AMENDMENT TO THE CALIFORNIA RULES OF COURT
Adopted by the Judicial Council on October 24, 2025, effective July 1, 2026, to read:

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

(a) * * *

(b) Definitions and use of terms

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

(1)–(11) * * *

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

(Subd (b) amended effective July 1, 2026; previously amended effective July 1, 2020.)

Rule 5.7. Use of forms

(a) Status of family law and domestic violence forms

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

(Subd (a) amended effective July 1, 2026)

(b)–(c) * * *

Rule 5.16. Designation of parties

(a) * * *

(b) Parties to proceeding

(1)–(4) * * *

(5) The only persons or agencies permitted to be parties to a family law proceeding to ~~establish~~ determine parentage are the following: ~~the presumed or putative parents of the minor child, the minor child, a third party who is~~

~~joined in the case under rule 5.24, or a local child support agency that intervenes in the case.~~

(A) The presumed or putative parents of the child;

(B) The intended or natural parents of a child conceived through assisted reproduction as defined in Family Code section 7613 and sections 7690–7692;

(C) The gestational carrier, as named in a gestational carrier agreement, and the gestational carrier's spouse or domestic partner;

(D) The child, as described in Family Code section 7635(a);

(E) A third party who is joined in the case under rule 5.24; or

(F) A local child support agency that intervenes in the case.

(Subd (b) amended effective July 1, 2026.; previously amended effective January 1, 2026)

Rule 5.50. Papers issued by the court

(a) Issuing the summons; form

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

(1) The clerk of the court must:

(A) Issue ~~a~~ *Summons (Family Law)* (form FL-110) for divorces, legal separations, or annulment cases involving married persons or domestic partnerships;

(B) Issue ~~a~~ *Summons (Uniform Parentage—Petition for Custody and Support)* (form FL-210) for parentage or custody and support cases;

(C) Issue ~~a~~ *Summons (UIFSA)* (form FL-510) when a party seeks to establish or enforce child support orders from other states;

(D) Process ~~a~~ *Summons and Complaint or Supplemental Complaint Regarding Parental Obligations* (form FL-600) as specified in rule 5.325;

(E) Issue *Summons—Gestational Carrier Agreement* (form SUR-110) when parties file *Petition to Determine Parental Relationship* (form SUR-100); and

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

(2) * * *

(Subd (a) amended effective January 1, 2026.)

(b) Automatic temporary family law restraining order in summons; handling by <u>the</u> clerk <u>of the court</u>

(Subd (b) amended effective July 1, 2026.)

* * *

(c) * * *

Rule 5.51. Confidential cover sheet for parentage actions or proceedings involving assisted reproduction; other requirements <u>[Repealed]</u>

~~**(a) Application**~~

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

~~**(b) Filing Requirement**~~

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

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

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

Rule 5.51 repealed effective July 1, 2026; adopted effective January 1, 2023.

Rule 5.52. Declaration under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)

(a) Filing requirements; application

(1) Petitioner and respondent must each complete, serve, and file ~~a~~ *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)* (form FL-105/GC-120) if there are children of their relationship under the age of 18 years.

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

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

(Subd (a) amended effective July 1, 2026)

(b) * * *

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

(a) Authority

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

(b) Confidentiality

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

(c) Actions involving statutory forms and traditional surrogacy

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

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

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

(3) *Petition to Determine Parental Relationship* (form FL-200);

(4) *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act* (UCCJEA) (form FL-105), only if child custody or visitation (parenting time) or both are at issue in the case; or

(5) Any forms required for subsequent filings in actions under the Uniform Parentage Act.

(d) Actions involving a gestational carrier agreement

(1) Parties to a gestational carrier agreement must commence an action in family court to seek a judgment determining a parental (or nonparental) relationship to a child born or expected to be born by using either:

(A) *Petition to Determine Parental Relationship* (form SUR-100); or

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

(2) Petitioner may, with the consent of other parties, complete and file with the clerk of the court all the forms and documents required of all parties to initiate the case and request entry of judgment. Petitioner may, but is not required to, file all the forms and documents at one time.

(3) Consistent with Family Code section 7962:

(A) A true and correct copy of the notarized gestational carrier agreement must be lodged with the clerk of the court, with the declarations of the separate, independent attorneys attached. If applicable, a true and correct copy of the English translation of the gestational carrier agreement (certified under oath by a qualified interpreter) must also be lodged with the clerk of court

(B) Parties must file a declaration of the fertility physician with the clerk of the court to demonstrate compliance with section 7962(d).

(C) Parties must file their declarations under section 7962(e) with the clerk of the court.

(4) For cases in which respondent wants to file a response to *Petition to Determine Parental Relationship* (form SUR-100), the response must be provided on *Response to Petition to Determine Parental Relationship* (form SUR-120).

(e) Issuance of judgment

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

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

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

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

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

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

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

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

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

(4) All subsequent papers filed in the case.

Rule 5.78 adopted effective July 1, 2026.

Rule 5.96. Place and manner of filing

(a)–(c) * * *

(d) Requirements for and maintenance of lodged materials

(1) Materials lodged physically with the clerk of the court must be accompanied by a self-addressed envelope with sufficient postage for mailing the material if the party wants the clerk of the court to return the materials lodged physically. If a self-addressed, stamped envelope does not accompany materials lodged physically, the clerk of the court may destroy the lodged materials after determination of the matter and after notice to the party who lodged the materials.

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

(Subd (d) adopted effective July 1, 2026.)