



JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on September 24, 2019

Title	Agenda Item Type
Family Law: Rule and Forms for Minor to Marry or Establish a Domestic Partnership	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
Adopt Cal. Rules of Court, rule 5.448; approve form FL-912; revise forms FL-910 and FL-915	January 1, 2020
Recommended by	Date of Report
Family and Juvenile Law Advisory Committee	September 5, 2019
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Executive Summary

The Family and Juvenile Law Advisory Committee proposes adopting a new rule, approving a new form, and revising two forms to implement the requirements of Senate Bill 273 (Hill; Stats. 2018, ch. 660) relating to minors who seek a court order to marry, establish a domestic partnership, or both.

Recommendation

The Family and Juvenile Law Advisory Committee recommends that the council, effective January 1, 2020:

1. Adopt California Rules of Court, rule 5.448 to set forth procedures to implement recent statutory changes concerning court approval of a request by a minor to marry or establish a domestic partnership;

2. Approve *Consent for Minor to Marry or Establish Domestic Partnership* (form FL-912) to allow a parent or legal guardian to consent to the marriage of his or her child;
3. Revise *Request of Minor to Marry or Establish Domestic Partnership* (form FL-910) and *Order and Notices to Minor on Request to Marry or Establish a Domestic Partnership* (form FL-915) to implement recent statutory changes to the requirements to seek court approval for minors to marry or establish domestic partnerships and make them mandatory forms.

The text of the new rule and the new and revised forms are attached at pages 8–19.

Relevant Previous Council Action

The Judicial Council approved forms FL-910 (request) and FL-915 (order) as optional forms effective January 1, 2009, as required by the enactment of Family Code sections 302 through 304. They were both revised effective January 1, 2012, to make them dual-purpose forms to allow for a request and order for a minor domestic partnership or a marriage pursuant to legislation allowing minors to seek court approval to establish domestic partnerships.

Analysis/Rationale

In September 2018, the Legislature enacted SB 273, amending several Family Code sections relating to marriage and domestic partnerships involving minors. Amended Family Code sections 297.1 and 304 now require that Family Court Services (FCS) do the following, unless the minor is 17 years of age and has achieved a high school diploma or a high school equivalency certificate:

- Separately interview the parties intending to marry or establish a domestic partnership;
- Interview at least one of the parents or the guardian of each party who is a minor, if applicable;
- Prepare and submit to the court a report of any potential force, threat, persuasion, fraud, or coercion or duress by either of the parties or their family members relating to the intended marriage or domestic partnership; and
- Report to the court recommendations for granting or denying permission to the parties to marry or establish a domestic partnership.

In addition, if FCS is required to interview the minor and write a report, Family Code sections 297.1 and 304 require that the court:

- Separately interview the parties in camera before making a final determination; and
- Consider whether there is any evidence of coercion or undue influence on the minor.

The court must also:

- Provide the minor with specific information on issuing an order granting permission to marry or establish a domestic partnership; and
- Document certain statistical data of the parties on the order.

To implement these changes the committee proposes adopting a new rule of court, approving one new form, and substantially revising the existing forms to incorporate the statutory changes.

Rule 5.448. Minor’s request to marry or establish a domestic partnership

The new rule would set forth the procedures for the court and Family Court Services to follow including requirements for providing a copy of the FCS report to the court to the parties, the confidentiality requirement for the storage of the report, and clear guidance that the rule applies in courts in which FCS does not prepare recommendations in child custody matters as well as those that do.

Request of Minor to Marry or Establish a Domestic Partnership (form FL-910)

This form would be revised at items 1 and 2 to include an optional entry for the parties to identify their gender (male, female, or nonbinary). New item 5, “Minor’s Age and Education,” would be included on the form. This would allow the parties to identify whether the minor is exempt from the interview process. The two questions asked of each party that is a minor are (1) is the minor 17 years of age, and (2) has the minor achieved a high school diploma or a high school equivalency certificate. This information would help the court clerk identify early in the process if the case is one that requires an appointment with Family Court Services.

Consent for Minor to Marry or Establish a Domestic Partnership (form FL-912)

A minor must provide written consent to marry from a parent or legal guardian, unless the minor does not have a parent or legal guardian who is capable of consenting. This optional new form would provide consistency in the presentation of the written consent to the court. Form FL-912 could be completed by a minor’s parent with legal authority to consent or by a legal guardian, and filed by the parties with the initial request or after form FL-910 is filed. Having an optional form would not preclude the minor from filing a different document; however, the rule would indicate that any other document filed must contain the same information that is included in form FL-912.

Order and Notices to Minor on Request to Marry or Establish a Domestic Partnership (form FL-915)

The committee proposes numerous changes to comply with the new statutory requirements to include:

- Requesting information about the parties’ gender and age for purposes of complying with the statutory reporting requirements for local registrars of marriage;
- A new item 4, “Review,” to identify the items that the court considered in the case. These items include those that are mandated by statute (the request, the written permissions, FCS’s written report of recommendations, and the court’s own private interviews);
- A findings section to allow the court to make the statutorily required findings relating to the minor’s request;
- Additional specifically required statutory language relating to counseling.

The form would also be revised to include instructions to the parties on the next steps after the court makes the order, and to include a series of new statutorily required notices, including:

- The rights and responsibilities of an emancipated minor;
- The circumstances under which a marriage or domestic partnership may be determined by a court to be void or voidable and adjudged a nullity, and the procedure for obtaining such an order;
- The procedure for legal separation or divorce;
- The telephone numbers for the National Domestic Violence Hotline and the National Sexual Assault Hotline;
- Information about unemancipated minors, including the following:
 - The conditions under which an unemancipated minor may leave home and seek to remain in a shelter or live separately from parents or guardians, and whether consent of a parent is required to remain away from the home of the parent or guardian;
 - The rights of an unemancipated minor to apply for a protective or restraining order to prevent abuse; and
 - The rights of an unemancipated minor to enter into contracts, including contracts for legal services and mental health counseling.

Mandatory request and order forms

The committee proposes that forms FL-910 and FL-915 be changed to mandatory forms. Due to the extensive statutory changes relating to a request for a minor to marry or establish a domestic partnership, the committee believes it is necessary to implement the request and order forms on a statewide basis. This would be the most effective way of helping the courts and applicants comply with the new and extensive requirements of Family Code sections 297.1 and 304. A mandatory order and notices to minor form would provide consistency in the orders and the delivery of information statewide to the parties. It would also centralize the process for updating the language in the future, if necessary.

Policy implications

Although statewide data on the exact number of petitions for permission for minors to marry or enter domestic partnerships are not available, surveys of courts suggest that the numbers are very small each year. The legislation that this proposal seeks to implement was introduced as legislation to prohibit minors from marrying under any circumstances in California, and was amended to ensure a consistent statewide practice across the courts that would subject these unusual petitions to significant review to ensure that minors seeking to marry are not subject to any coercion or abuse. This proposal seeks to provide the courts with the tools and information necessary to carry out these new responsibilities as effectively and efficiently as possible as these petitions are filed while ensuring that the parties are advised as the Legislature has directed. Because the statute requires each county to submit data to the Secretary of State concerning the domestic partnerships of minors, and the State Registrar concerning marriage certificates issued, it is anticipated that the Legislature will be monitoring this data to determine if further revisions to the statutory provisions are required.

Comments

This proposal was circulated for public comment from April 11 to June 10, 2019, as part of the regular spring comment cycle. Six organizations submitted comments on this proposal. Three commenters agreed with the proposal. Two commenters, including the Joint Rules Subcommittee of the Trial Court Presiding Judges Advisory Committee and Court Executives Advisory Committee, agreed if the proposal were modified. One commenter did not indicate a position but provided suggested revisions to the proposal. A chart with the full text of the comments received and the committee's responses is attached at pages 20–30.

Inclusion of notices on request and order and use of mandatory forms

Two commenters suggested that the committee remove statutorily required notices from the request form and the order form and place those on a separate information form. One of these commenters additionally suggested that the request and order forms be made optional so that courts can elect to implement the new requirements in the manner that best meets their needs. The committee opted to maintain the notices on the proposed mandatory forms to ensure statutory compliance and to eliminate any confusion as to who should provide the notice because these requests are uncommon and subject to very specific requirements.

Collection of data regarding gender

The committee considered whether to revise the forms to include a query about the parties' genders. Family Code sections 297.1 and 304 only require that the court order document the ages of the parties in this type of action. The current forms already include an item for the parties to provide their ages. While SB 273 requires that the court order include information about the parties' genders, it makes that requirement conditional on the parties providing that information. Because the statute seems to contemplate that information about gender should be reported when available, the committee decided to revise the request and order forms to illustrate where information about gender would appear on the request and order, and to seek specific comment on this issue. The comments received were all supportive of including this requirement, provided that it was optional and it was explained that the court would not use that information to make its order on the request.

Alternatives considered

Notices to minor

The committee considered how to implement the requirement of SB 273 that the minor receive specific notices after the court makes an order in the case. The committee considered either developing a separate Judicial Council form for the notices or including them with the court order. The committee decided to propose that the notices be included with the court order. This would eliminate confusion about whether it would become the responsibility of the judicial officer, the court clerk, or Family Court Services to ensure that the minor receives the notices.

New rule of court

The committee considered whether there was a need for a rule of court to implement SB 273 and determined that there was a need to provide guidance to the parties and to the court about

implementing the new laws. For example, the parties and the courts would need to know the following: the request and order forms in these cases are mandatory; Family Court Services is required to make certain recommendations to the court, even if FCS does not normally do so with respect to other proceedings, such as those relating to child custody and visitation (parenting time); and FCS must provide a copy of the written recommendations to the parties, even though SB 273 is silent on this matter. Thus, the proposed new rule would not simply recite the language of the new and amended Family Code sections.

Further, because the process under SB 273 is not a “mediation” within the meaning of the Family Code, the committee considered but did not propose amending rule 5.210 (Court-connected child custody mediation) to include new provisions to address SB 273’s requirements.

Terminology in the proposed new rule and forms

Although Family Code sections 297.1, 303, and 304 use the terms “parent” and “guardian” and provide that, if applicable, the minor must have a parent’s or a guardian’s written consent to marry or establish a domestic partnership, the committee considered that these terms may need clarification in the proposed forms. This is because a parent or guardian may not actually have the legal authority to consent to the minor’s request. For example, a court order that grants “sole legal custody” to a parent gives only one of the child’s parents the legal authority to consent to any issue relating to the child’s health, safety, and welfare. Thus, in this situation, the other parent would not have the legal authority to consent to the minor’s request to marry or establish a domestic partnership. On the other hand, a court order of “joint legal custody” enables each of the minor’s parents to give consent. With respect to the term “guardian,” minors may apply this term liberally to a person in their lives who is not related to them. It takes a court order for a person to become a minor’s legal guardian. For the foregoing reasons, the committee decided to replace the terms “parent” and “guardian” with “parent with legal authority” and “legal guardian” where appropriate in proposed form FL-912 and revised forms FL-910 and FL-915. One commenter suggested that the term “legal guardian” also needed qualification and clarification, but the committee determined that legal guardians would all have the requisite authority and thus additional language would be duplicative rather than clarifying.

Confidentiality

The committee considered whether the case files for these actions should be confidential and whether the written report from Family Court Services should be kept in the confidential portion of the family law file. In other proceedings, such as those involving psychological evaluations of children to determine child custody or visitation rights, Family Code section 3025.5 requires that the evaluation be kept confidential and not be disclosed, except to those persons or entities specifically enumerated in the statute. Although members generally believed that the reports from FCS should be confidential, SB 273 did not provide the same statutory protections for FCS’s written reports in actions for minors seeking to marry or establish a domestic partnership, even though the reports could potentially contain information about the minor’s psychological condition or capacity to consent to the intended marriage or domestic partnership.

To address the concern for privacy at this time, the committee has proposed including language in rule 5.448(c)(5) to require that FCS protect party confidentiality in the storage and disposal of records and any personal information gathered during the interviews, as well as in the management of reports containing recommendations about the minor's request to marry or establish a domestic partnership.

Education and training requirements

The committee considered including a subdivision in the proposed new rule to address specific education and training requirements for Family Court Services professionals who interview the minors in these cases and write recommendations for granting or denying the minor's request to marry or establish a domestic partnership. The committee also considered proposing amendments to the education and training requirements for mediators under rule 5.210.

Although the committee understands that interviewing minors and specifically assessing for coercion, duress, or undue influence on the minor may currently be outside the scope of training these court professionals have received, the committee decided not to propose additional educational components in the new or existing rules at this time. Instead, the committee directed that staff from the Center for Families, Children & the Courts provide courses and introduce new curricula at upcoming statewide Family Court Services conferences, remote monthly trainings for FCS personnel, and the annual institute for new FCS personnel.

Fiscal and Operational Impacts

The statutory changes would increase the workload of Family Court Services mediators and child custody recommending counselors who do not already interview minors and their parents or guardians in these cases. Specific training might be needed to help them assess any potential force, threat, persuasion, or duress by either of the parties or their family members relating to the intended marriage or domestic partnership. The mandated changes would also increase the responsibilities of judicial officers who must review the FCS reports and interview the minors in chambers before making a determination on the request to marry or establish a domestic partnership or marriage. In addition, changes to court case management systems may be required to incorporate the new forms. However, because courts report that there are relatively few of these types of filings each year, the overall operational impact on the courts may not be significant.

Attachments and Links

1. Cal. Rules of Court, rule 5.448, at pages 8–11
2. Forms FL-910, FL-912, and FL-915, at pages 12–19
3. Chart of comments, at pages 20–30
4. Link A: Senate Bill 273 (Stats. 2018, ch. 660),
http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB273

Rule 5.448 of the California Rules of Court is adopted, effective January 1, 2020, to read:

1 **Title 5. Family and Juvenile Rules**

2
3 **Division 1. Family Rules**

4
5 **Chapter 19. Minor Marriage or Domestic Partnership**

6
7 **Article 1. General Provisions**

8
9 **Rule 5.448. Minor's request to marry or establish a domestic partnership**

10
11 **(a) Application**

- 12
13 (1) This rule implements Family Code sections 297.1, 303, and 304, allowing a
14 person under 18 years of age (a minor) to seek a court order for permission to
15 marry or establish a domestic partnership.
16
17 (2) The responsibilities of Family Court Services under (c) apply equally to
18 courts that adopt a confidential child custody mediation program,
19 recommending child custody counseling, or a tiered/hybrid program.
20
21 (3) For the purpose of this rule, the terms “parent” and “parent with legal
22 authority” are used interchangeably.

23
24 **(b) Required initial filings**

- 25
26 (1) The minor and the minor's proposed spouse or domestic partner must
27 complete and file with the court clerk a *Request of Minor to Marry or*
28 *Establish a Domestic Partnership* (form FL-910).
29
30 (2) Unless the minor has no parent or legal guardian capable of consenting, each
31 minor must file, in addition to form FL-910, the written consent from a parent
32 with legal authority to provide consent or a legal guardian. *Consent for Minor*
33 *to Marry or Establish a Domestic Partnership* (form FL-912) may be used
34 for this purpose.

35
36 **(c) Responsibilities of Family Court Services**

37
38 Unless the minor is 17 years of age and has achieved a high school diploma or a
39 high school equivalency certificate, Family Court Services must:

- 40
41 (1) Interview the parties intending to marry or establish a domestic partnership.
42

- 1 (A) The parties must initially be interviewed separately; and
2
3 (B) The parties may subsequently be interviewed together.
4
5 (2) Interview at least one of the parents or the legal guardian of each party who is
6 a minor, if the minor has a parent or legal guardian. If more than one parent
7 or legal guardian is interviewed, the parents or guardians must be interviewed
8 separately.
9
10 (3) Inform the parties that Family Court Services must:
11
12 (A) Prepare a written report, including recommendations for granting or
13 denying the parties permission to marry or establish a domestic
14 partnership;
15
16 (B) Provide the parties and the court with a copy of the report; and
17
18 (C) Submit a report of known or suspected child abuse or neglect to the
19 county child protective services agency if Family Court Services knows
20 or reasonably suspects that either party is a victim of child abuse or
21 neglect.
22
23 (4) Prepare a written report, which must:
24
25 (A) Include an assessment of any potential force, threat, persuasion, fraud,
26 coercion, or duress by either of the parties or their family members
27 relating to the intended marriage or domestic partnership;
28
29 (B) Include recommendations for granting or denying the parties
30 permission to marry or establish a domestic partnership; and
31
32 (C) Be submitted to the parties and the court.
33
34 (5) Protect party confidentiality in:
35
36 (A) Storage and disposal of records and any personal information gathered
37 during the interviews; and
38
39 (B) Management of written reports containing recommendations for either
40 granting or denying permission for a minor to marry or establish a
41 domestic partnership.
42

1 **(d) Responsibilities of judicial officer**

2
3 In determining whether to issue a court order granting permission for the minor to
4 marry or establish a domestic partnership:

5
6 (1) The judicial officer must:

7
8 (A) If Family Court Services is required to interview the parties, do the
9 following before making a final determination:

10
11 (i) Separately and privately interview each of the parties; and

12
13 (ii) Consider whether there is any evidence of coercion or undue
14 influence on the minor.

15
16 (B) Complete *Order and Notices to Minor on Request to Marry or*
17 *Establish a Domestic Partnership* (form FL-915).

18
19 (2) The judicial officer may order that the parties:

20
21 (A) Appear at a hearing to consider whether it is in the best interest of the
22 minor to marry or establish a domestic partnership.

23
24 (B) Participate in counseling concerning the social, economic, and personal
25 responsibilities incident to the marriage or domestic partnership before
26 the marriage or domestic partnership is established. The judicial
27 officer:

28
29 (i) Must not require the parties to confer with counselors provided
30 by religious organizations of any denomination;

31
32 (ii) Must consider, among other factors, the ability of the parties to
33 pay for the counseling in determining whether to order the parties
34 to participate in counseling;

35
36 (iii) May impose a reasonable fee to cover the cost of any counseling
37 provided by the county or the court; and

38
39 (iv) May require the parties to file a certificate of completion of
40 counseling before granting permission to marry or establish a
41 domestic partnership.

1 **(e) Waiting period**

2
3 After obtaining a court order granting a minor permission to marry or establish a
4 domestic partnership, the parties must wait 30 days from the date the court made
5 the order before filing a marriage license or filing a declaration of domestic
6 partnership. This waiting period is not required if the minor is:

7
8 (1) 17 years of age and has a high school diploma or a high school equivalency
9 certificate; or

10
11 (2) 16 or 17 years of age and is pregnant or whose prospective spouse or
12 domestic partner is pregnant.

Clerk stamps date here when form is filed.

NOT APPROVED BY THE JUDICIAL COUNCIL

1 Minor Requesting Court Order

Name: _____ Date of birth: _____
Gender (Optional): [] Male [] Female [] Nonbinary
Address: _____
City: _____ State: _____ Zip: _____
Telephone number: _____

2 Minor's Proposed Spouse or Domestic Partner

Name: _____ Date of birth: _____
Gender (Optional): [] Male [] Female [] Nonbinary
Address: _____
City: _____ State: _____ Zip: _____
Telephone number: _____

3 Your Lawyer's Information (if you have a lawyer):

Name: _____ State Bar No.: _____
Firm Name: _____
Address: _____
Telephone number: _____ E-mail Address: _____

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed:

Case Number:

4 Request We request that the court grant us permission to [] marry [] establish a domestic partnership.

5 Minor's Age and Education

- a. Is the person in 1 17 years of age? [] Yes [] No
b. Does the person in 1 have a high school diploma or a high school equivalency certificate? [] Yes [] No
c. Is the person in 2 a minor? [] Yes [] No Is the person in 2 17 years of age? [] Yes [] No
d. Does the person in 2 have a high school diploma or a high school equivalency certificate? [] Yes [] No

6 Written Consent

Unless the minor has no parent or guardian with the legal authority to consent (or capable of consenting), each person under 18 years of age must file with the request the written consent of a parent with legal authority or a legal guardian for the minor to marry or establish a domestic partnership. Form FL-912 may be used for this purpose.

Person in 1 (Check all that apply and specify name of the parent with legal authority or legal guardian):

- a. [] Parent with legal authority [] Legal guardian (specify name): _____
b. [] Parent with legal authority [] Legal guardian (specify name): _____
c. [] Parent with legal authority [] Legal guardian (specify name): _____
d. [] I am a minor, but have no parent, parent capable of consenting, or legal guardian.

Person in 2 (Check all that apply and specify name of the parent with legal authority or legal guardian):

- a. [] Parent with legal authority [] Legal guardian (specify name): _____
b. [] Parent with legal authority [] Legal guardian (specify name): _____
c. [] Parent with legal authority [] Legal guardian (specify name): _____
d. [] I am [] not a minor [] a minor, but have no parent, parent capable of consenting, or legal guardian.



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

Date: _____

Person in **1** signs here

Date: _____

Person in **2** signs here

When you file this request, the court must determine whether to grant permission for you to marry or establish a domestic partnership.

1. Unless the minor is 17 years of age and has achieved a high school diploma or high school equivalency certificate, the law requires that all of the following be completed before the court can make a decision in your case:

a. Family Court Services must:

- (1) Interview *the parties* separately.
- (2) Interview at least one of the parents or the guardians of each party who is a minor if the minor has a parent or guardian who has legal authority to consent to the minor's intended marriage or domestic partnership.

If the minor has more than one parent or guardian with legal authority, Family Court Services must interview them separately.

- (3) Prepare a written report based on the information collected from the interviews and give it to the court.

b. The judge must:

- (1) Review the report and recommendations written by Family Court Services;
- (2) Interview each of the parties separately and privately; and
- (3) Make an order on the request to marry or establish a domestic partnership.

2. Court order

The court will make an order on the *party's* request using *Order and Notices to Minor on Request to Marry or Establish a Domestic Partnership (form FL-915)*. Important notices are included with the order. *You* may want to review the notices before *you* file the request.

3. Order for counseling

If the court considers it necessary, and the court determines that *the parties* can afford it, the law allows the judge to require *the parties* to participate in counseling before obtaining a marriage license or establishing a domestic partnership. As to this order:

- a. The counseling must relate to the social, economic, and personal responsibilities incident to marriage or domestic partnership.
- b. The court must consider, among other factors, the ability of the parties to pay for counseling before ordering the parties to attend counseling.
- c. The court cannot order the parties to participate in counseling that is provided by religious organizations of any denomination.
- d. The court may require the parties to pay a reasonable fee to cover the cost of any counseling provided by the county or the court.

4. Data collection

Gender: Parties are not required to specify their gender on form FL-910. If the parties volunteer this information, the court must include it in the order.

Age: The parties must specify their ages on form FL-910. By law, the court order must include this information in the order.

The judge does not use the age and gender information in form FL-910 to decide whether to grant the request.

The parties' ages are reported to the State Registrar or the Secretary of State to allow them to document and update each year the number of recorded marriages and domestic partnerships in which one or both of the parties were minors at the time the parties married or registered the domestic partnership.

Clerk stamps date here when form is filed.

**NOT APPROVED
BY THE JUDICIAL
COUNCIL**

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed:

Case Number:

1 Minor Requesting Court Order

Name: _____
Address: _____
City: _____ State: _____ Zip: _____
Telephone number: _____

2 Minor's Proposed Spouse or Domestic Partner

Name: _____
Address: _____
City: _____ State: _____ Zip: _____
Telephone number: _____

3 Minor's Parent With Legal Authority or Legal Guardian

Name: _____
I am the (check one): parent with legal authority legal guardian
of the minor in (check one): ① ② .
Address: _____
City: _____ State: _____ Zip: _____
Telephone number: _____

Use a separate form FL-912 for each parent with legal authority or legal guardian who is giving written consent to the minor's intended marriage or domestic partnership.

4 Consent

- a. I consent to my child's intended (check one): marriage domestic partnership.
- b. I understand that Family Court Services may be required to interview me before the court makes an order in this case. I authorize Family Court Services to contact me using the information provided in ③.
- c. Other (specify): _____

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

Date: _____



Person in ③ signs here

Order and Notices to Minor on Request to Marry or Establish a Domestic Partnership

Clerk stamps date here when form is filed.

DRAFT

NOT APPROVED BY THE JUDICIAL COUNCIL

1 Minor Requesting Court Order

Name: Date of birth: Gender: Male Female Nonbinary Not provided Address: City: State: Zip: Telephone number:

2 Minor's Proposed Spouse or Domestic Partner

Name: Date of birth: Gender: Male Female Nonbinary Not provided Address: City: State: Zip: Telephone number:

3 Lawyer's Information (If parties have a lawyer):

Name: State Bar No.: Firm Name: Address: Telephone number: E-Mail Address:

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

4 Review. The court has considered:

- a. The request of minor to marry establish a domestic partnership
b. The written consent from each minor's parent with legal authority or legal guardian.
c. The written report submitted to the court by Family Court Services.
d. The court's own separate and private interview of the parties.
e. The ability of the parties to pay for counseling.
f. Other (specify):

5 Findings. The court makes the following findings:

- a. There is is no evidence of force, threat, persuasion, fraud, coercion, or duress on the minor relating to the intended marriage or domestic partnership.
b. The minor in 1 2 does not have a parent, a parent capable of consenting, or a legal guardian.
c. This couple has does not have the ability to pay for premarital or prepartnership counseling.
d. Other (specify):

6 Hearing Required

The court is considering whether it is in the best interest of the person or persons under 18 years of age to marry or establish a domestic partnership at this time. The matter is scheduled for a hearing on

Hearing Date

Date: Time: a.m. p.m. Dept./Rm. or Address:

This is a Court Order.

7 The court makes the following orders:

- a. This couple may get married if they meet all other requirements to get a marriage license.
- b. This couple may establish a domestic partnership if they meet all other requirements to file a Declaration for Domestic Partnership with the Secretary of State.
- c. After considering the ability of the couple to pay for counseling, the court orders that this couple must go to counseling to learn about the social, economic, and personal responsibilities of being in a marriage or domestic partnership.
 - This couple must show a certificate of completion of counseling before permission is granted.
- d. This couple may not get married or establish a domestic partnership at this time.
- e. Other (*specify*):

8 Other (*specify*):

Date: _____

Judicial Officer

What to do with this order.

- 1 File it with the court.** This order must be filed with the clerk of the court where your case is filed.
- 2 Get certified copies.** Make copies of the signed order and ask the clerk of the court where your case is filed to certify the copies.
- 3 Apply for the license to marry or register a domestic partnership.**
For marriages, present a certified copy of the order to the county clerk at the time you apply for the marriage license. For domestic partnerships, present the certified copy of the order to the Secretary of State (with the Declaration of Domestic Partnership) at the time the domestic partnership is registered.
- 4 Keep copies.** Keep copies of the order and other documents for your records.

Is there a waiting period before we can request a marriage license or file a declaration of domestic partnership?

- YES** The parties **MUST** wait 30 days from the date the court made the order granting permission to marry or establish a domestic partnership before filing a marriage license or filing a declaration of domestic partnership.
- NO** There is **NO** waiting period if a minor in the relationship is:
 - 17 years of age and has a high school diploma or a high school equivalency certificate.
 - OR**
 - 16 or 17 years of age and is pregnant or whose prospective spouse or domestic partner is pregnant.

This is a Court Order.

1 Where to get help

This notice gives you only basic information and is not legal advice. If you want legal advice, ask a lawyer for help. You may:

- Contact the family law facilitator or self-help center in your court for information, court forms, and referrals to local legal resources. For more information, see courts.ca.gov/courtresources.
- Find a lawyer through a certified lawyer referral service on the State Bar of California's website: www.calbar.ca.gov/LRS or by calling 866-442-2529 (toll-free).
- Hire a private mediator. For more information about court and private services, see www.courts.ca.gov/selfhelp-adr.htm.
- Find information on the California Courts Online Self-Help Center website: www.courts.ca.gov/selfhelp.
- Find free and low-cost legal help (if you qualify) at www.lawhelpcalifornia.org.
- Find information at your local law library or public library.

2 What it means to be an emancipated minor

If you are under the age of 18 years and have an order allowing you to marry or register a domestic partnership, you are considered to be an emancipated minor when you have entered into a valid marriage or domestic partnership.

When you are emancipated, you are no longer under the care and control of your parents or legal guardian. If you are a dependent or ward of the juvenile court, your legal status also changes when you are emancipated. This affects certain rights relating to you and your parents or legal guardians. For example:

- You give up the right to financial support from your parents or legal guardians.
- Your parents or legal guardians lose the right to control your finances, and they are no longer required to support you.

National Domestic Violence Hotline

For a referral to a local domestic violence or legal assistance program, call the National Domestic Violence Hotline at:

1-800-799-7233 (TDD: 1-800-787-3224).

It's free and private. Help is available in over 100 languages.

National Sexual Assault Hotline

Anyone affected by sexual assault, whether it happened to you or someone you care about, can find support by contacting the National Sexual Assault Hotline at:

1-800-656.HOPE (4673).

You can also visit rainn.org to receive online support by confidential online chat.

3 Rights of an emancipated minor

As specified in Family Code sections 7050 through 7052, as an emancipated minor you have the right to:

- Decide where you want to live;
- Enroll yourself in school;
- Apply for a work permit;
- Make or revoke a will;
- Keep the money you earn;
- Decide how to spend the money you earn;
- Enter into contracts, get a bank loan or credit card;
- File a lawsuit or be sued in your own name;
- Consent to your own medical, dental, and psychiatric care; and
- Buy, sell, lease, exchange, or transfer any interest you have in real estate or personal property.

4 Other rights of an emancipated minor

With respect to shares of stock in a domestic or foreign corporation, a membership in a nonprofit corporation, or other property held by an emancipated minor, you may do all of the following:

- Vote in person, and give proxies to exercise any voting rights, with respect to the shares, membership, or property;
- Waive notice of any meeting or give consent to the holding of any meeting; and
- Authorize, ratify, approve, and affirm any action that could be taken by shareholders, members, or property owners.

5 Limits on the rights of an emancipated minor

Even if you have been declared an emancipated minor:

- You must still attend school as required by law.
- If you are charged with a crime, your case will be in the Juvenile Court.
- Labor laws relating to minors still apply to you and prevent you from performing dangerous kinds of work.
- You must still meet the age requirements in California for obtaining a driver's license.
- You cannot consent to sexual intercourse with anyone who is not your legal spouse or domestic partner. This means that any other adult who has sex with an emancipated minor can still be prosecuted for unlawful sexual intercourse with a minor.

6 Alternatives to emancipation

As an alternative to emancipation, you can consider:

- Family counseling to help improve your relationship with your parents while living with them.
- Obtaining an order to make someone you trust your legal guardian until you become 18 years old.
- Getting help from public or private agencies in your area.
- Making an informal agreement with your parents that allows you to live with someone else. Note: The law allows the caregiver to enroll you in school and obtain basic medical care for you by completing a Caregiver's Authorization Affidavit, even if the caregiver does not have a court order for child custody. The affidavit can be found online at <http://www.courts.ca.gov/documents/caregiver.pdf>

7 Rights of *unemancipated* minors

A minor who is 12 years or older may file for a domestic violence restraining order in the minor's own name.

A minor may consent to the matters provided in Family Code sections 6920 to 6930, subject to certain limitations, and the consent of the minor's parent or legal guardian is not necessary. For example:

Mental health treatment, outpatient counseling, emergency residential shelter service

A minor who is 12 years of age or older may consent to mental health treatment or counseling on an outpatient basis, or to residential shelter services or other supportive services on a temporary or emergency basis. Both of the following requirements must be satisfied:

- (1) The minor, in the opinion of the attending professional person, is mature enough to participate intelligently in the outpatient services or residential shelter services.
- (2) The minor (A) would present a danger of physical or mental harm to self or to others without the mental health treatment or counseling or residential shelter services, or (B) is the alleged victim of incest or child abuse.

Other rights

- (1) A minor who is 12 years of age or older may consent to medical care and counseling relating to the diagnosis and treatment of a drug- or alcohol-related problem, prevention of a sexually transmitted disease, or prevention or treatment of pregnancy.
- (2) A minor may make a contract in the same manner as an adult. However, the contract can be disaffirmed if the law so permits.
- (3) Minors may never (A) give a delegation of power (B) contract relating to real property, or (C) contract relating to personal property not within the minor's immediate possession or control.

8 Annulments: void marriage or domestic partnership

The law describes circumstances in which a marriage or domestic partnership is void (not legally valid) from the very beginning.

Bigamous relationship: One or both people are already married to (or in a registered domestic partnership with) someone else. For more information, see Family Code section 2201.

Incestuous relationship: This is a marriage or partnership between two people who are close blood relatives. See Family Code section 2200.

9 Annulments: voidable marriage or domestic partnership

Family Code section 2210 describes circumstances in which a marriage or domestic partnership can be declared invalid (or voidable). The following must have taken place at the time the parties married or registered the domestic partnership:

Under age: The person filing for annulment was under 18 years old.

Unsound mind: Either party was unable to understand the nature of the marriage or domestic partnership, including the obligations that come with it.

Fraud: Either party decided to marry or register the domestic partnership as a result of fraud. The party was deceived about something vital to the relationship that directly affected the decision to marry or become a domestic partner. Some examples are hiding the inability to have children or just wanting to get a green card.

Force: Either party was forced to consent.

Physical incapacity: One of the parties was physically incapable of "consummating" the relationship (having sexual intercourse) and the incapacity appears to be "incurable."

Prior existing marriage or domestic partnership: The marriage or domestic partnership took place after the former spouse or domestic partner was absent for five years and not known to be living, or was thought to be dead.

Note: See Family Code section 2211 for the time limits for filing to nullify a voidable legal relationship.

10 How to annul a marriage or domestic partnership

There are a number of forms and steps to complete when filing for annulment. For information and procedures for filing and responding to an annulment case that is filed in family court, you can:

- Visit the California Courts Online Self-Help Center at www.courts.ca.gov/1037.htm#legal.
- Talk to a lawyer. For help finding a lawyer, go to www.courts.ca.gov/selfhelp-findlawyer.htm.
- Visit your local court's self-help center at www.courts.ca.gov/selfhelp-selfhelpcenters.htm.

11 How to end a marriage, domestic partnership, or both

Dissolution (Divorce): A divorce judgment ends your marriage or domestic partnership, or both. You will be legally a single person again. In a divorce case you can ask the judge to make orders about parenting issues, child support, spousal or partner support, and dividing property and debts.

Legal Separation: A legal separation does not end a marriage or domestic partnership. A couple may decide to file for legal separation instead of a divorce for religious reasons, financial reasons, or because they just want to live apart and have court orders about money, property, and parenting issues.

For information about divorce and legal separation, including the procedures for filing in family court go to www.courts.ca.gov/selfhelp-divorce.htm.

Read *Legal Steps for a Divorce or Legal Separation* (form FL-107-INFO). This form can be found online at www.courts.ca.gov/documents/fl107info.pdf.

Summary Dissolution: This type of action is available for couples who have been married or domestic partners for less than five years, do not have children together, do not seek an order for support, do not own real estate or land, and have limited debts and property. For more information, go to:

<http://www.courts.ca.gov/1241.htm>;

<http://www.courts.ca.gov/1242.htm>; and

<http://www.courts.ca.gov/16430.htm>.

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http://intranet.jud.ca.gov/reference/index.cfm?pg=referenceView&ref_id=291&cat_id=9 (Adopt Cal. Rules of Court, rule 5.448; approve form FL-912, revise forms FL-910 and FL-915)

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	Commenter	Position	Comment	Committee Response
1.	Superior Court of Orange County By Family and Juvenile Divisions	NI	<p>Form FL-910: For sections 5 and 6, it is recommended that the term “person” be replaced with “minor” to be consistent with the rest of the form.</p> <p>On page 2, the information provided after the signature section should be included on a separate form (i.e. create an INFO form). Creating an informational form provides parties with a better understanding of the process before the request is filed.</p> <p>Form JV-915: The information provided after the judicial officer’s signature line should be incorporated in a separate (INFO form)</p> <p>It does provide sufficient information for the parties to understand the court’s order and what to do after the court has ruled on the request. It also provides them with rights and responsibilities, hotlines to organizations that can assist them if they are in danger, and other information.</p> <p>Cost Savings? No, there will not be a cost savings.</p> <p>Implementation Requirements for Courts? Judges and staff would be informed of the changes. Updates would be needed to</p>	<p>The committee concluded that person was appropriate in this context and not confusing because the numbered items were included.</p> <p>Because these requests are few in number and the requirements for providing information in the legislation are extensive the committee concluded that it would be easiest for courts to fulfill the statutory mandate by including the information on the mandatory request form rather than creating additional forms.</p> <p>As explained above, the committee concluded that compliance with the informational requirements would be easier to achieve if the information is on the mandatory order form rather than a separate informational form.</p> <p>No response required.</p> <p>No response required.</p> <p>These impacts will be noted in the report to the council.</p>

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	Commenter	Position	Comment	Committee Response
			<p>procedures and the case management system.</p> <p>3 Months Sufficient Time for Implementation? Yes, 3 months would be sufficient time to implement the changes.</p>	No response required.
2.	Judy B. Louie, Director/Family Law Facilitator, ACCESS Center at the Superior Court of California, County of San Francisco	A	Agree with inclusion of the non-binary language, as well as changing mother/father to “Parent.” In general, this proposal makes the process more user friendly for the pro per with added instructions. The proposed forms provide clear instructions on how to complete. I like how the forms indicate that it’s optional to provide info re: gender, but there should be information provided to litigants what’s the purpose of providing their gender information.	The committee agrees that gender information should be requested consistent with the statutory directive that it be reported if available. There is an explanation on the form at item 4 on page 2 explaining that the gender information is for data collection and the committee deems it comprehensive.
3.	Superior Court of California, County of San Diego by Michael Roddy, Executive Officer	AM	Identify Gender: Yes. The form indicates this item is optional and thus protects the parties’ right to not disclose gender identity. On the other hand, if a party voluntarily chooses to disclose gender and wishes to have that information included in the court order, the item provides this option as well. A party’s gender identity can be valuable information for the Family Court Services worker and the bench officer who will be interviewing the party as part of the application process.	The committee agrees that gender information should be requested consistent with the statutory directive that it be reported if available.

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	Commenter	Position	Comment	Committee Response
			<p>Form Addresses Stated Purpose?: Yes.</p> <p>Cost Savings?: Yes, by saving courts the time and expense required to draft local rules and forms that would facilitate compliance with Family Code sections 297.1 and 304.</p> <p>Court Implementation Requirements: Informing bench, staff, and attorneys of changes, updating/adding filings in the case management system, and making changes to information provided to the public on each court’s website.</p> <p>Is 3 Month Sufficient Time for Implementation? Yes.</p> <p>Work Well in Courts of Different Sizes?: Probably very well.</p> <p>Add to Form FL-910, Page 2, Item 7 (underline for indication only and not for input on the form): I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, <u>which means that if I lie on the form, I am committing a crime.</u></p>	<p>No response required.</p> <p>The committee will note this cost savings in its report to the council.</p> <p>The committee will note these impacts in its report to the council.</p> <p>No response required.</p> <p>No response required.</p> <p>The committee has concluded that the penalty of perjury language is standard and sufficient in this context given the low likelihood of enforcement.</p>

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	Commenter	Position	Comment	Committee Response
			<p>Change on Form FL-910, Page 2, paragraph 2: Change “petition” to “request.” Comment: Although the statutes do not require the notices to be given until the order granting permission is issued, courts should be prepared to disseminate the “Notices” pages of form FL-915 to parties before they file a request.</p> <p>You may want to review the notices before you file the petition request.</p> <p>Change on Form FL-910, Page 2, paragraph 4: Change “make the order” to “grant the request” (or “grant or deny the request”) for clarity.</p> <p>The judge does not use the age and gender information in form FL-910 to decide whether to grant the request.</p> <p>Add to Form FL-910, Item 5b & 5d: Propose that the following language be added requiring a party who is 17 and has obtained a high school diploma or equivalency certificate to attach a copy of the diploma/certificate: “If “yes,” attach a copy.”</p> <p>Revise Form FL-910, Item 5c: Since the minor’s proposed spouse or domestic partner may be an adult, it appears that 5c should be revised as follows:</p>	<p>The committee has made the suggested change in the wording.</p> <p>The committee notes that the request form directs the parties to look at the FL-915 before filing the request.</p> <p>The committee has made this clarifying change.</p> <p>The committee has made this clarifying change.</p> <p>This is a substantive change that would require circulation for comment in a subsequent cycle.</p> <p>The committee has made this clarifying change.</p>

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	Commenter	Position	Comment	Committee Response
			<p>“c. Is the person in 2 a minor? yes no. If “yes”, is the person in 2 17 years of age? yes no”</p> <p>Revise Form FL-910, Item 6d (Person in 1): Since the person in item 1 will always be a minor, it appears that 6d (Person in 1) should be revised as follows:</p> <p>“d I am a minor, but have no parent, parent capable of consenting, or legal guardian.”</p> <p>Add to Form FL-912, Item 3: Add “FL-912.”</p> <p>“Use a separate form FL-912 for each parent”</p> <p>Add to Line Above Signature Block: Suggest adding “, which means that if I lie on the form, I am committing a crime.”</p> <p>I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, which means that if I lie on the form, I am committing a crime.</p> <p>Revise on Form FL-912, Item 4a: Propose revising language to reflect the form may be filed by a legal guardian:</p>	<p>The committee has deleted the checkbox for person 1 being not a minor.</p> <p>The committee has made this clarifying change.</p> <p>The committee has concluded that the penalty of perjury language is standard and sufficient in this context given the low likelihood of enforcement.</p> <p>The committee has made this clarifying change.</p>

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	Commenter	Position	Comment	Committee Response
			<p>a. "I consent to my child's ward's intended...."</p> <p>Strike from Form FL-915, Page 1, Item 3: Delete "Your." This item is located in the "Order" portion of the form.</p> <p>Your Lawyer's Information (If you parties have a lawyer):</p> <p>Correct Typo on Form FL-915, Page 3, Item 3: Typo -- delete space between "name" and semicolon:</p> <p>File a lawsuit or be sued in your own name;</p> <p>Change Code Section on Form FL-915, Page 4, Item 7, paragraph 2: Change "6929" to "6930."</p> <p>A minor may consent to the matters provided in Family Code sections 6920 to 6929<u>30</u>, subject to certain limitations</p> <p>Add to Form FL-915, Page 4, Item 7, paragraph 3: Add ", diagnosis and treatment of a condition resulting from sexual assault." (See Fam. Code, § 6928 [not limited to minors 12 years of age or older].)</p> <p>Mental health treatment, outpatient counseling,</p>	<p>The committee has made this change to be consistent with this being a court order.</p> <p>The committee has made this clarifying change.</p> <p>The committee has made this change for accuracy and completeness.</p> <p>Because this section is quite extensive and the text makes clear that it is not comprehensive by opening with "For example" the committee has determined that it is not necessary to add the suggested content.</p>

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	Commenter	Position	Comment	Committee Response
			<p>emergency residential shelter service, diagnosis and treatment of a condition resulting from sexual assault</p> <p>Change on Form FL-915, Page 4, Item 7, paragraph 7 (subheading): Change “Other treatment” to “Other rights”; paragraphs (2) and (3) do not relate to treatment.</p> <p>Strike and Add on Form FL-915, Page 4, Item 7, paragraph 8: Delete “or” preceding “prevention or treatment of pregnancy”; add “, or diagnosis or treatment of an infectious, contagious, or communicable disease, a condition resulting from rape, or injuries resulting from intimate partner violence.” (See Fam. Code, §§ 6926(a), 6927, 6930.)</p> <p>A minor who is 12 years of age or older may consent to medical care and counseling relating to the diagnosis and treatment of a drug- or alcohol-related problem, prevention of a sexually transmitted disease, or prevention or treatment of pregnancy, or diagnosis or treatment of an infectious, contagious, or communicable disease, a condition resulting from rape, or injuries resulting from intimate partner violence.</p> <p>Change on Form FL-915, Page 5, Item 11,</p>	<p>The committee has made the suggested change for accuracy.</p> <p>As explained above the committee has determined that this list does not need to be exhaustive and thus has not added these rights of minors to the form.</p>

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	Commenter	Position	Comment	Committee Response
			<p>paragraph 3: Change “to” to “, go.”</p> <p>For information about divorce and legal separation, including the procedures for filing in family court, go to www.courts.ca.gov/selfhelp-divorce.htm.</p> <p>Form FL-915, Item 4b: Does not account for actions in which the minor “has no parent, parent capable of consenting, or legal guardian (see item 6d on FL-910).” While the issue is addressed in item 5b, the form as drafted indicates the court has considered a document which may not have been filed/apply.</p> <p>Form FL-915, Item 5a: There is is not no evidence of force,...”.</p> <p>What to do with this order section (Page 2 of 5): Propose that the instructions be clarified to direct the minor to obtain a certified copy once the order is granted. If the court orders a hearing under item 6, a certified copy of the order will not allow the minor to obtain a marriage license.</p> <p>General Comments: These forms should be optional. Our court has</p>	<p>The committee has corrected this typographical error.</p> <p>The committee has added a check box to this item in recognition that it will not apply in all cases.</p> <p>The committee has adopted this recommended change.</p> <p>The instructions on the form are intended for when the court has granted the order and thus an order has been issued.</p> <p>The committee concluded that best way to ensure</p>

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	Commenter	Position	Comment	Committee Response
			created local forms and procedures that are working well. Our court would like to use the Notices to Minor, which is currently part of the proposed Order. These Notices should be a separate stand-alone form, rather than part of the Order, which would also allow the Notices to be provided earlier in the process.	compliance with the extensive statutory requirements, including the specific requirement that the notices be provided when the court makes it order would be to include the notices on the mandatory order form.
4.	Superior Court of California, County of Riverside by Susan Ryan, Chief Deputy, Legal Services	A	<p>Include an item for the parties to identify their gender? Yes. If the identifying information is being requested on the order form it should be consistent with the identifying information provided on the request form.</p> <p>Does the proposal appropriately address the stated purpose? Yes.</p> <p>Would the proposal provide cost savings? No. The proposal modifies existing forms or adds an optional form that courts may have already created/implemented for optional use due to the effective date being months prior. The proposal will increase paper usage as the FL-910 form will expand from 1 page to 2 pages and the FL-915 form will expand from 1 page to 5 pages.</p> <p>Implementation requirements be for courts? The court would need to modify existing</p>	<p>The committee agrees and has preserved the optional gender item consistent with the statute.</p> <p>No response required.</p> <p>The committee will note these costs in its report to the council.</p> <p>The committee will note these costs in its report to the council.</p>

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	Commenter	Position	Comment	Committee Response
			<p>procedures to include any revisions to the forms as well as update packet forms posted for public to access.</p> <p>Is 3 months sufficient time for implementation? Yes.</p> <p>Would proposal work in courts of different sizes? The size of the court would have no impact due to the relatively few types of these filings each year.</p>	<p>No response required.</p> <p>No response required.</p>
5.	FLEXCOM by Justin M. O’Connell, Legislation Chair at Cavassa O’Connell And California Lawyers Association by Saul Bercovitch, Director of Governmental Affairs	A	No specific comment.	No response required.
6.	Judicial Council of California, Joint Rules Subcommittee (JRS): Trial Court Presiding Judges Advisory Committee (TCPJAC) and Court Executives Advisory Committee	AM	<p>The JRS notes the following impact to court operations:</p> <ul style="list-style-type: none"> • Impact on existing automated systems (e.g., case management system, accounting system, technology infrastructure or security equipment, Jury Plus/ACS, etc.) • Results in additional training, which requires the commitment of staff time and court resources. • Increases court staff workload. • Changes the responsibilities of the presiding 	The committee will note these impacts in its report to the council.

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	Commenter	Position	Comment	Committee Response
			<p>judge and/or supervising judge.</p> <ul style="list-style-type: none">• Impact on local or statewide justice partners. The fiscal impact, particularly for larger courts will depend upon the number of petitions filed. <p>Suggested modification(s): Rule 5.448, subdivision (b)(2) should apply the qualifier “with legal authority to provide consent” to the “legal guardian” just as it does to the “parent.” The committee discusses the need for the qualifier in the rule proposal, recognizing that not all parents or legal guardians necessarily have the authority to provide the requisite consent. The rule applies the qualifier to the parent only. Subdivision (b)(2) could read:</p> <p>Unless the minor has no parent or legal guardian capable of consenting, each minor must file, in addition to form FL-910, the written consent from a parent with legal authorization to provide consent, or a legal guardian with such legal authorization.</p> <p>The above change should also be made to paragraph 6 of form FL-910 for the same reason.</p>	<p>The committee cannot identify a circumstance in which a legal guardian would not have legal authority to provide this consent and so is electing not to add this qualifying language.</p>