



Judicial Council of California

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Subject Details (With Text)

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File #: 16-050 **Version:** 1
Type: Form Proposal **Status:** Passed
File created: 3/7/2016 **In control:** Judicial Council
On agenda: 4/15/2016 **Final action:** 4/15/2016
Title: Family Law: Changes to Petition and Response (Action Required)
Sponsors:
Indexes:
Code sections:
Attachments: 1. 20160415-16-050

Date	Ver.	Action By	Action	Result
4/15/2016	1	Judicial Council	approved	Pass

Title Family Law: Changes to Petition and Response (Action Required)

Summary

The Family and Juvenile Law Advisory Committee recommended revising *Petition- Marriage/Domestic Partnership* (form FL-100) and *Response-Marriage/Domestic Partnership* (form FL-120) to reflect a 2015 U.S. Supreme Court decision that requires all states in the United States to license marriage between two people of the same sex and also to recognize a lawful same-sex marriage that was performed out-of-state. The committee also recommended substantive changes in response to suggestions from court professionals and attorneys about other areas of these forms. In addition, the committee recommended technical changes to *Property Declaration* (form FL-160) that are needed to reflect the numbered subject headings in the *Petition and Response*.

Recommendation

The Family and Juvenile Law Advisory Committee recommended that the Judicial Council, effective July 1, 2016:

1. Revise *Petition-Marriage/Domestic Partnership* (form FL-100) and *Response- Marriage/Domestic Partnership* (form FL-120), as follows:
 - a. Revise the language in item 2 to clarify the residence requirements of a marriage as specified in Family Code section 2320;
 - b. Include a statement under the heading “Minor Children” that the court has the authority to determine that a child listed on the form born before the marriage or domestic partnership is a child of the marriage or partnership;
 - c. Delete item 6.d., to avoid requiring a parent to request that the court determine parentage of children born before the marriage or domestic partnership; and
 - d. Add a new notice on page 3 that includes a link to information about the process for divorce and legal separation (*Legal Steps for a Divorce or Legal Separation* (form FL-107-INFO)), as well as an online guide for parents and children involved in the family court system (www.familieschange.ca.gov <<http://www.familieschange.ca.gov>>).
2. Make technical changes to *Property Declaration* (form FL-160) on page 4 to reflect the renumbering of the Separate Property and Community and Quasi-Community Property of the Petition and Response.