | |
|--|-----------|
| (1) <input type="checkbox"/> Clerk’s fees | \$ |
| (2) <input type="checkbox"/> Process server’s fees | \$ |
| (3) <input type="checkbox"/> Other (<i>specify</i>): | \$ |
| | \$ |
| | \$ |
| | \$ |
| TOTAL | \$ |
- c. I am the attorney, agent, or party who claims these costs. To the best of my knowledge and belief, the foregoing items of cost are correct and have been necessarily incurred in this cause or proceeding.

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

Date:

_____ (TYPE OR PRINT NAME)		_____ (SIGNATURE OF DECLARANT)
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4. Declaration of nonmilitary status (*required for a judgment*)

The respondent is not in the military service of the United States as defined by either the Servicemembers Civil Relief Act (see 50 U.S.C. § 3911(2)) or California Military and Veterans Code sections 400 and 402(f).

I know that the respondent is not in the U.S. military service because (*check all that apply*):

- a. the search results that I received from scra.dmdc.osd.mil/ say the respondent is not in the U.S. military service.
- b. I am in regular communication with the respondent and know that they are not in the U.S. military service.
- c. I recently contacted the respondent, and they told me that they are not in the U.S. military service.
- d. I know that the respondent was discharged from U.S. military service on or about (*date*):
- e. the respondent is not eligible to serve in the U.S. military because they are incarcerated (in jail or prison).
- f. Other (*specify*):

Note

- U.S. military status can be checked online at scra.dmdc.osd.mil/.
- If the respondent is in the military service, or their military status is unknown, the respondent is entitled to certain rights and protections under federal and state law before a default judgment can be entered.
- For more information, see selfhelp.courts.ca.gov/military-defaults.

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

Date:

_____ (TYPE OR PRINT NAME)		_____ (SIGNATURE OF DECLARANT)
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PETITIONER: RESPONDENT:	CASE NUMBER:
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3. a. a child (or children) not yet born. Number of unborn children, if known:
 Expected date of delivery:
 Expected place of birth:

b. Name or names (*specify*):

is not the parent (or are not the parents) of the child or children listed in item 3a. not yet born.

4. Declarations and agreements about determination of parental relationship

Each party:

- a. Declares that the parties have an agreement about the legal parental relationship of the child or children (conceived under the terms of a gestational carrier agreement) that is set forth in the proposed *Judgment* (form FL-250).
- b. Agrees that the legal parental relationship of the child or children should be ordered as set forth in the proposed *Judgment* (form FL-250).
- c. Asks the court to approve the proposed *Judgment* (form FL-250) that is attached to this *Declaration for Default or Uncontested Judgment*.
- d. Declares that the original and copies of the proposed *Judgment* (form FL-250) and *Notice of Entry of Judgment* (form FL-190) are also being submitted for the court to sign, along with the postage prepaid (stamped) envelopes. One stamped envelope is provided for each party in this case.
- e. Agrees to keep the court and each other informed of any change of mailing address or phone number occurring before the court enters a judgment in the case using the *Notice of Change of Address or Other Contact Information* (form [MC-040](#)).

5. Advisement and waiver of rights as to determination of parental relationship

a. I understand all of the following rights:

- (1) *Legal representation*. I have the right to be represented by an attorney of my own choice at my own expense. If I cannot afford an attorney, I can contact an attorney referral service of the local bar association or the family law facilitator for assistance.
- (2) *Trial and appeal*. I have a right to have a judge decide if I am the parent of the children named in this action. I also understand that I have the right to a notice of trial, a statement of decision, a motion for a new trial, and the right to appeal.
- (3) *Confront and cross-examine witnesses*. In a trial, I have the right to confront and cross-examine the witnesses against me and to present evidence and witnesses in my own defense.
- (4) *Genetic testing*. Under Family Code section 7551(b)(1)(B), genetic testing may be ordered if there is a dispute about whether the gestational carrier surrogate is a genetic parent.

b. Each intended parent further understands all of the following obligations:

- (1) *Obligations*. If I admit that I am the parent of the children in this action then those children will be my children for legal purposes. I will also have the duty to contribute to the support of the children named in this action; this duty of support will continue for each child until the obligation is terminated by law.
- (2) *Criminal nonsupport*. If I willfully fail to support the child or children, criminal proceedings may be initiated against me.

c. Understanding

- (1) I have read and understand the contents of this *Declaration for Default or Uncontested Judgment*, including the advisement and waiver of rights as to a determination of parental relationship.
- (2) If I am represented by an attorney, my attorney has read and explained to me the contents of this *Declaration for Default or Uncontested Judgment* and the proposed *Judgment* (form FL-250) and I acknowledge that I understand them.
- (3) I give up the rights that apply to me (except the right to an attorney, if I have an attorney) and freely agree that the court may enter the proposed *Judgment* (form FL-250).
- (4) I understand that none of the waivers or recitals in this *Declaration for Default or Uncontested Judgment* and *Judgment* (form FL-250) will apply unless the court approves the judgment.



PETITIONER: RESPONDENT:	CASE NUMBER:
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6. **Agreements about the proceeding and requests** (choose all that apply):

- a. In this *Declaration for Default or Uncontested Judgment*, I am not seeking any relief not requested in the petition.
- b. This cause may be decided as an uncontested matter without notice.
- c. I waive the right to notice of trial, a statement of decision, and a motion for new trial.
- d. I agree that this matter may be decided by a commissioner sitting as a temporary judge who may determine whether to grant this request or require my appearance.
- e. None of these agreements or waivers will apply unless the court approves *Judgment* (form FL-250).
- f. I request that the court issue a judgment forthwith and without further evidence under Family Code section 7962(f)(2).

7. Other (specify): [Attachment 7.](#)

8. Number of pages attached: _____

9. I declare under penalty of perjury under the laws of the State of California that the foregoing and all attached documents are true and correct.

Date:

(TYPE OR PRINT NAME OF EACH PETITIONER)



(SIGNATURE OF EACH PETITIONER)

Date:

(TYPE OR PRINT NAME OF ATTORNEY FOR EACH PETITIONER)



(SIGNATURE OF ATTORNEY FOR EACH PETITIONER)



STOP SIGNING HERE if a *Response* (form SUR-120) was *not* filed AND *no* person is using this form to make a general appearance in the case.

Date:

(TYPE OR PRINT NAME OF EACH RESPONDENT)



(SIGNATURE OF EACH RESPONDENT)

Date:

(TYPE OR PRINT NAME OF ATTORNEY FOR EACH RESPONDENT)



(SIGNATURE OF ATTORNEY FOR EACH RESPONDENT)

INTERPRETER'S DECLARATION

I certify under penalty of perjury under the laws of the State of California that:

1. I have, to the best of my ability, interpreted or translated this *Declaration for Default or Uncontested Judgment* and *Judgment* (form FL-250) for (specify name or names below):

in the primary language of each party (specify):

2. Each person listed above stated to me that they understood the contents of this *Declaration for Default or Uncontested Judgment* and *Judgment* (form FL-250) before signing them.

Date:

(TYPE OR PRINT NAME)



(SIGNATURE OF INTERPRETER)

Note: If more than one interpreter was needed in this case, complete and attach a separate "Interpreter's Declaration" to this petition that includes the same content as the above "Interpreter's Declaration." (*Declaration* (form [MC-031](#)) may be used for this purpose.)

CONFIDENTIAL

PETITIONER:	CASE NUMBER:
RESPONDENT:	

DECLARATION AND CONDITIONAL WAIVER OF RIGHTS UNDER THE SERVICEMEMBERS CIVIL RELIEF ACT
Attachment to Declaration for Default or Uncontested Judgment (form SUR-230)

Notice to Servicemember

The Servicemembers Civil Relief Act (50 U.S.C. §§ 3901–4043) is a federal law that provides protections for military members when they enter active duty. You may obtain a copy of the act from the public law library or from the website of the United States Department of Justice at www.justice.gov.

By signing this conditional waiver and attaching it to *Declaration for Default or Uncontested Judgment* (form SUR-230), I declare that I am entitled to the benefits of the Servicemembers Civil Relief Act (SCRA).

- To permit the court to decide this cause as an uncontested matter and enter a judgment that incorporates the terms of the written agreement made between the petitioner and me (a copy of which is attached to this form), I make a knowing, intelligent, and voluntary conditional waiver of the right to seek to set aside a default judgment entered against me in this matter, as provided by section 3918 of the SCRA.
- This waiver is conditioned as follows:
 - The waiver applies only to a default judgment that incorporates the terms and conditions of the written agreement between the petitioner and me that is titled
 - Judgment* (form FL-250)
 - other (*specify*):
 - The court must enter a judgment that incorporates only the terms and conditions of the above written agreement without any change; and
 - Should the court enter a judgment that changes the above written agreement in any way, then I do not waive any of my rights under the SCRA, including my right to seek to set aside the judgment at any time.
- This conditional waiver was executed during or after a period of military service.

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

Date:

(TYPE OR PRINT NAME)

Date:

(SIGNATURE OF RESPONDENT)

(TYPE OR PRINT NAME)

Date:

(SIGNATURE OF RESPONDENT)

(TYPE OR PRINT NAME)

(SIGNATURE OF RESPONDENT)

Attention Clerk of the Court:	By law, a servicemember must not be charged a fee to file <i>Declaration for Default for Uncontested Judgment (form SUR-230).</i>
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SPR25-15

Family Law: Rules and Forms to Determine Parentage Relationship Based on Gestational Carrier Agreement (Adopt Cal. Rules of Court, rule 5.78; amend rules 5.2, 5.7, 5.16, 5.50, 5.52, and 5.96; repeal rule 5.51; adopt forms SUR-100, SUR-100(J), SUR-110, SUR-120, SUR-165, and SUR-230; approve forms SUR-050-INFO, SUR-113, SUR-115, SUR-117, and SUR-230(A); revise forms FL-190, FL-211, and FL-250)

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

List of All Commenters and Overall Positions on the Proposal

	Commenter	Position	Comment	Committee Response
1.	AC Howard Law by Kaliana Ashkarian, Paralegal	A	See general comments below.	See response below.
2.	Fayaz Ahmadi Legal Assistant International Fertility Law Group	A	No narrative comments submitted.	No response required.
3.	Rubina Aslanyan Paralegal International Fertility Law Group	A	No narrative comments submitted.	No response required.
4.	Ariana	A	See general comments below.	See response below.
5.	Toni Boone Paralegal International Fertility Law Group	A	No narrative comments submitted.	No response required.
6.	Vanessa Bowman Case Manager International Fertility Law Group	A	See general comments below.	See response below.
7.	Stephanie Caballero Principal Attorney The Surrogacy Law Center, APC	A	See general comments below.	See response below.
8.	California Lawyers Association Family Law Section Executive Committee (FLEXCOM) by Shannon Quinley FLEXCOM Legislation Chair and by Saul Bercovitch Associate Executive Director, Governmental Affairs California Lawyers Association	A	See general comments below.	See response below.
9.	Kate Chao	A	See general comments below.	See response below.

SPR25-15

Family Law: Rules and Forms to Determine Parentage Relationship Based on Gestational Carrier Agreement (Adopt Cal. Rules of Court, rule 5.78; amend rules 5.2, 5.7, 5.16, 5.50, 5.52, and 5.96; repeal rule 5.51; adopt forms SUR-100, SUR-100(J), SUR-110, SUR-120, SUR-165, and SUR-230; approve forms SUR-050-INFO, SUR-113, SUR-115, SUR-117, and SUR-230(A); revise forms FL-190, FL-211, and FL-250)

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

List of All Commenters and Overall Positions on the Proposal				
	Commenter	Position	Comment	Committee Response
	Paralegal International Fertility Law Group			
10.	Child Support Directors Association of California By Michael Smitsky, Executive Director	NI	See comments on specific provisions below.	See response below.
11.	Christy Clark Senior Matching Coordinator International Surrogacy Center	A	See general comments below.	See response below.
12.	Katie Deaquino Senior Paralegal International Fertility Law Group	A	No narrative comments submitted.	No response required.
13.	Department of Child Support Service by Shannon Richards, Attorney III Office of Legal Services	NI	See comments on specific provisions below.	See response below.
14.	Sahar Douraghy Attorney OC Child and Family Formation Law Group, LLP	A	See general comments below.	See response below.
15.	Emily Doskow Attorney and Mediator	A	See general comments below.	See response below.
16.	Mariah Duck, BSW	A	See general comments below.	See response below.
17.	Leah S. Dunn Attorney and Counselor at Law AC Howard Law, APC	A	See general comments below.	See response below.

SPR25-15

Family Law: Rules and Forms to Determine Parentage Relationship Based on Gestational Carrier Agreement (Adopt Cal. Rules of Court, rule 5.78; amend rules 5.2, 5.7, 5.16, 5.50, 5.52, and 5.96; repeal rule 5.51; adopt forms SUR-100, SUR-100(J), SUR-110, SUR-120, SUR-165, and SUR-230; approve forms SUR-050-INFO, SUR-113, SUR-115, SUR-117, and SUR-230(A); revise forms FL-190, FL-211, and FL-250)

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

List of All Commenters and Overall Positions on the Proposal

	Commenter	Position	Comment	Committee Response
18.	Family Choice Surrogacy by Leah Potter Fishers, Indiana	A	See general comments below.	See response below.
19.	Alexandra Ferber Paralegal	A	See general comments below.	See response below.
20.	Cynthia E. Fruchtman Law Offices of Cynthia E. Fruchtman	AM	See comments on specific provisions below.	See response below.
21.	Genesis Group by Lisa Chiya, President	A	See general comments below.	See response below.
22.	Thomas S. Gleeson Baby Legal	A	No narrative comments submitted.	No response required.
23.	Anna C. Howard Founding Attorney AC Howard Law, APC	A	See general comments below.	See response below.
24.	Chatima Hughes Paralegal International Fertility Law Group	A	No narrative comments submitted.	No response required.
25.	International Fertility Law Group by Alex Espinoza, Legal Administrative Assistant	A	No narrative comments submitted.	No response required.
26.	International Fertility Law Group by Kim Letzkus, Senior Paralegal	A	See general comments below.	See response below.
27.	International Fertility Law Group by Meghan Roche, Paralegal	A	See general comments below.	See response below.
28.	International Surrogacy Center by Arianna Shelter, Chief Executive Officer	A	See general comments below.	See response below.

SPR25-15

Family Law: Rules and Forms to Determine Parentage Relationship Based on Gestational Carrier Agreement (Adopt Cal. Rules of Court, rule 5.78; amend rules 5.2, 5.7, 5.16, 5.50, 5.52, and 5.96; repeal rule 5.51; adopt forms SUR-100, SUR-100(J), SUR-110, SUR-120, SUR-165, and SUR-230; approve forms SUR-050-INFO, SUR-113, SUR-115, SUR-117, and SUR-230(A); revise forms FL-190, FL-211, and FL-250)

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

List of All Commenters and Overall Positions on the Proposal

	Commenter	Position	Comment	Committee Response
29.	Douglas Michael Kautzky, Esq. Law Offices of Douglas M. Kautzky	A	See general comments below.	See response below.
30.	Loni Klein Attorney	A	See general comments below.	See response below.
31.	William E. Knox-Davies Legal Research Attorney (CRC 5.407 Review) Superior Court of Alameda County	AM	See comments on specific provisions below.	See response below.
32.	Alex Lanchares Paralegal The Surrogacy Law Center, APC	A	No narrative comments received.	No response required.
33.	Law Offices of Sean C. Sobottka, APC by Sean C. Sobottka, Principal Attorney	A	See general comments below.	See response below.
34.	Jennifer Madrid	A	See general comments below.	See response below.
35.	Gregory Masler Attorney Law Offices of Gregory S. Masler	A	No narrative comments submitted.	No response required.
36.	Dean Masserman, Esq. Partner Vorzimmer/Masserman – Fertility & Family Law Center	A	No narrative comments submitted.	No response required.
37.	Polly May Paralegal International Fertility Law Group	A	See general comments below.	See response below.
38.	Catherine Babette McGowan International Reproductive Law Group, Inc.	A	See general comments below.	See response below.
39.	Melissa McNeillie Case Manager	A	No narrative comments submitted.	No response required.

SPR25-15

Family Law: Rules and Forms to Determine Parentage Relationship Based on Gestational Carrier Agreement (Adopt Cal. Rules of Court, rule 5.78; amend rules 5.2, 5.7, 5.16, 5.50, 5.52, and 5.96; repeal rule 5.51; adopt forms SUR-100, SUR-100(J), SUR-110, SUR-120, SUR-165, and SUR-230; approve forms SUR-050-INFO, SUR-113, SUR-115, SUR-117, and SUR-230(A); revise forms FL-190, FL-211, and FL-250)

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

List of All Commenters and Overall Positions on the Proposal

	Commenter	Position	Comment	Committee Response
	International Fertility Law Group			
40.	Ken Mosesian Chief Executive Officer International Fertility Law Group	A	No narrative comments submitted.	No response required.
41.	New Family Fertility Law, APC by Lila M. Seif, Attorney/Founder	A	See general comments below.	See response below.
42.	NewGen Families by Janelle Hammet Surrogacy Journey Director	A	See general comments below.	See response below.
43.	Casey Oakley Paralegal International Fertility Law Group	A	No narrative submitted.	No response required.
44.	Molly O'Brian Partner International Fertility Group	A	No narrative comments submitted.	No response required.
45.	Casey O'Connell Attorney Klein Fertility Law, APC	A	See general comments below.	See response below.
46.	Milena O'Hara Attorney Modern Fertility Law, PC	A	See general comments below.	See response below.
47.	Erin O'Kane Allen Attorney The Law Office of Erin C. O'Kane, Esq.	A	See general comments below.	See response below.
48.	Orange County Bar Association by Mei Tseng, President	A	See comments on specific provisions below.	See response below.
49.	Hon. Amy M. Pellman (Ret.)	A	See general comments below.	See response below.
50.	Pondel Law, PC	A	No narrative comments submitted.	No response required.

SPR25-15

Family Law: Rules and Forms to Determine Parentage Relationship Based on Gestational Carrier Agreement (Adopt Cal. Rules of Court, rule 5.78; amend rules 5.2, 5.7, 5.16, 5.50, 5.52, and 5.96; repeal rule 5.51; adopt forms SUR-100, SUR-100(J), SUR-110, SUR-120, SUR-165, and SUR-230; approve forms SUR-050-INFO, SUR-113, SUR-115, SUR-117, and SUR-230(A); revise forms FL-190, FL-211, and FL-250)

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

List of All Commenters and Overall Positions on the Proposal

	Commenter	Position	Comment	Committee Response
	by Sara McGlocklin, Attorney			
51.	Pondel Law, PC by Miriam Zacuto, Paralegal and Practice Manager	A	See general comments below.	See response below.
52.	Rose Kesten Pondel Attorney/Owner Pondel Law, PC	A	See general comments below.	See response below.
53.	Kristin Przeklasa OC Child Law	A	See general comments below.	See response below.
54.	Reproductive Law Center by Michelle Keyes, Managing Attorney	A	See general comments below.	See response below.
55.	Julia Robinson, JD Legal Assistant International Fertility Law Group	A	See general comments below.	See response below.
56.	Trisha Rodriguez	A	No narrative comments submitted.	No response required.
57.	Deborah B. Rosenthal, Esq. Law Office of Deborah B. Rosenthal	A	See general comments below.	See response below.
58.	Phoebe Sadler Attorney International Fertility Law Group	A	See general comments below.	See response below.
59.	Rachael Sandifer Senior Associate International Reproductive Law Group	A	See general comments below.	See response below.
60.	Ilse Sapien Legal Assistant New Family Fertility Law, APC	A	See general comments below.	See response below.
61.	Megan Segura Associate Attorney A Center for Children & Family Law	A	See general comments below.	See response below.

SPR25-15

Family Law: Rules and Forms to Determine Parentage Relationship Based on Gestational Carrier Agreement (Adopt Cal. Rules of Court, rule 5.78; amend rules 5.2, 5.7, 5.16, 5.50, 5.52, and 5.96; repeal rule 5.51; adopt forms SUR-100, SUR-100(J), SUR-110, SUR-120, SUR-165, and SUR-230; approve forms SUR-050-INFO, SUR-113, SUR-115, SUR-117, and SUR-230(A); revise forms FL-190, FL-211, and FL-250)

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

List of All Commenters and Overall Positions on the Proposal

	Commenter	Position	Comment	Committee Response
62.	Melanie Siebert Director of Operations The Surrogacy Law Center	A	See general comments below.	See response below.
63.	Bonnie Sloate Legal Assistant Pondel Law, P.C.	A	See general comments below.	See response below.
64.	Luis Sosa Paralegal International Fertility Group Law	A	See general comments below.	See response below.
65.	Cara Stecker Paralegal International Fertility Law Group	A	See general comments below.	See response below.
66.	Superior Court of Los Angeles County by Stephanie Kuo, Legislative Analyst	A	See comments on specific provisions below.	See response below.
67.	Superior Court of Orange County Family Law and Juvenile Divisions by Katie Tobias, Operations Analyst	NI	See comments on specific provisions below.	See response below.
68.	Superior Court of San Diego County by Michael Roddy, Executive Director	AM	See comments on specific provisions below.	See response below.
69.	Kimberly Surratt Attorney Reno, NV	A	See general comments below.	See response below.
70.	Surrogacy Is LLC by Sunshine Hanson, President	A	No narrative comments submitted.	No response required.
71.	Surrogacy Mentor, LLC by Carey Flamer-Powell, Founder and Director	A	See general comments below.	See response below.
72.	Shelly Tarnoff Attorney Tarnoff Law	A	See general comments below.	See response below.

SPR25-15

Family Law: Rules and Forms to Determine Parentage Relationship Based on Gestational Carrier Agreement (Adopt Cal. Rules of Court, rule 5.78; amend rules 5.2, 5.7, 5.16, 5.50, 5.52, and 5.96; repeal rule 5.51; adopt forms SUR-100, SUR-100(J), SUR-110, SUR-120, SUR-165, and SUR-230; approve forms SUR-050-INFO, SUR-113, SUR-115, SUR-117, and SUR-230(A); revise forms FL-190, FL-211, and FL-250)

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

List of All Commenters and Overall Positions on the Proposal

	Commenter	Position	Comment	Committee Response
73.	Andrea Thong Paralegal International Fertility Law Group	A	No narrative comments submitted.	No response required.
74.	Trial Court Presiding Judges Advisory Committee (TCPJAC) and the Court Executives Advisory Committee (CEAC) by TCPJAC/CEAC Joint Rules Subcommittee (JRS)	A	See comments on specific provisions below.	See response below.
75.	Richard B. Vaughn, Esq. Founding Partner International Fertility Law Group	A	See general comments below.	See response below.
76.	Brittany Wells Paralegal International Fertility Law Group	A	See general comments below.	See response below.
77.	Christa Wensel Legal Case Manager International Fertility Law Group	A	See general comments below.	See response below.
78.	Russell Werts Attorney Law Office of Werts and Werts	A	No narrative comments submitted.	No response required.
79.	Lisa Wippler Case Manager International Fertility Law Group	A	No narrative comments submitted.	No response required.

SPR25-15

Family Law: Rules and Forms to Determine Parentage Relationship Based on Gestational Carrier Agreement (Adopt Cal. Rules of Court, rule 5.78; amend rules 5.2, 5.7, 5.16, 5.50, 5.52, and 5.96; repeal rule 5.51; adopt forms SUR-100, SUR-100(J), SUR-110, SUR-120, SUR-165, and SUR-230; approve forms SUR-050-INFO, SUR-113, SUR-115, SUR-117, and SUR-230(A); revise forms FL-190, FL-211, and FL-250)

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Commenter	General Comments	Committee Response
AC Howard Law by Kaliana Ashkarian, Paralegal	<p>Inconsistencies in surrogacy parentage filing requirements from county to county in California (in regard to how these cases are processed, what is required, what fees are charged, etc.) create inefficiencies, delays, stress, irritation, and exhaustion for everyone involved – the family court judges, the court clerks, the parties and their attorneys and staff.</p> <p>Streamlining this process for all involved is long overdue, and I wholeheartedly support the proposed forms, rules and changes outlined in SPR25-15.</p> <p>*The above verbatim comments of AC Howard Law are nearly identical comments that were submitted by the following commenters:</p> <ol style="list-style-type: none">1. Ariana [last name not provided];2. Stephanie Caballero;3. Christy Clark;4. Leah S. Dunn;5. Family Choice Surrogacy6. International Fertility Law Group;7. Law Offices of Sean C. Sobottka, APC;8. New Family Fertility Law, APC;9. Milena O’Hara;10. Erin O’Kane Allen;11. Rose Kesten Pondel;12. Julia Robinson, JD;13. Ilse Sapien; and14. Bonnie Sloate15. Christa Wensel	The committee appreciates receiving the commenter’s feedback on the proposal.

SPR25-15

Family Law: Rules and Forms to Determine Parentage Relationship Based on Gestational Carrier Agreement (Adopt Cal. Rules of Court, rule 5.78; amend rules 5.2, 5.7, 5.16, 5.50, 5.52, and 5.96; repeal rule 5.51; adopt forms SUR-100, SUR-100(J), SUR-110, SUR-120, SUR-165, and SUR-230; approve forms SUR-050-INFO, SUR-113, SUR-115, SUR-117, and SUR-230(A); revise forms FL-190, FL-211, and FL-250)

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Commenter	General Comments	Committee Response
Vanessa Bowman Case Manager International Fertility Law Group	<p>Inconsistencies in surrogacy parentage filing requirements from county to county in California (in regard to how these cases are processed, what is required, what fees are charged, etc.) create inefficiencies, delays and stress for everyone involved – the family court judges, the court clerks, the parties and their attorneys.</p> <p>Streamlining this process for all involved is long overdue, and I wholeheartedly support the proposed forms, rules and changes outlined in SPR25-15.</p>	The committee appreciates the commenter’s feedback.
California Lawyers Association Family Law Section Executive Committee (FLEXCOM) by Shannon Quinley FLEXCOM Legislation Chair and by Saul Bercovitch Associate Executive Director, Governmental Affairs California Lawyers Association	FLEXCOM agrees with this proposal. FLEXCOM supports the use of the current versions of the proposed forms and would like to see them implemented by January 1, 2026.	The committee appreciates the commenter’s feedback.
Kate Chao Paralegal International Fertility Law Group	This is such a great idea, and would help lower the cost and barriers to entry for families pursuing parentage via Surrogacy. Full support!!!	The committee appreciates the commenter’s feedback.
Sahar Douraghy Attorney	I fully support the proposed terms, rules and changes outlined in SPR25-15. I agree that streamlining this process is long overdue.	The committee appreciates the commenter’s feedback.

SPR25-15

Family Law: Rules and Forms to Determine Parentage Relationship Based on Gestational Carrier Agreement (Adopt Cal. Rules of Court, rule 5.78; amend rules 5.2, 5.7, 5.16, 5.50, 5.52, and 5.96; repeal rule 5.51; adopt forms SUR-100, SUR-100(J), SUR-110, SUR-120, SUR-165, and SUR-230; approve forms SUR-050-INFO, SUR-113, SUR-115, SUR-117, and SUR-230(A); revise forms FL-190, FL-211, and FL-250)

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Commenter	General Comments	Committee Response
OC Child and Family Formation Law Group, LLP	Inconsistencies in surrogacy parentage filing requirements from county to county in California creates delays and stress. It would be so helpful to have one process for all counties to reduce confusion and prevent delays in obtaining judgments.	
Emily Doskow Attorney and Mediator	<p>As an ART attorney practicing in multiple counties, I consider this a huge step forward in supporting families using assisted reproduction.</p> <p>The proposed changes will make the process of obtaining a judgment of parentage clearer and more efficient by creating consistency throughout California counties. It will save untold attorney time, clerk time, and judicial time and resources as we will not have to use trial and error to figure out what each county's procedures are for filing pre-birth parentage cases.</p>	The committee appreciates the commenter's feedback.
Mariah Duck, BSW	<p>I strongly support the proposed changes outlined in SPR25-15.</p> <p>The current lack of uniformity in how surrogacy parentage cases are processed across California counties—including inconsistencies in procedural requirements, required documentation, and filing fees—creates significant inefficiencies and unnecessary burdens. These discrepancies not only delay the resolution of cases but also impose undue stress on all involved parties: family court judges, court clerks, legal practitioners, and especially the families navigating the process.</p> <p>The proposed rules and forms represent a long-overdue and much-needed effort to streamline these proceedings. By establishing a standardized, statewide approach tailored specifically to gestational carrier agreements, this proposal promises to enhance clarity, reduce delays, and promote fairness and accessibility in the judicial process.</p> <p>These reforms will ultimately facilitate more efficient court operations and better serve California families and professionals engaged in</p>	The committee appreciates the commenter's feedback.

SPR25-15

Family Law: Rules and Forms to Determine Parentage Relationship Based on Gestational Carrier Agreement (Adopt Cal. Rules of Court, rule 5.78; amend rules 5.2, 5.7, 5.16, 5.50, 5.52, and 5.96; repeal rule 5.51; adopt forms SUR-100, SUR-100(J), SUR-110, SUR-120, SUR-165, and SUR-230; approve forms SUR-050-INFO, SUR-113, SUR-115, SUR-117, and SUR-230(A); revise forms FL-190, FL-211, and FL-250)

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Commenter	General Comments	Committee Response
	<p>assisted reproduction arrangements.</p> <p>I commend the Judicial Council and the Family and Juvenile Law Advisory Committee for advancing this thoughtful and practical proposal, and I urge its full adoption.</p>	
Alexandra Ferber Paralegal	<p>Inconsistencies in surrogacy parentage filing requirements from county to county in California with regard to how these cases are processed and what is required create inefficiencies, significant delays and stress for all parties involved.</p> <p>Streamlining this process for all involved is long overdue. I wholeheartedly support the proposed forms, rules and changes outlined in SPR25-15.</p>	The committee appreciates the commenter's feedback.
Genesis Group by Lisa Chiya, President	<p>Inconsistencies in surrogacy parentage filing requirements across counties in California create unnecessary inefficiencies, delays, and stress for all parties involved, particularly the intended parents.</p> <p>There is no compelling reason not to streamline this process. I fully support the proposed forms, rules, and changes outlined in SPR25-15, which would bring much needed clarity, uniformity, and efficiency to surrogacy parentage proceedings</p>	The committee appreciates the commenter's feedback.
Anna C. Howard Founding Attorney AC Howard Law, APC	<p>I had a clerk once put a post-it note on my submissions and put the case on a shelf somewhere for two weeks, waiting on something we'd already submitted. I've had clerks return conformed copies back of a doctor's declaration and demand we mail in another wet-ink original even though they had filed it originally and we got a conformed copy back.</p> <p>I have had courts in one county say petitioners filings must be sent first, stamped and only then could respondents packet be submitted, which runs contrary to how MSAs can be submitted. I feel less like a</p>	The committee appreciates the commenter's feedback.

SPR25-15

Family Law: Rules and Forms to Determine Parentage Relationship Based on Gestational Carrier Agreement (Adopt Cal. Rules of Court, rule 5.78; amend rules 5.2, 5.7, 5.16, 5.50, 5.52, and 5.96; repeal rule 5.51; adopt forms SUR-100, SUR-100(J), SUR-110, SUR-120, SUR-165, and SUR-230; approve forms SUR-050-INFO, SUR-113, SUR-115, SUR-117, and SUR-230(A); revise forms FL-190, FL-211, and FL-250)

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Commenter	General Comments	Committee Response
	<p>lawyer in these cases and more like a fan-girl of whatever clerk in the business office decides to field these cases.</p> <p>Please, let's streamline this!!! Practitioner for over 12 years in ART law.</p>	
<p>International Fertility Law Group by Meghan Roche, Paralegal</p>	<p>I wholeheartedly support the proposed forms, rules and changes outlined in SPR25-15. Streamlining this process for all involved is long overdue. Inconsistencies in surrogacy parentage filing requirements from county to county in California (in regard to how these cases are processed, what is required, what fees are charged, etc.) create inefficiencies, delays and stress for everyone involved – the judges, the clerks, the parties and attorneys.</p>	<p>The committee appreciates the commenter's feedback.</p>
<p>International Surrogacy Center by Arianna Shelter, Chief Executive Officer</p>	<p>As the CEO of a surrogacy agency and a former surrogate, I understand intimately the strain caused by the inconsistent surrogacy parentage filing requirements across California's counties.</p> <p>The current disparate approaches to case processing, required submissions, and fee collection lead to substantial inefficiencies, regrettable delays, and heightened stress for everyone involved: the family court judiciary, court staff, and the parties and their legal representatives.</p> <p>This much-needed streamlining of the process is overdue, and I wholeheartedly endorse the proposed forms, rules, and modifications outlined in SPR25-15.</p>	<p>The committee appreciates the commenter's feedback.</p>
<p>Douglas Michael Kautzky, Esq. Law Offices of Douglas M. Kautzky</p>	<p>I am a legal practitioner in the field of assisted reproduction and have filed thousands of cases in many jurisdictions throughout CA and a uniform statewide procedure on filing surrogacy cases is essential to the industry.</p>	<p>The committee appreciates the commenter's feedback.</p>

SPR25-15

Family Law: Rules and Forms to Determine Parentage Relationship Based on Gestational Carrier Agreement (Adopt Cal. Rules of Court, rule 5.78; amend rules 5.2, 5.7, 5.16, 5.50, 5.52, and 5.96; repeal rule 5.51; adopt forms SUR-100, SUR-100(J), SUR-110, SUR-120, SUR-165, and SUR-230; approve forms SUR-050-INFO, SUR-113, SUR-115, SUR-117, and SUR-230(A); revise forms FL-190, FL-211, and FL-250)

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Commenter	General Comments	Committee Response
	I know Judge Pellman very well, and she would be proud of the legacy she has passionately strove for.	
Loni Klein Attorney	These forms will be extremely helpful in brin[g]ing continuity to surrogacy throughout the state.	The committee appreciates the commenter's feedback.
Jennifer Madrid	Despite having a surrogacy statute, parentage actions in surrogacy cases have been handled differently in counties across California, causing inefficiencies for practicing attorneys and uncertainty for the clients relying on those judgments. The proposed changes will streamline the parentage process and increase efficiency for the courts as well as the attorneys and parties.	The committee appreciates the commenter's feedback.
Polly May Paralegal International Fertility Law Group	Making this process more efficient and less stressful for all involved is a wonderful idea, and I support the proposed forms, rules and changes outlined in SPR25-15. Thank you.	The committee appreciates the commenter's feedback.
Catherine Babette McGowan Senior Associate International Reproductive Law Group, Inc.	Inconsistencies in surrogacy parentage filing requirements from county to county in California (in regard to how these cases are processed, what is required, what fees are charged, etc.) create inefficiencies, delays and stress for everyone involved – the family court judges, the court clerks, the parties and their attorneys. Streamlining this process for all involved is long overdue, and I wholeheartedly support the proposed forms, rules and changes outlined in SPR25-15.	The committee appreciates the commenter's feedback.
NewGen Families by Janelle Hammet Surrogacy Journey Director	I would love for this to be passed so parentage can be streamline for [intended parents] in all of CA. This will save time for all involved. Thank you!	The committee appreciates the commenter's feedback.
Casey O'Connell Attorney Klein Fertility Law, APC	As an attorney who has filed in over 35 of CA's counties, this is long overdue. The lack of certainty involved in using family law forms for gestational surrogacy, the lack of consistency in county courts statewide, the delays from rejected filings due to these inconsistencies only strain judicial resources and present unnecessary hurdles to	The committee appreciates the commenter's feedback.

SPR25-15

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Commenter	General Comments	Committee Response
	<p>securing parental rights. Uniformity in these filings is absolutely needed and I would love any chance to provide input or assistance. This will greatly benefit all parties availing themselves of CA's gestational surrogacy statutes. I wholeheartedly support the proposed forms, rules and changes outlined in SPR25-15.</p>	
<p>Hon. Amy M. Pellman (Ret.)</p>	<p>I was the sole judicial officer in Los Angeles County handling surrogacy cases (in addition to my other work!) from 2013-2024, until I retired. I saw the area grow from handling 200 cases to well over a thousand (I believe 6 judicial officers are now doing handling the cases I did by myself). I was also the co-chair of the FAMJUV until my retirement.</p> <p>The need for these forms is enormous - for the court, the clerk's office, the intended parents, the surrogates and most of all, the babies. The parentage forms were problematic and clearly not fit correctly address the subject matter. The attorneys changed the forms or made up their own attachments. Judges and court clerks required different documents, causing delays and confusion.</p> <p>These cases are time sensitive as birth certificates need to be filed within certain dates and babies do not arrive on time! Since I was doing the cases for so long, other Judges across the state started calling me for advice. It became glaringly apparent to me that we needed judicial forms dedicated to the subject matter. To highlight and fully articulate the issue, Rich Vaughn, esq. (a leader in the Surrogacy field) and I wrote a white paper, then, over the next few years, I started a working group. We spent years discussing this issue, we even worked up fake "judicial council forms" to see what might be needed. Finally, the judicial council agreed to take up the issue.</p> <p>Thanks to the committee members and the tremendous dedication of</p>	<p>The committee appreciates the commenter's feedback.</p>

SPR25-15

Family Law: Rules and Forms to Determine Parentage Relationship Based on Gestational Carrier Agreement (Adopt Cal. Rules of Court, rule 5.78; amend rules 5.2, 5.7, 5.16, 5.50, 5.52, and 5.96; repeal rule 5.51; adopt forms SUR-100, SUR-100(J), SUR-110, SUR-120, SUR-165, and SUR-230; approve forms SUR-050-INFO, SUR-113, SUR-115, SUR-117, and SUR-230(A); revise forms FL-190, FL-211, and FL-250)

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Commenter	General Comments	Committee Response
	<p>Gabrielle Seld[e]n, we have made tremendous progress. If we, as a State, can create these forms, we will be the first in the country and a leader in the field.</p> <p>Not to be too greedy, but I would highly suggest that a benchguide come next! Currently, there are no treatises or books that can assist judges to understand this complex and new field of law. It has been a long road and labor of love, and although I am no longer on the court, I have stayed the course continuing to work on these forms in the hopes that they will be adopted. Thank you for allowing me to comment.</p>	
<p>Pondel Law, PC by Miriam Zacuto, Paralegal and Practice Manager</p>	<p>As a paralegal preparing and submitting these cases on an ongoing basis, I fully support this effort to streamline gestational surrogacy parentage filings in every County in California. I believe the creation of a filing checklist and standardized procedures will greatly improve the filing of these matters.</p> <p>We find that inconsistencies in surrogacy parentage filing requirements from county to county (in regard to how these cases are processed, what is required, what fees are charged, etc.) create significant inefficiencies, delays and undoubtedly stress for everyone involved – the family court judges, the court clerks, the parties and their attorneys.</p> <p>We applaud this initiative and encourage its swift approval.</p>	<p>The committee appreciates the commenter’s feedback.</p>
<p>Kristin Przeklasa OC Child Law</p>	<p>Fully support. Requirements varying by county are difficult to navigate and time consuming for parties.</p>	<p>The committee appreciates the commenter’s feedback.</p>
<p>Reproductive Law Center by Michelle Keyes, Managing Attorney</p>	<p>The lack of uniformity in surrogacy parentage filing procedures across California counties—ranging from variations in processing protocols to differing documentation requirements and fee structures—results in unnecessary inefficiencies, delays, and added stress for all parties</p>	<p>The committee appreciates the commenter’s feedback.</p>

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Commenter	General Comments	Committee Response
	involved. This includes family court judges, clerks, attorneys, and the intended parents. A standardized approach is both necessary and overdue, and I fully endorse the proposed forms, rules, and reforms presented in SPR25-15.	
Deborah B. Rosenthal, Esq. Law Office of Deborah B. Rosenthal	As an attorney who practices day and day out in the Surrogacy field I can attest that inconsistencies in surrogacy parentage filing requirements from county to county in California (in regard to how these cases are processed, what is required, what fees are charged, etc.) create inefficiencies, delays and stress for everyone involved – the family court judges, the court clerks, the parties and their attorneys. Streamlining this process for all involved is long overdue, and I wholeheartedly support the proposed forms, rules and changes outlined in SPR25-15	The committee appreciates the commenter’s feedback.
Phoebe Sadler Attorney International Fertility Law Group	Inconsistencies in surrogacy parentage filing requirements from county to county in California create inefficiencies, delays, and stress for everyone involved. Streamlining this process by creating consistent practices across all counties would help bring courts in each county up to speed on surrogacy cases and potentially eliminate 'forum shopping' in many cases. I wholeheartedly support the proposed forms, rules, and changes outlined in SPR25-15	The committee appreciates the commenter’s feedback.
Rachael Sandifer Senior Associate International Reproductive Law Group	The absence of uniform filing requirements and procedures throughout the State of California often result in significant delays and inconsistencies among courts. Implementing a standard procedure will reduce the level of stress to all parties involved as there will be a streamlined process and realistic	The committee appreciates the commenter’s feedback.

SPR25-15

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Commenter	General Comments	Committee Response
	<p>expectations will be established and met. Courts will become efficient in its time management since there will be a protocol in place. Matters will not be reviewed and processed on a case-by-case basis.</p> <p>I support the proposed documents and rules.</p>	
Megan Segura Associate Attorney A Center for Children & Family Law	It is important that things are uniform across the state.	The committee appreciates the commenter's feedback.
Melanie Siebert Director of Operations The Surrogacy Law Center	<p>Inconsistencies in surrogacy parentage filing requirements from county to county in California (in regard to how these cases are processed, what is required, what fees are charged, etc.) create inefficiencies, delays and stress for everyone involved – the family court judges, the court clerks, the parties and their attorneys.</p> <p>Streamlining this process for all involved is long overdue, and I wholeheartedly support the proposed forms, rules and changes outlined in SPR25-15.</p>	The committee appreciates the commenter's feedback.
Luis Sosa Paralegal International Fertility Group Law	Inconsistencies in surrogacy parentage filing requirements from county to county in California (in regard to how these cases are processed, what is required, what fees are charged, etc.) create inefficiencies, delays and stress for everyone involved.	The committee appreciates the commenter's feedback.
Cara Stecker Paralegal International Fertility Law Group	<p>Inconsistencies in surrogacy parentage filing requirements from county to county in California (in regard to how these cases are processed, what is required, what fees are charged, etc.) create inefficiencies, delays and stress for everyone involved – the family court judges, the court clerks, the parties and their attorneys.</p> <p>Streamlining this process for all involved is long overdue, and I</p>	The committee appreciates the commenter's feedback.

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Commenter	General Comments	Committee Response
	wholeheartedly support the proposed forms, rules and changes outlined in SPR25-15.	
Kimberly Surratt Attorney Reno, NV	<p>I write in enthusiastic support of the proposed rules and forms addressing the determination of a legal parental relationship based on a Gestational Carrier Agreement under California law.</p> <p>This proposal represents a necessary and forward-thinking effort to ensure that our judicial and administrative processes align with the evolving landscape of family formation through assisted reproductive technology (ART).</p> <p>The proposed rules honor the integrity of properly executed gestational carrier agreements, ensuring that intended parents—who have undertaken rigorous legal, medical, and ethical protocols—can be promptly and securely recognized as the legal parents of children born through surrogacy. This recognition is essential to upholding the dignity, security, and stability of all parties, especially the child.</p>	The committee appreciates the commenter’s feedback.
Surrogacy Mentor, LLC by Carey Flamer-Powell, Founder and Director	<p>The lack of uniformity in how surrogacy parentage cases are handled across California counties—ranging from procedural steps to required documentation and associated fees— leads to unnecessary confusion, delays, and frustration for all parties involved, including judges, court staff, attorneys, and intended parents.</p> <p>It’s clear that a more consistent, streamlined approach is needed, and I fully endorse the forms, rules, and revisions proposed in SPR25-15.</p>	The committee appreciates the commenter’s feedback.
Shelly Tarnoff Attorney Tarnoff Law	This will assist all parties and attorneys to efficiently establish parental rights in surrogacy matters. Statewide uniformity is urgently needed!	The committee appreciates the commenter’s feedback.
Richard B. Vaughn, Esq. Founding Partner	Inconsistencies in surrogacy parentage filing requirements from county to county in California (in regard to how these cases are	The committee appreciates the commenter’s feedback.

SPR25-15

Family Law: Rules and Forms to Determine Parentage Relationship Based on Gestational Carrier Agreement (Adopt Cal. Rules of Court, rule 5.78; amend rules 5.2, 5.7, 5.16, 5.50, 5.52, and 5.96; repeal rule 5.51; adopt forms SUR-100, SUR-100(J), SUR-110, SUR-120, SUR-165, and SUR-230; approve forms SUR-050-INFO, SUR-113, SUR-115, SUR-117, and SUR-230(A); revise forms FL-190, FL-211, and FL-250)

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Commenter	General Comments	Committee Response
International Fertility Law Group	processed, what is required, what fees are charged, etc.) create inefficiencies, delays and stress for everyone involved – the family court judges, the court clerks, the parties and their attorneys. Streamlining this process for all involved is long overdue, and I wholeheartedly support the proposed forms, rules and changes outlined in SPR25-15.	
Brittany Wells Paralegal International Fertility Law Group	Streamlining the process in surrogacy parentage filing requirements from county to county in California (in regard to how these cases are processed, what is required, what fees are charged, etc.) is long overdue. Currently, the inconsistencies create inefficiencies, delays and stress for everyone involved – the family court judges, the court clerks, the parties and their attorneys. I entirely support the proposed forms, rules and changes outlined in SPR25-15.	The committee appreciates the commenter’s feedback.

SPR25-15

Family Law: Rules and Forms to Determine Parentage Relationship Based on Gestational Carrier Agreement (Adopt Cal. Rules of Court, rule 5.78; amend rules 5.2, 5.7, 5.16, 5.50, 5.52, and 5.96; repeal rule 5.51; adopt forms SUR-100, SUR-100(J), SUR-110, SUR-120, SUR-165, and SUR-230; approve forms SUR-050-INFO, SUR-113, SUR-115, SUR-117, and SUR-230(A); revise forms FL-190, FL-211, and FL-250)

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Rules of Court		
Commenter	Comment	Committee Response
<p>Cynthia E. Fruchtman Law Offices of Cynthia E. Fruchtman</p>	<p>The Rules and the forms exclude Traditional Surrogacy Agreements for no apparent reason or purpose. Court clerks in the past have rejected filings relating to parentage actions pursuant to Traditional Surrogacy agreements because the forms appear not to allow such filings.</p> <p>Starting with Rule 5.2, there needs to be a definition of a "traditional surrogacy agreement" with the deletion of the word "gestational" from all the rules and the forms in favor of a more generic "surrogacy agreement/arrangement", allowing for those situations that may come under Family Code section 7613(d) or lack a formal written agreement altogether.</p>	<p>Rule 5.78(c) addresses traditional surrogacy cases. It provides: “For matters involving traditional surrogacy, as defined by Family Code section 7960(f)(1), or matters involving use of the assisted reproduction agreements found in Family Code 7613.5, parties commence an action in family court to seek a judgment determining a parental (nor nonparental) relationship by using the following forms:”</p> <p>The committee did not revise the proposal to include all surrogacy actions. The Legislature has provided statutory forms (specific language in Family Code section 7613.5), which may be used to determine legal parentage for certain types of surrogacy matters. Otherwise, the traditional surrogate or parties to a traditional surrogacy agreement may commence an action under the Uniform Parentage Act by filing Petition to Determine Parental Relationship (Form FL-200). On the other hand, the SUR- series of forms reflect only the requirements for gestational carrier agreements, as they have their own venue, jurisdiction, and other specific requirements under Family Code sections 7960–7962.</p>

SPR25-15

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Rules of Court		
Commenter	Comment	Committee Response
Cynthia E. Fruchtman Law Offices of Cynthia E. Fruchtman	Starting with Rule 5.2, there needs to be a definition of a "traditional surrogacy agreement" with the deletion of the word "gestational" from all the rules and the forms in favor of a more generic "surrogacy agreement/arrangement", allowing for those situations that may come under Family Code section 7613(d) or lack a formal written agreement altogether.	The committee does not agree to recommend the amendment to rule 5.2 suggested by the commenter. This would be a substantive change to the proposal, which is also beyond the scope of the proposal.

Form FL-250		
Commenter	Comment	Committee Response
William E. Knox-Davies Legal Research Attorney (CRC 5.407 Review) Superior Court of Alameda County	Item 2 on the Judgment (form FL-250) should be redesigned like this: 2. This matter proceeded as follows: a. Default or uncontested By declaration b. Contested (1) Date: Dept: Room: (2) Judicial officer (name): Temporary Judge The date, department and other information is only relevant in a contested case. Separating it out this way makes that clearer and reduces the likelihood of parties inappropriately completing date/dept/room/JO information (which is only relevant in a contested case) in the far more common default or uncontested cases.	The committee appreciates the commenter's suggestions. The committee prefers not to assign the date, department, and judicial officer name information to only contested matters. This will allow the most flexibility, for instance, if the court—on its own motion—sets a default or uncontested matter for hearing. The committee recommends reformatting item 2 using subitems 2a, b, and c to be consistent with the other items on the form.

SPR25-15

Family Law: Rules and Forms to Determine Parentage Relationship Based on Gestational Carrier Agreement (Adopt Cal. Rules of Court, rule 5.78; amend rules 5.2, 5.7, 5.16, 5.50, 5.52, and 5.96; repeal rule 5.51; adopt forms SUR-100, SUR-100(J), SUR-110, SUR-120, SUR-165, and SUR-230; approve forms SUR-050-INFO, SUR-113, SUR-115, SUR-117, and SUR-230(A); revise forms FL-190, FL-211, and FL-250)

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	<p>The redesign of item 4.a and 4.b on the Judgment (form FL-250) only contemplates an uncontested parentage judgment. There is way to indicate that parentage is being determined on the basis of Petitioner’s allegations in the Petition to Determine Parental Relationship (form FL-200) after Respondent’s default or after some sort of contested hearing.</p> <p>Further, why is a section for “Party declarations” on the Judgment in the first place? These sorts of declarations should appear on the Declaration for Default or Uncontested Judgment (form FL-230) instead.</p> <p>The redesign of item 8.b on the Judgment (form FL-250) needs a section for REMOVING a parent’s name from a birth certificate. I’ve received letters from litigants stating that Vital Records will only remove a name if the judgment is explicit about it.</p> <p>The “Each attachment to this judgment is incorporated into this judgment, and the parties are ordered to comply with each attachment’s provisions. Jurisdiction is reserved to make other orders necessary to carry out this judgment.” language on the Judgment (form FL-180) is good. It automatically incorporates anything submitted as part of the judgment into the judgment. The same language should be included just above the judicial signature line on the new proposed Judgment (form FL-250).</p>	<p>The committee appreciates the comment about item 4 (<i>now items 4 and 5</i>). Rather than provide new categories on the form, the committee added a new item for “Other (specify)” in each item.</p> <p>The content under “Party Declarations” was not added to the judgment, but were reorganized under a separate heading in the form that circulated for comment. Reviewing the form after comment, the committee decided to remove the heading “Party Declaration” and incorporate that content under both items 4 and 5.</p> <p>The committee added a section for “other (specify)” in item 8 (<i>now item 9</i>) for a party to add other proposed orders in the judgment relating to the birth certificate. More detailed information about the birth certificate, including removing a parent’s name form a birth certificate may be included in attachments to the judgment.</p> <p>The committee agrees with these suggestions and has incorporated them, with minor alterations, into form FL-250.</p>
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Family Law: Rules and Forms to Determine Parentage Relationship Based on Gestational Carrier Agreement (Adopt Cal. Rules of Court, rule 5.78; amend rules 5.2, 5.7, 5.16, 5.50, 5.52, and 5.96; repeal rule 5.51; adopt forms SUR-100, SUR-100(J), SUR-110, SUR-120, SUR-165, and SUR-230; approve forms SUR-050-INFO, SUR-113, SUR-115, SUR-117, and SUR-230(A); revise forms FL-190, FL-211, and FL-250)

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	<p>The space to print a name at the end of the FL-250 is confusing and inconsistent with the FL-180. Pro per litigants are going to end up writing their own name here. It should be removed.</p> <p>Move item 9 (<i>now item 10</i>) so that it comes after the judicial signature block. This will make it consistent with the FL-180</p>	<p>The committee agrees with these suggestions and has incorporated them into the form being recommended for adoption.</p> <p>The committee agrees with these suggestions and has incorporated them into the form being recommended for adoption.</p>
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Form SUR-100		
Commenter	Comment	Committee Response
<p>Child Support Directors Association of California By Michael Smitsky, Executive Director</p>	<p>The Committee recommends correcting the form number to SUR-100(J). Comment: This suggestion references the correct form number.</p> <ul style="list-style-type: none"> • In the first box, under Note, first sentence: add the letter (J). • It should read: Note: You may use <i>Joint Petition to Determine Parental Relationship</i> (Gestational Carrier Agreement) (form SUR-100(J)), instead of this form, if all parties to the gestational carrier agreement agree that: 	<p>The committee appreciates the comment and has incorporated the edits among the other changes it is recommending to this form.</p>

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	<p>The committee recommends adding a new #7. “CHILD SUPPORT. The court may make orders for support of the children and issue an earnings assignment without further notice to either party/parties.</p> <p>Comment: The petition should raise the issue of child support for it to be ordered in the Judgment. The suggestion aligns with the language of the Judgment which includes a section on child support. The Rule of Court 5.16(b)(5)(F) anticipates a local child support agency intervening in these actions. These changes would be consistent with other petitions pertaining to children.</p> <p>To allow for this recommended change, the Committee further suggestions renumbering current #7 to #8 and current #8 to #9.</p>	<p>The committee agrees with the commenter and recommends adding a new item 5, as follows: “CHILD SUPPORT: The court may make orders for support of the children and issue an earnings assignment order without further notice to any person found to be a parent or intended parent in this matter.”</p> <p>The committee agrees with the commenter and recommends renumbering the form, as suggested, to account for the inclusion of new item 5.</p>
<p>Department of Child Support Services by Shannon Richards Attorney III Office of Legal Services</p>	<p>Note Judgment form FL-250 used in these cases includes options for child support orders, but the proposed Petitions do not address child support.</p> <p>This Petition does not address child support. Failure to provide notice to the parties that child support could be at issue may require child support agencies to duplicate efforts when and if they intervene in these cases.</p> <p>The department therefore suggests that language like the language in FL-200, item 12 be added such as: “9. The court may make orders for support of the child(ren) and issue an earnings assignment order without further notice to any person found to be a parent or intended parent in this matter.”</p>	<p>The committee agrees with the commenter and recommends adding a new item 5, as follows: “CHILD SUPPORT: The court may make orders for support of the children and issue an earnings assignment order without further notice to any person found to be a parent or intended parent in this matter.”</p>

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Family Law: Rules and Forms to Determine Parentage Relationship Based on Gestational Carrier Agreement (Adopt Cal. Rules of Court, rule 5.78; amend rules 5.2, 5.7, 5.16, 5.50, 5.52, and 5.96; repeal rule 5.51; adopt forms SUR-100, SUR-100(J), SUR-110, SUR-120, SUR-165, and SUR-230; approve forms SUR-050-INFO, SUR-113, SUR-115, SUR-117, and SUR-230(A); revise forms FL-190, FL-211, and FL-250)

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Form SUR-100(J)		
Commenter	Comment	Committee Response
<p>Child Support Directors Association of California By Michael Smitsky, Executive Director</p>	<p>1. The Committee recommends changing the captions from “Intended Parent or Parents” to “Intended Parent 1 and Intended Parent 2”.</p> <p>Comment: This separation will more clearly identify each individual rather than combining them under a single label.</p> <p>2. The Committee recommends adding a parenthesis after the word “wants” at 3.b.</p> <p>Comment: This change would close out the reference with the correct punctuation.</p> <ul style="list-style-type: none"> • In 3.b., add a closing parenthesis • It should read: <p>The gestational carrier wants (and their spouse or domestic partner, if applicable, wants) to be determined <i>not to be</i> a parent of the child or children listed in item 1.</p> <p>3. The Committee suggests deleting extra space at item #6.a.(2) after the word “partner”.</p> <p>4. The Committee suggests adding the words “and voluntarily” after the word “freely” in item #7.c.(3).</p>	<p>The committee appreciates the suggested change to the caption, but recommends that the forms be captioned to allow for the greatest flexibility. For example, maintaining “Intended Parent or Parents” would allow for cases in which there are more than two intended parents to a gestational carrier agreement. The committee also added signature lines at the end of the form to allow space for a third intended parent.</p> <p>The committee agrees with the commenter’s suggestions numbered 2 through 5 and has incorporated them into the form being recommended for adoption.</p>

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	<p>Comment: Waiver of rights include the language “freely and voluntarily” as they connote different meanings.</p> <ul style="list-style-type: none">• In 7.c.(3), add the words “and voluntarily”• It should read: I give up the rights that apply to me (except the right to an attorney, if I have an attorney) and freely and voluntarily agree that a judgment may be entered in accordance with the parties’ agreements. <p>5. The Committee suggests adding the words “type or print name” next to the words “signature of” the intended parents and gestational carriers in item #12.</p> <p>Comment: This would clarify who signed the document.</p> <p>Item 3(b): It appears that a closing parenthesis is missing, and the word “wants” is duplicated. The department suggests the language read: “The gestational carrier (and their spouse or domestic partner, if applicable) wants to be determined <i>not to be</i> a parent of the child or children listed in item 1.</p>	
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Family Law: Rules and Forms to Determine Parentage Relationship Based on Gestational Carrier Agreement (Adopt Cal. Rules of Court, rule 5.78; amend rules 5.2, 5.7, 5.16, 5.50, 5.52, and 5.96; repeal rule 5.51; adopt forms SUR-100, SUR-100(J), SUR-110, SUR-120, SUR-165, and SUR-230; approve forms SUR-050-INFO, SUR-113, SUR-115, SUR-117, and SUR-230(A); revise forms FL-190, FL-211, and FL-250)

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<p>Department of Child Support Services by Shannon Richards Attorney III Office of Legal Services</p>	<p>Item 3(b): It appears that a closing parenthesis is missing, and the word “wants” is duplicated.</p> <p>The department suggests the language read: “The gestational carrier (and their spouse or domestic partner, if applicable) wants to be determined <i>not to be</i> a parent of the child or children listed in item 1.</p> <p>Although the parties signing the Joint Petition assert their understanding of their own duty to support the children named in the action, the Joint Petition does not address the court’s ability to make orders for support and the issuance of an earnings assignment order without further notice to the parties. The department suggests adding a paragraph with language like the notice in FL-200, item 12, as follows:</p> <p>“CHILD SUPPORT: The court may make orders for support of the children and issue an earnings assignment order without further notice to any person found to be a parent or intended parent in this matter.”</p>	<p>The committee appreciates the comment and recommends incorporating the changes into the form.</p> <p>The committee agrees with the suggestion and recommends incorporating it into the form.</p> <p>The committee agrees with the commenter and recommends adding a new item 5, as follows: “CHILD SUPPORT: The court may make orders for support of the children and issue an earnings assignment order without further notice to any person found to be a parent or intended parent in this matter.”</p> <p>The committee also recommends including the same language to <i>Response to Petition to Determine Parental Relationship</i> (form SUR-120).</p>
<p>Superior Court of San Diego County by Michael Roddy, Executive Director</p>	<p>Item 8f (now item 9f): The reference to Judgment should reference “FL-250” not “FL-150.”</p>	<p>The committee appreciates the comment and recommends incorporating the change to the form.</p>

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Family Law: Rules and Forms to Determine Parentage Relationship Based on Gestational Carrier Agreement (Adopt Cal. Rules of Court, rule 5.78; amend rules 5.2, 5.7, 5.16, 5.50, 5.52, and 5.96; repeal rule 5.51; adopt forms SUR-100, SUR-100(J), SUR-110, SUR-120, SUR-165, and SUR-230; approve forms SUR-050-INFO, SUR-113, SUR-115, SUR-117, and SUR-230(A); revise forms FL-190, FL-211, and FL-250)

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Form SUR-110		
Commenter	Comment	Committee Response
Superior Court of San Diego County by Michael Roddy, Executive Director	For consistency, propose adding a colon after Notice – Access to Affordable Health Insurance section on page 2.	The committee appreciates the comment and recommends incorporating the change to this form.

Form SUR-117		
Commenter	Comment	Committee Response
Superior Court of San Diego County by Michael Roddy, Executive Director	Propose including the form number for the Response in the Notice section, "...you must submit a completed Response (SUR-120)"	The committee appreciates the comment and recommends making the change to the form.

Form SUR-120		
Commenter	Comment	Committee Response
Superior Court of San Diego County by Michael Roddy, Executive Director	Item 1: Propose renaming as "The respondent (or each respondent) or respondents."	The committee appreciates the comment but recommends maintaining item 1 as it circulated for comment to avoid redundancy and simplify the language in the checkboxes below item 1.
	Item 4b(2) (<i>now item 6b(2)</i>): Propose changing "lives" to "live."	The committee appreciates the comment and recommends incorporating the change to the form.
	Item 6 (<i>now item 8</i>): Propose changing the Note to read, "If the other court orders you are requesting are about child custody and visitation (parenting time) orders,..."	The committee appreciates the comment and recommends incorporating the change to this form. For consistency, the committee recommends that form SUR-100 includes the same change.

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Form SUR-165		
Commenter	Comment	Committee Response
Superior Court of San Diego County by Michael Roddy, Executive Director	Item 2c includes a statement that a Request to Enter Default must be filed for each respondent who has failed to respond to the petition, however the proposed form does not include a field to list the defendant who is to be defaulted. Propose adding a field to item 1, similar to the form used in civil actions, CIV-100 .	The committee agrees with the suggestion and recommends that the form reflect the fields in item 1, so that it is similar to form CIV-100.

Does the proposal appropriately address the stated purpose?		
Commenter	Comment	Committee Response
Department of Child Support Services by Shannon Richards Attorney III Office of Legal Services	The proposal does address the process described in section Family Code section 7962 and provides that information on the forms in an understandable way.	The committee appreciates this comment.
Orange County Bar Association by Mei Tseng, President	Yes, the proposal appropriately addresses the stated purpose.	The committee appreciates this comment.
Superior Court of Orange County Family Law and Juvenile Divisions by Katie Tobias, Operations Analyst	Yes, the proposal appropriately addresses the stated purpose.	The committee appreciates this comment.
Trial Court Presiding Judges Advisory Committee (TCPJAC) and the Court Executives Advisory Committee (CEAC) by TCPJAC/CEAC Joint Rules Subcommittee (JRS)	Yes.	The committee appreciates this comment.

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Family Law: Rules and Forms to Determine Parentage Relationship Based on Gestational Carrier Agreement (Adopt Cal. Rules of Court, rule 5.78; amend rules 5.2, 5.7, 5.16, 5.50, 5.52, and 5.96; repeal rule 5.51; adopt forms SUR-100, SUR-100(J), SUR-110, SUR-120, SUR-165, and SUR-230; approve forms SUR-050-INFO, SUR-113, SUR-115, SUR-117, and SUR-230(A); revise forms FL-190, FL-211, and FL-250)

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Should the forms include questions requiring that parties disclose their primary language in the manner proposed? (Please explain your answer)..		
Commenter	Comment	Committee Response
Orange County Bar Association by Mei Tseng, President	There is no specific reference in any of the proposed forms for disclosure of “primary language” and the rules and statutes referenced to not provide for such disclosure.	The committee disagrees with the statement. Forms SUR-100, SUR-100(J), SUR-120, and SUR-230 include items that require a party to indicate if a party’s primary language is not English and then identify the primary language of each party whose primary language is not English.
Superior Court of San Diego County by Michael Roddy, Executive Director	No, the forms should not include questions requiring that parties disclose their primary language, as doing so could evoke unintended bias. No other family law or surrogacy judicial council forms have such questions regarding primary language.	<p>The committee appreciates the commenter’s response.</p> <p>In response, the committee notes that <i>Advisement and Waiver of Rights Re: Determination of Parental Relationship</i> (form FL-235) is currently used in parentage cases. It requires the interpreter who completes the Interpreter’s Declaration at the bottom of the form to provide the primary language of each party who is unable to read or understand the Judgment (form FL-250) and form FL-235.</p> <p><i>Joint Petition</i> (form (SUR-100(J)) and <i>Declaration for Default or Uncontested Judgment</i> (form SUR-230) (used if form SUR-100 is filed) incorporate a similar Interpreter’s Declaration as that found in form FL-235. The committee drafted the forms to allow the parties themselves, not the interpreter, to identify their primary language only if English is not their primary language.</p> <p>Gestational surrogacy cases are unique among family law proceedings. Parties may be foreign nationals who</p>

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		<p>undergo fertility treatments and/or embryo transfer in California. They may require interpreters, translators, or both, to understand the forms and agreements that they are completing and filing with the court, as well as the documents that become the judgment determining a parental relationship.</p> <p>The entries on the forms about primary language not only allow the parties themselves to identify their primary language but also allow them to declare under penalty of perjury that they received assistance of a translator or interpreter, or both, in their primary language and that they fully understand the documents written in English that were signed and are being filed with the court in support of their petition.</p> <p>Providing this information on the forms could streamline the process of obtaining a judgment. For example, including the statements could avoid having the court set a hearing on its own motion for the sole purpose of ensuring that the parties whose primary language is not English fully understand the documents they signed and the terms of the judgment before it is entered. Having the entries about primary language helps communicate to the judicial officer evaluating a request to enter <i>Judgment</i> (form FL-250) that the parties were fully informed of their rights. This could, ultimately, reduce any implicit bias against a party whose primary language is not English.</p> <p>Based on the foregoing, the committee has maintained the items on the form regarding a party's primary language, with minor revisions to content and formatting.</p>
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Trial Court Presiding Judges Advisory Committee (TCPJAC) and the Court Executives Advisory Committee (CEAC) by TCPJAC/CEAC Joint Rules Subcommittee (JRS)	No. Including this information on the forms could result in implicit bias.	Same as above response.
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<p>Should the forms take effect on January 1, 2026 (two months after the Judicial Council meeting) Or should the implementation be delayed until July 1, 2026 (Please explain your answer)</p>		
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Commenter	Comment	Committee Response
Department of Child Support Services by Shannon Richards Attorney III Office of Legal Services	The effective date of the forms will not impact the child support program, so the department takes no position on the effective date.	No response required.
California Lawyers Association Family Law Section Executive Committee (FLEXCOM) by Shannon Quinley FLEXCOM Legislation Chair and by Saul Bercovitch Associate Executive Director, Governmental Affairs California Lawyers Association	FLEXCOM agrees with this proposal. FLEXCOM supports the use of the current versions of the proposed forms and would like to see them implemented by January 1, 2026.	The committee appreciates the commenter’s response. However, considering the work required of courts to implement the new rules and forms, and because the forms are not mandated by statute, the committee recommends that implementation be delayed until July 1, 2026.
Orange County Bar Association by Mei Tseng, President	The new “SUR” forms should take effect July 1, 2026, to allow the revision to other forms to be done prior to the insertion of a new category of forms to use that are both mandatory and permissive use.	The committee agrees with the commenter and recommends that implementation of the new rules and forms be delayed until July 1, 2026.

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Superior Court of Los Angeles County by Stephanie Kuo, Legislative Analyst	Three months from Judicial Council approval should be sufficient time for implementation.	The committee appreciates the commenter's response. However, considering the work required of courts to implement the new rules and forms, and because the forms are not mandated by statute, the committee recommends that implementation be delayed until July 1, 2026.
Superior Court of Orange County Family Law and Juvenile Divisions by Katie Tobias, Operations Analyst	Yes, two months would provide sufficient time for implementation in Orange County.	The committee appreciates the commenter's response. However, considering the work required of courts to implement the new rules and forms, and because the forms are not mandated by statute, the committee recommends that implementation be delayed until July 1, 2026.
Superior Court of San Diego County by Michael Roddy, Executive Director	<p>Since the effective date is not mandated by statute, our court would request that the forms take effect on July 1, 2026. This will provide additional time to develop internal procedures and train staff and allow the court to focus on implementing legislation that is effective/ operative January 1, 2026.</p> <p>Our court would prefer that implementation be delayed until July 1, 2026. This will allow the court to utilize resources to implement legislation that takes effect on January 1st. If the forms are implemented effective January 1, 2026, we would request that the forms be provided at least two months prior to the effective date.</p>	The committee agrees with the commenter and recommends that implementation of the new rules and forms be delayed until July 1, 2026.

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<p>Trial Court Presiding Judges Advisory Committee (TCPJAC) and the Court Executives Advisory Committee (CEAC) by TCPJAC/CEAC Joint Rules Subcommittee (JRS)</p>	<p>Implementation should be delayed until July 1, 2026, to ensure ample time to provide training to staff, enter case management configurations, and make necessary changes or additions for electronic filing. These processes can consume a significant amount of time and allowing two months for this purpose, while at the same time other legislative changes are being implemented, could result in a lower standard of service to the public whereas allowing a period of six months would ensure preparedness and thorough effectuation of implementation.</p>	<p>The committee agrees with the commenter and recommends that implementation of the new rules and forms be delayed until July 1, 2026.</p>
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Would the proposal provide cost savings? If so, please quantify.

Commenter	Comment	Committee Response
<p>Superior Court of Los Angeles County by Stephanie Kuo, Legislative Analyst</p>	<p>The proposal will not provide cost savings. The Court will incur costs for training judicial officers and staff on the new process and forms.</p>	<p>The committee appreciates the commenter’s response.</p>
<p>Superior Court of Orange County Family Law and Juvenile Divisions by Katie Tobias, Operations Analyst</p>	<p>No, the proposal does not appear to provide cost savings.</p>	<p>The committee appreciates the commenter’s response.</p>
<p>Superior Court of San Diego County by Michael Roddy, Executive Director</p>	<p>No.</p>	<p>The committee appreciates the commenter’s response.</p>

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<p>Trial Court Presiding Judges Advisory Committee (TCPJAC) and the Court Executives Advisory Committee (CEAC) by TCPJAC/CEAC Joint Rules Subcommittee (JRS)</p>	<p>Ultimately, yes. Initially there would be costs associated with training and configurations of both case management and portal access; however, the addition of forms created specifically for these filings would greatly benefit parties in the relevance of information requested/provided on the forms, a more expedient process leading to judgment, and result in more efficient operational processes for the Court.</p>	<p>The committee appreciates the commenter’s response.</p>
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What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?

Commenter	Comment	Committee Response
<p>Superior Court of Los Angeles County by Stephanie Kuo, Legislative Analyst</p>	<p>[The court] will also need to create new event codes in the case management system</p>	<p>The committee appreciates the commenter’s response.</p>
<p>Superior Court of Orange County Family Law and Juvenile Divisions by Katie Tobias, Operations Analyst</p>	<p>Implementation will require providing communication to judicial officers and court staff, revising current procedures, and conducting court staff training (approximately 2 hours).</p>	<p>The committee appreciates the commenter’s response.</p>
<p>Superior Court of San Diego County by Michael Roddy, Executive Director</p>	<p>Developing internal procedures, adding filings to the case management system, training staff, and notifying judicial officers.</p>	<p>The committee appreciates the commenter’s response.</p>

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Family Law: Rules and Forms to Determine Parentage Relationship Based on Gestational Carrier Agreement (Adopt Cal. Rules of Court, rule 5.78; amend rules 5.2, 5.7, 5.16, 5.50, 5.52, and 5.96; repeal rule 5.51; adopt forms SUR-100, SUR-100(J), SUR-110, SUR-120, SUR-165, and SUR-230; approve forms SUR-050-INFO, SUR-113, SUR-115, SUR-117, and SUR-230(A); revise forms FL-190, FL-211, and FL-250)

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

<p>Trial Court Presiding Judges Advisory Committee (TCPJAC) and the Court Executives Advisory Committee (CEAC) by TCPJAC/CEAC Joint Rules Subcommittee (JRS)</p>	<p>Ultimately, yes. Initially there would be costs associated with training and configurations of both case management and portal access; however, the addition of forms created specifically for these filings would greatly benefit parties in the relevance of information requested/provided on the forms, a more expedient process leading to judgment, and result in more efficient operational processes for the Court.</p> <p>1. Training – hours of court operations would prohibit group training exercises in excess of 2 clerks at a time.</p> <table border="1" data-bbox="573 703 1333 1015"> <thead> <tr> <th>Position</th> <th>Hours of Training</th> </tr> </thead> <tbody> <tr> <td>Supervisor</td> <td>4</td> </tr> <tr> <td>Senior Clerk</td> <td>4</td> </tr> <tr> <td>Self-Help Attorney</td> <td>4</td> </tr> <tr> <td>Clerk – Self Help (4 hrs ea x 4 clerks)</td> <td>12</td> </tr> <tr> <td>Clerk – Processing (4 hrs ea x 4 clerks)</td> <td>12</td> </tr> <tr> <td>Total Hours Est:</td> <td>36</td> </tr> </tbody> </table> <p>2. Self-Help: Form packet copies and copier configurations. Creation of self-help materials such as a binder of sample forms with instructions on how to complete the forms.</p> <p>3. Processes & Procedures: Different processes for petition vs. joint petitions.</p> <p>4. Case Management Configuration: Case type, events, hearings, time standards.</p> <p>5. Clerk Edition Configurations</p> <p>6. Electronic Filing Configuration: Timeline of which is impacted by vendor processing that can be inconsistent and lengthy</p> <p>7. Portal Access Configuration</p> <p>8. Changes to Public Website</p> <p>9. Changes to Local Forms and Rules</p>	Position	Hours of Training	Supervisor	4	Senior Clerk	4	Self-Help Attorney	4	Clerk – Self Help (4 hrs ea x 4 clerks)	12	Clerk – Processing (4 hrs ea x 4 clerks)	12	Total Hours Est:	36	<p>The committee appreciates the commenter’s response.</p>
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How well would this proposal work in courts of different sizes?

Commenter	Comment	Committee Response
Superior Court of Los Angeles County by Stephanie Kuo, Legislative Analyst	The proposal should work well in courts of different sizes.	The committee appreciates the commenter's response.
Superior Court of Orange County Family Law and Juvenile Divisions by Katie Tobias, Operations Analyst	Our court is a large court, and this could work in Orange County.	The committee appreciates the commenter's response.
Superior Court of San Diego County by Michael Roddy, Executive Director	It appears the proposal would work for courts of all sizes.	The committee appreciates the commenter's response.
Trial Court Presiding Judges Advisory Committee (TCPJAC) and the Court Executives Advisory Committee (CEAC) by TCPJAC/CEAC Joint Rules Subcommittee (JRS)	Courts of a larger size may have an advantage in the amount of time needed for implementation in that the related tasks could be divided up amongst more individuals with specialized training and abilities; however, the end result of increased efficiency and access to justice for the public would be the same.	The committee appreciates the commenter's response.