



Judicial Council of California

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January 19, 2024

Subject Text

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File #: 20-181, Version: 1

Title

Rules and Forms | Family Law: Changes to Spousal Support and Property Division Forms (Action Required)

Summary

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

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

Recommendation

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

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

form could serve as an attachment to *Findings and Order After Hearing* (form FL-340), *Restraining Order After Hearing* (CLETS-OAH) (form DV-130), *Judgment* (form FL-180), the parties' written agreement, or another document specified by the parties); and

4. Revise *Property Order Attachment to Judgment* (form FL-345) at item 2c and 2d, to list the debts assigned to petitioner and respondent, respectively; delete the phrase "hold harmless"; and simplify the notice about creditors not being bound by the judgment.