

JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

Item No.: 20-188
For the business meeting on September 25, 2020

Title

Family Law: Technical Changes to Miscellaneous Forms

Rules, Forms, Standards, or Statutes Affected Revise forms FL-115, FL-117, FL-130, FL-240, FL-356

Recommended by

Family and Juvenile Law Advisory Committee Hon. Jerilyn L. Borack, Cochair Hon. Mark A. Juhas, Cochair Agenda Item Type Action Required

Effective Date
January 1, 2021

Date of Report August 28, 2020

Contact

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Executive Summary

The Family and Juvenile Law Advisory Committee recommends making revisions, which are technical or minor and noncontroversial in nature, to forms FL-115, FL-117, FL-130, FL-240, and FL-356. The revisions are necessary to correct forms that were inadvertently omitted from a series of parentage forms that the Judicial Council revised, effective January 1, 2020.

Recommendation

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

- 1. Revise forms FL-115, FL-117, FL-130, and FL-240, to reflect the current titles of forms FL-200 and FL-235;
- 2. Revise forms FL-115, FL-240, and FL-356 by deleting gender-specific references, such as "mother" and "father," and instead using gender-neutral language;

- 3. Revise form FL-240 by:
 - (a) Deleting all instances of the phrase "shall be" (as in, the following terms of custody and support "shall be ordered" or "shall be paid"), and inserting the plain language statement that "the parties stipulate that the court order" the following terms "as proposed in" the attached forms;
 - (b) Replacing the word "establishment" with the word "determination" in the title of the form;
 - (c) Correcting the titles of Judicial Council forms identified on that form by identifying the category "—Custody and Support" after the form titles, and in the footer of the form; and
 - (d) Replacing "visitation" with "visitation (parenting time)."
- 4. Revise forms FL-115 and FL-117 to include the acronym "(UCCJEA), which was inadvertently omitted from the title of form FL-105.

The proposed revised forms are attached at pages 4–10.

Relevant Previous Council Action

At its meeting on October 27, 2000, the Judicial Council approved the policy of rewriting rules to discontinue the use of the word *shall*. The policy of using *must* instead of *shall* was an attempt to use clear, simple language in rules. Since then, forms and rules have been rewritten to remove references to the word *shall*.

Effective January 1, 2020, the Judicial Council revised multiple family law forms to reflect changes in the law and make the forms consistent with other parentage forms. ¹

Analysis/Rationale

In the *Family Law: Changes to Parentage Rules and Forms* report (link in footnote 1, below), the Judicial Council's revisions to the forms in that proposal included:

- Revising the titles of forms FL-200 and FL-235 to replace the terms "establish" and "establishment" with the terms "determine" and "determination," to reflect the use of the term *determine* in the Family Code, thereby covering actions in which a party is seeking to establish or disestablish a parental relationship;
- Replacing the term *visitation* with *visitation* (parenting time); and
- Using gender-neutral references to the parties and children.

¹ The report to the Judicial Council may be found at https://jcc.legistar.com/View.ashx?M=F&ID=7693361&GUID=0723E145-B444-4B7F-8762-0F753FD3E01F.

Forms FL-115, FL-117, FL-130, FL-240, FL-356 have been revised as necessary to incorporate the above-listed minor technical changes.

In addition, form FL-240 has been revised to reflect the Judicial Council's policy of rewriting rules to discontinue the use of the word shall in favor of clearer, plain language.

Policy implications

The above changes are consistent with the policy of ensuring consistency in rules and forms, discontinuing the use of the word "shall," using gender neutral terms, and writing rules and forms using plain language.

Comments

This proposal did not circulate for comment. Under rule 10.22(d)(2) of the California Rules of Court, because the recommended changes to forms FL-115, FL-117, FL-130, FL-240, and FL-356 are technical or minor substantive changes, which are unlikely to create controversy, council adoption without circulation is an option.

Alternatives considered

The committee considered making no revisions to the forms at this time but concluded that the revisions are necessary to (1) correct forms that were inadvertently omitted from a series of parentage forms that the Judicial Council previously revised, (2) include the correct titles of other Judicial Council forms (3) revise language in forms to use gender neutral terms, and (4) delete and replace the term "shall" wherever it appear in the forms.

Fiscal and Operational Impacts

Implementation of the revisions will require courts to incur standard reproduction costs for the forms. In addition, because the forms are available in other languages, there will be costs to translate the revised forms.

Attachments and Links

1. Forms FL-115, FL-117, FL-130, FL-240, and FL-356, at pages 4–10

PARTY WITHOUT ATTORNEY or ATTORNEY STATE BAR NO.:	FOR COURT USE ONLY			
NAME:				
FIRM NAME:				
STREET ADDRESS:	Draft			
CITY: STATE: ZIP CODE:	Diant			
TELEPHONE NO.: E-MAIL ADDRESS: FAX NO.:				
ATTORNEY FOR (name):	Not approved by			
SUPERIOR COURT OF CALIFORNIA, COUNTY OF	the Judicial Council			
STREET ADDRESS: MAILING ADDRESS:				
CITY AND ZIP CODE:	V 8/10/2020gs			
BRANCH NAME:	v 0/10/2020g3			
PETITIONER:				
FEITIONER.				
RESPONDENT:				
	CASE NUMBER:			
PROOF OF SERVICE OF SUMMONS				
At the time of service I was at least 18 years of age and not a party to this a. Family Law: Petition—Marriage/Domestic Partnership (form FL-Marriage/Domestic Partnership (form FL-120) -or-	100), Summons (form FL-110), and blank Response—			
b. Uniform Parentage: Petition to Determine Parental Relationship Response to Petition to Determine Parental Relationship (form For-				
c. Custody and Support: Petition for Custody and Support of Minor blank Response to Petition for Custody and Support of Minor Chand				
d. (1) Completed and blank Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) (form FL-105) (6)	Completed and blank Financial Statement (Simplified) (form FL-155)			
	Completed and blank <i>Property</i> Declaration (form FL-160)			
(2) Completed and blank Declaration of Disclosure (form FL-140) (7)				
Disclosure (form FL-140) (7) (3) Completed and blank Schedule of Assets and Debts (form FL-142)	Request for Order (form <u>FL-300</u>), and blank Responsive Declaration to Request for Order (form <u>FL-320</u>)			
(4) Completed and blank <i>Income and</i> (8)	Other (specify):			
Expense Declaration (form FL-150)	Carlot (opcomy).			
2. Address where respondent was served:				
3. I served the respondent by the following means <i>(check proper boxes):</i>				
a. Personal service. I personally delivered the copies to the response	andent (Code Civ. Proc. 8.415.10)			
on (date):	Machi (Gode Giv. 1 100., § 4 10.10)			
	(nama):			
b. Substituted service. I left the copies with or in the presence of who is (specify title or relationship to respondent):	(name):			
 (1) (Business) a person at least 18 years of age who was apparently in charge at the office or usual place of business of the respondent. I informed 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 the respondent. informed the person of the general nature of the papers. 				
I thereafter mailed additional copies (by first class, postage prepaid) to the respondent at the place where the copies were left (Code Civ. Proc., § 415.20b) on <i>(date):</i> A declaration of diligence is attached, stating the actions taken to first attempt personal service.				

Page 1 of 2

PETITIONER:	CASE NUMBER:
RESPONDENT:	
3. c. Mail and acknowledgment service. I mailed the copies to the respondent, ad first-class mail, postage prepaid, on (date): (1) with two copies of the Notice and Acknowledgment of Receipt (form envelope addressed to me. (Attach completed Notice and Acknowledgment of Receipt (form envelope addressed to me. (Attach completed Notice and Acknowledgment of Receipt (form envelope addressed to me. (Attach completed Notice and Acknowledgment of Receipt (form envelope addressed to me. (Attach completed Notice and Acknowledgment of Receipt (form envelope addressed to me. (Attach completed Notice and Acknowledgment of Receipt (form envelope addressed to me. (Attach completed Notice and Acknowledgment of Receipt (form envelope addressed to me. (Attach completed Notice and Acknowledgment of Receipt (form envelope addressed to me. (Attach completed Notice and Acknowledgment of Receipt (form envelope addressed to me. (Attach completed Notice and Acknowledgment of Receipt (form envelope addressed to me. (Attach completed Notice and Acknowledgment of Code Civ. Proc., § 415.30.) (2) to an address outside California (by registered or certified mail with return receipt or other evidence of actual delivery to the response d. Other (specify code section): Continued on Attachment 3d.	from (city): FL-117) and a postage-paid return wledgment of Receipt (form FL-117).) eturn receipt requested). (Attach signed
4. Person who served papers	
Name: Address:	
Telephone number:	
This person is a exempt from registration under Business and Professions Code section 22350 b not a registered California process server. c a registered California process server: an employee or an in (1) Registration no.:	O(b). dependent contractor
5. I declare under penalty of perjury under the laws of the State of California that the	foregoing is true and correct.
6. I am a California sheriff, marshal, or constable, and I certify that the foregoing i	is true and correct.
Date:	
(NAME OF PERSON WHO SERVED PAPERS)	JATURE OF PERSON WHO SERVED PAPERS)

PARTY WITHOUT ATTORNEY or ATTORNEY STATE BAR NO.:	FOR COURT USE ONLY			
NAME:				
FIRM NAME: STREET ADDRESS:				
CITY: STATE: ZIP CODE:	Draft			
TELEPHONE NO.: FAX NO.:				
E-MAIL ADDRESS: ATTORNEY FOR (name):	Not approved by			
SUPERIOR COURT OF CALIFORNIA, COUNTY OF	the Judicial Council			
STREET ADDRESS:	the Judicial Council			
MAILING ADDRESS:				
CITY AND ZIP CODE: BRANCH NAME:	v3. 8/10/2020gs			
PETITIONER:				
RESPONDENT:				
NOTICE AND ACKNOWLEDGMENT OF RECEIPT	CASE NUMBER:			
(Sender completes items 1 through 4 and signs before mailing. Recipient complet	es items 5 and 6, signs, then returns)			
To (name of individual being served):				
NOTICE The documents identified below are being served on you by mail with this acknowledgment form. You must personally sign, or a person authorized by you must sign, this form to acknowledge receipt of the documents. If the documents described below include a summons and you fail to complete and return this acknowledgment form to the sender within 20 days of the date of mailing, you will be liable for the reasonable expenses incurred after that date in serving you or attempting to serve you with these documents by any other methods permitted by law. If you return this form to the sender, service of a summons is deemed complete on the date you sign the acknowledgment of receipt below. This is not an answer to the action. If you do not agree with what is being requested, you must submit a completed <i>Response</i> form to the court within 30 calendar days.				
2. Date of mailing (specify):				
3.				
	OF SENDER—MUST NOT BE A PARTY IN THIS CASE AND MUST BE 18 YEARS OR OLDER)			
ACKNOWLEDGMENT OF RECEIPT				
4. I agree I received the following:				
 Family Law: Petition—Marriage/Domestic Partnership (form FL-100), Sumn Marriage/Domestic Partnership (form FL-120) 	nons (form <u>FL-110</u>), and blank <i>Response</i> —			
b. Uniform Parentage: Petition to Determine Parental Relationship (form FL-20 Response to Petition to Determine Parental Relationship (form FL-220)	00), Summons (form <u>FL-210</u>), and blank			
c. Custody and Support: Petition for Custody and Support of Minor Children (form FL-260), Summons (form FL-210), and blank Response to Petition for Custody and Support of Minor Children (form FL-270)				
Child Custody Jurisdiction and Enforcement Act (Si	mpleted and blank <i>Financial Statement</i> implified) (form <u>FL-155</u>)			
(0)	mpleted and blank <i>Property Declaration</i> rm <u>FL-160</u>)			
(form <u>FL-140</u>) (7) Re	equest for Order (form FL-300), and blank esponsive Declaration to Request for Order			
Debts (form FL-142) (fo	rm <u><i>FL-320</i>)</u>			
(4) Completed and blank <i>Income and Expense</i> (8) Oth Declaration (form FL-150)	ner (specify):			
5. Recipient signed this acknowledgment on (specify date):				
6. (TYPE OR PRINT NAME OF PERSON ACKNOWLEDGING RECEIPT) (SIGNAL)	TURE OF PERSON ACKNOWLEDGING RECEIPT)			

PARTY WITHOUT ATTORNEY or ATTORNEY STATE BAR NO.: NAME:	FOR COURT USE ONLY
FIRM NAME:	
STREET ADDRESS:	
CITY: STATE: ZIP CODE:	
TELEPHONE NO.: FAX NO.:	Draft
E-MAIL ADDRESS:	
ATTORNEY FOR (name):	Not approved by
SUPERIOR COURT OF CALIFORNIA, COUNTY OF	Not approved by
STREET ADDRESS:	the Judicial Council
MAILING ADDRESS:	
CITY AND ZIP CODE:	v 8/10/2020gs
BRANCH NAME:	v 0/10/2020gs
PETITIONER:	
RESPONDENT:	
APPEARANCE, STIPULATIONS, AND WAIVERS	CASE NUMBER:
Appearance by respondent (you must choose one):	
a. By filing this form, I make a general appearance.	
b. I have previously made a general appearance.	
c. I am a member of the military services of the United States of America. I hav Declaration and Conditional Waiver of Rights Under the Servicemembers Circ	
2. Agreements, stipulations, and waivers (choose all that apply):	(//
a. The parties agree that this cause may be decided as an uncontested matter.	
b. The parties waive their rights to notice of trial, a statement of decision, a mot	
d. The parties have a written agreement that will be submitted to the court, or a the court and attached to <i>Judgment (Family Law)</i> (form FL-180).	stipulation for judgment will be submitted to
 e. None of these agreements or waivers will apply unless the court approves the the written settlement agreement into the judgment. 	e stipulation for judgment or incorporates
f. This is a parentage case, and both parties have signed an <i>Advisement and Varental Relationship</i> (form FL-235) or its equivalent.	<i>Naiver of Rights Re: Determination</i> of
3. Other (specify):	
Date:	
(TYPE OR PRINT NAME)	(SIGNATURE OF PETITIONER)
Date:	
(TYPE OR PRINT NAME)	(SIGNATURE OF RESPONDENT)
Date:	· · · · · · · · · · · · · · · · · · ·
<u> </u>	
(TYPE OR PRINT NAME) (S	IGNATURE OF ATTORNEY FOR PETITIONER)
Date:	
L	
(TYPE OR PRINT NAME) (SI	GNATURE OF ATTORNEY FOR RESPONDENT)
(TITE ON FRIINT INAINE)	SITURISME OF ATTOMINET FOR MESTONDENT)

Page 1 of 1

PARTY WITHOUT ATTORNEY or ATTORNEY STATE BAR NO.:	FOR COURT USE ONLY			
NAME:				
FIRM NAME:				
STREET ADDRESS:				
CITY: STATE: ZIP CODE:	Dueft			
TELEPHONE NO.: FAX NO.:	Draft			
E-MAIL ADDRESS: ATTORNEY FOR (name):				
SUPERIOR COURT OF CALIFORNIA, COUNTY OF	Not approved by			
STREET ADDRESS:	• • •			
MAILING ADDRESS:	the Judicial Council			
CITY AND ZIP CODE:				
BRANCH NAME:	v 0/40/2020 ma			
PETITIONER:	v 8/10/2020gs			
RESPONDENT:				
OTHER PARENT/PARTY:				
	CASE NUMBER:			
STIPULATION FOR ENTRY OF JUDGMENT RE:	CASE NOWIDER.			
DETERMINATION OF PARENTAL RELATIONSHIP				
THE DARTIES STIRLY ATE THAT				
THE PARTIES STIPULATE THAT				
1. The parties read and understand the Advisement and Waiver of Rights Re: Dete FL-235), which is submitted with this Stipulation for Entry of Judgment. The partia judgment may be entered in accordance with this stipulation.				
2. Name: Name:				
are the parents of the following children:				
Name Date of Birth				
THE PARTIES STIPULATE THAT THE COURT ORDER: 3. Child custody and visitation (parenting time) as proposed in Judgment (Uniform Parentage—Custody and Support) (form FL-250). 4. Child support as proposed in Judgment (Uniform Parentage—Custody and Support) (form FL-250). 5. Attorney fees as proposed in Judgment (Uniform Parentage—Custody and Support) (form FL-250).				
6. Changes to the names of children as proposed in <i>Judgment (Uniform Parentage</i>	—Custody and Support) (form FL-250).			
7. Reasonable costs of pregnancy and birth as proposed in <i>Judgment (Uniform Par</i>				
	, , , , , , , , , , , , , , , , , , , ,			
 Other orders as proposed in <i>Judgment (Uniform Parentage—Custody and Supp</i> The parties further agree that the court make the following orders: 	ort) (form <u>FL-250</u>). See attachment 9.			
Date:				
(TYPE OR PRINT NAME)	(SIGNATURE OF PETITIONER)			
Date:	,			
(TYPE OR PRINT NAME)	(SIGNATURE OF RESPONDENT)			
Date:				
.	,			
	,			
(TYPE OR PRINT NAME)	, , , , , , , , , , , , , , , , , , ,			
	SIGNATURE OF ATTORNEY FOR PETITIONER)			
Date:	, , , , , , , , , , , , , , , , , , ,			
Date: (TYPE OR PRINT NAME)	SIGNATURE OF ATTORNEY FOR PETITIONER)			
Date: (TYPE OR PRINT NAME)	, , , , , , , , , , , , , , , , , , ,			
Date: (TYPE OR PRINT NAME) (S	SIGNATURE OF ATTORNEY FOR PETITIONER)			

Form Adopted for Mandatory Use Judicial Council of California FL-240 [Rev. January 1, 2021]

PARTY WITHOUT ATTORNEY or ATTORNEY STATE BAR NO.:	FOR COURT USE ONLY	
NAME:	CONFIDENTIAL	
FIRM NAME:	CONFIDENTIAL	
STREET ADDRESS:		
CITY: STATE: ZIP CODE:		
TELEPHONE NO.: FAX NO.:		
E-MAIL ADDRESS:	Draft	
ATTORNEY FOR (name):		
SUPERIOR COURT OF CALIFORNIA, COUNTY OF		
STREET ADDRESS:	Not approved by	
MAILING ADDRESS:	the Judicial Council	
CITY AND ZIP CODE:	life Judiciai Couricii	
BRANCH NAME:		
PETITIONER:	v 8/10/20	
RESPONDENT:	V 0/10/20	
OTHER PARENT/PARTY:		
OTTEN AND THE PROPERTY OF THE		
CONFIDENTIAL REQUEST	CASE NUMBER:	
FOR SPECIAL IMMIGRANT JUVENILE FINDINGS—FAMILY LAW		
To the person filing this request: You must file this request in the case identified in 6, be the petition and a request for an order of sole physical custody of the child named in 4.*	elow, at the same time as or any time after	
To the court clerk: You must file this request in a confidential part of the case file.		
1. A COURT HEARING WILL BE HELD AS FOLLOWS:		
a. Date: Time: Dept.:	Room:	
b. Address of court same as noted above other (specify):		
 I am the petitioner respondent other parent or party. I allege the make the specified findings and conclusions. This court has jurisdiction to make a custody determination about the child in item 4 un and Enforcement Act (UCCJEA). (Fam. Code, §§ 3400–3465.) If not currently on file w Child Custody Jurisdiction and Enforcement Act (UCCJEA) (form FL-105) is attached. 		
Crina Custody Sunsaiction and Enforcement Act (OCCSEA) (IOIII1 E-103) is attached.		
4. The child (name):*	(date of birth):	
is a national of <i>(country):</i>		
5. The child's parents are <i>(name each):</i>		
6. The following petition has been filed earlier in this case at the same time as this request. a Petition—Marriage/Domestic Partnership (form FL-100), asking for sole physical custody of the child named in 4. b Petition to Determine Parental Relationship (form FL-200), asking for sole physical custody of the child named in 4. c Petition for Custody and Support of Minor Children (form FL-260), asking for sole physical custody of the child named in 4. d Request for Domestic Violence Restraining Order (form DV-100), asking for sole physical custody of the child named in 4. e Adoption Request (form ADOPT-200) asking to adopt the child named in 4. f Another petition and request for sole physical custody of the child named in 4 (specify):		
7. This court made final orders about physical custody of the child on <i>(date):</i> The case in item 6 is pending in this court.	. The orders remain in effect.	
* (Prepare and file a separate form FL-356 for each child for whom you are requesting Special I	mmigrant Juvenile findings.) Page 1 of 2	

Form Adopted for Mandatory Use Judicial Council of California FL-356 [Rev. January 1, 2021]

			I E-000	
	TITIONER:	CASE NUMBER:		
	SPONDENT:			
ОТ	HER PARENT/PARTY:			
8.	After the court has made final orders in this case, identified in item 6, the child will be legally placed under the custody of an individual appointed by the court. The court will have jurisdiction to determine requests to modify or terminate these orders, unless another court acquires valid jurisdiction, until the child reaches 18 years of age.			
9.	I understand that section 3026 of the Family Code prohibits the court from ordering reunification services as part of a child custody proceeding. After the court has issued final orders giving sole physical custody to one parent, return of the child to the physical custody of another parent (i.e., reunification) will not be legally possible while those orders are in effect.			
I R	EQUEST THAT THE COURT MAKE THE FOLLOWING FINDINGS:			
10.	The child has been placed in the custody of <i>(name)</i> : who is an individual appointed by the court as described in the orders referred to in 7, 8, a	and 9.		
11.	Reunification with (specify name or names): is not viable under California law because of (check all that apply). abuse neglect abandonment another legal basis (specify):			
	Facts supporting this finding (specify):			
	Continued on Attachment 11.			
12.	It is not in the best interest of the child to be returned to the child's or the parent's country residence (specify country or countries): Facts supporting this finding (specify):	of nationality or country of last hab	itual	
13.	Continued on Attachment 12. Additional documents in support of the request are attached and incorporated into	this form. Number of pages attache	d:	
Ιd	eclare under penalty of perjury under the laws of the State of California that the informatio			
	.			
Da	re:	(SIGNATURE)		
		(5.5.5)		