



## Judicial Council of California · Administrative Office of the Courts

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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on: December 13, 2011

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Title	Agenda Item Type
Family Law: Summary Dissolution	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
Adopt form FL-825 and revise forms FL-800, FL-810, FL-820, and FL-830	January 1, 2012
Recommended by	Date of Report
Family and Juvenile Law Advisory Committee	November 29, 2011
Hon. Kimberly J. Nystrom-Geist, Cochair Hon. Dean Stout, Cochair	Contact Bonnie Hough, 415 865-7668 <a href="mailto:bonnie.hough@jud.ca.gov">bonnie.hough@jud.ca.gov</a>

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### Executive Summary

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council adopt a new summary dissolution form and revise four existing summary dissolution forms to implement the mandates of (1) Assembly Bill 939 (Feuer; Stats. 2010, ch. 352), which modifies the summary dissolution process and requires the council to modify forms to reflect those changes; (2) AB 2700 (Ma; Stats. 2010, ch. 397), which requires that the Judicial Council dissolution forms allow couples who are both married and registered domestic partners to dissolve both unions in a single court proceeding; and (3) Senate Bill 651 (Leno; Stats. 2011, ch. 721), which allows same-sex couples who married in California, but now live in a jurisdiction that does not recognize their marriage, to divorce in California.

### Recommendation

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, in order to implement the mandates of AB 939, AB 2700, and SB 651, effective January 1, 2012:

1. Adopt form FL-825 as a new mandatory form; and
2. Revise mandatory forms FL-800, FL-810, FL-825, and FL-830.

The text of the forms is attached at pages 8–36.

## **Previous Council Action**

The Judicial Council revised forms FL-800 and FL-810 effective January 1, 2009, to reflect changes in the California Consumer Price Index as required by Family Code section 2400(b) and to make other clarifying changes.

## **Rationale for Recommendation**

### **Changes pursuant to AB 939**

AB 939,<sup>1</sup> effective January 1, 2011, amends several Family Code and Welfare and Institutions Code sections. This report specifically addresses the amendments to Family Code sections 2400 and 2403.<sup>2</sup>

*Date of separation.* Family Code section 2400(a)(4) previously required that, as a condition for filing a summary dissolution, the parties must have been married for less than five years before the filing of the petition. AB 939 amended that code section to specify that the marriage must not be more than five years in duration as of the date of separation of the parties, regardless of the petition’s filing date, in order to qualify for a summary dissolution.

The advisory committee recommends that *Joint Petition for Summary Dissolution of Marriage* (form FL-800) and the booklet *Summary Dissolution Information* (form FL-810) be amended to reflect that legislative change: to qualify for a summary dissolution proceeding, in addition to the other conditions under existing law, the parties must have been married no more than five years between the date of marriage and the date of separation.

*Procedure for entry of judgment.* Family Code section 2403 previously required that after six months from the date that the petition for summary dissolution was filed, one of the parties must request that the court enter a judgment dissolving the marriage. Some parties never completed this step, and their divorces were never finalized.

AB 939 amended Family Code section 2403 to require the court to enter a judgment of dissolution at the expiration of the six months from the petition’s filing date without necessitating a request for judgment by either party. Family Code section 2402 preserves the right of either party to file a revocation of the joint petition within six months of the joint petition’s filing, thus terminating the summary dissolution proceeding.

The *Request for Judgment, Judgment of Dissolution of Marriage, and Notice of Entry of Judgment* (form FL-820) would be revised to note that it should be used in cases filed before January 1, 2011, and a new form, *Judgment of Dissolution and Notice of Entry of Judgment*

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<sup>1</sup> Available: [http://www.leginfo.ca.gov/pub/09-10/bill/asm/ab\\_0901-0950/ab\\_939\\_bill\\_20100927\\_chaptered.html](http://www.leginfo.ca.gov/pub/09-10/bill/asm/ab_0901-0950/ab_939_bill_20100927_chaptered.html)

<sup>2</sup> See <http://www.leginfo.ca.gov/cgi-bin/waisgate?WAISdocID=02319419511+0+0+0&WAIAction=retrieve>

(form FL-825), would be adopted for use in cases filed after January 1, 2011, to conform to the legal provision that the court enter a judgment of dissolution at the expiration of the six months from filing of the joint petition without requiring a request by either party.

### **Changes pursuant to AB 2700**

AB 2700,<sup>3</sup> effective January 1, 2011, is primarily addressed through another proposal to the Judicial Council, entitled “Family Law: Dissolution, Legal Separation, or Nullity of Same-Sex Marriage,” but is also relevant to summary dissolution procedures. AB 2700 amends Family Code section 299 by adding a subdivision (e) to provide that parties to a registered domestic partnership who are also married to each other may petition the court to dissolve both their domestic partnership and their marriage in a single proceeding, using a form to be prescribed by the Judicial Council.

Although parties eligible for a summary dissolution under Family Code section 2400 may instead file a *Notice of Termination of Domestic Partnership* with the Secretary of State, it seems most appropriate, in accordance with amended Family Code section 299(e), to modify the summary dissolution forms to allow parties in a registered domestic partnership who are also married (and qualify for summary dissolution of both types of unions) to dissolve both through the superior court by means of the regular summary dissolution process.

Family Code section 299(d) provides that the superior court has jurisdiction over all proceedings relating to the dissolution of domestic partnerships, nullity of domestic partnerships, and legal separation of partners in a domestic partnership. It also provides that proceedings of dissolution or nullity of a domestic partnership and legal separation of domestic partners must follow the same procedures, and that the partners possess the same rights, protections, and benefits and are subject to the same responsibilities, obligations, and duties as those applying to the dissolution or nullity of a marriage or legal separation of spouses.

In this proposal, the *Joint Petition for Summary Dissolution of Marriage* (form FL-800), *Summary Dissolution Information* (form FL-810), and *Notice of Revocation of Petition for Summary Dissolution* (form FL-830) would be amended to allow parties to request a summary dissolution of their domestic partnership and their marriage in one court proceeding by indicating so in the joint petition, instead of filing two separate actions (or filing one court action and one *Notice of Termination* with the Secretary of State), paying two filing fees, and unnecessarily burdening themselves and wasting judicial resources.

### **Changes pursuant to SB 651**

On October 9, 2011,<sup>4</sup> Governor Edmund G. Brown, Jr., signed Senate Bill 651 (Stats. 2011, ch. 721), which becomes effective January 1, 2012. The bill amends Family Code section 2320 to authorize a judgment for dissolution, nullity, or legal separation of a marriage between persons of the same sex to be issued in California if the marriage was entered in California and neither

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<sup>3</sup> Available: [http://www.leginfo.ca.gov/pub/09-10/bill/asm/ab\\_2651-2700/ab\\_2700\\_bill\\_20100927\\_chaptered.html](http://www.leginfo.ca.gov/pub/09-10/bill/asm/ab_2651-2700/ab_2700_bill_20100927_chaptered.html).

<sup>4</sup> Available: [http://www.leginfo.ca.gov/pub/11-12/bill/sen/sb\\_0651-0700/sb\\_651\\_bill\\_20111009\\_chaptered.html](http://www.leginfo.ca.gov/pub/11-12/bill/sen/sb_0651-0700/sb_651_bill_20111009_chaptered.html)

party to the marriage resides in a jurisdiction that will dissolve the marriage. The bill provides a rebuttable presumption that if the jurisdiction does not recognize the marriage, it will not dissolve the marriage. It provides that the superior court in the county where the marriage was entered is the proper court for the proceeding.

Forms FL-800 and FL-810, in addition to previously mentioned changes, also incorporate the provisions of amended Family Code 2320.

## **Comments, Alternatives Considered, and Policy Implications**

### **Comments**

The invitation to comment was first circulated from April 21, 2011, through June 20, 2011, to the standard mailing list for family and juvenile law proposals. Included on the lists were appellate presiding justices, appellate court administrators, trial court presiding judges, trial court executive officers, judges, court administrators and clerks, attorneys, social workers, probation officers, and other family law professionals, such as family law facilitators, family court services directors, managers, supervisors, and staff.

Of a total of 14 commentators, 3 agreed with the original proposal, 8 agreed if modifications were made, and 3 did not indicate whether they agreed but suggested modifications to the forms. No commentators disagreed with the proposal. A chart providing the full text of the comments and the committee's responses is attached at pages 37–59.

One commentator raised the issue of retroactivity of AB 939, pointing out that “there is nothing in Family Code section 2403 or elsewhere that indicates that only cases filed after January 1, 2011, are subject to automatic entry of judgment after six months. To the contrary, Family Code section 4 provides that, unless a new law (or amendment to an old law) explicitly provides, the new law (or amendment) applies retroactively. See *Marriage of Fellows* (2006) 39 Cal.App.3d 179.” The committee considered whether the statute should be applied retroactively, requiring the courts to go back through summary dissolution filings and issue judgments without further request by the parties. However, in reviewing Family Code section 4 and *Marriage of Fellows*, as well as later cases, it determined that the law should be applied prospectively.

Family Code section 4(h) states that “[i]f a party shows, and the court determines, that application of a particular provision of the new law or of the old law in the manner required by this section or by the new law would substantially interfere with the effective conduct of the proceedings or the rights of the parties or other interested persons in connection with an event that occurred or circumstance that existed before the operative date, the court may, notwithstanding this section or the new law, apply either the new law or the old law to the extent reasonably necessary to mitigate the substantial interference.”

In evaluating the issue of whether the rights of the parties would be substantially interfered with, the *Fellows* court considered two groups of factors: first, “the significance of the state interest served by the law [and] the importance of the retroactive application of the law to the

effectuation of that interest”; and second, “the extent of reliance upon the former law, the legitimacy of that reliance, the extent of actions taken on the basis of that reliance, and the extent to which the retroactive application of the new law would disrupt those actions.” *Marriage of Fellows, supra*, 39 Cal.App.3d at p. 179. In *Fellows*, the state interest was in collecting child support, which encouraged retroactivity. However, in this case, the state interest is in preserving marriages, which would argue against retroactivity.

In *Marriage of Howell* (2011) 195 Cal.App.4th 1062, the court held that “[a] statute that merely clarifies, rather than changes, existing law is properly applied to transactions predating its enactment. However, a statute might not apply retroactively when it substantially changes the legal consequences of past actions, or upsets expectations based in prior law.”

In the case of summary dissolutions, parties who read the instruction booklet and filed for summary dissolution prior to January 1, 2011, expected that the divorce would not be final until they filed their request for judgment six months after they filed the petition for dissolution. The current *Joint Petition for Summary Dissolution* (FL-800) specifically states: “Your divorce will not be final until husband or wife files a *Request for Judgment, Judgment of Dissolution of Marriage, and Notice of Entry of Judgment* (FL-820) and receives a stamped copy back from the court. Either husband or wife can file form FL-820 with the court six months after you file this petition. Until husband or wife files form FL-820, either one of you can stop the divorce by filing a *Notice of Revocation of Petition for Summary Dissolution* (form FL-830).” If the new process were applied retroactively, not only would a judgment be entered retroactively without notice to the parties who filed prior to January 1, 2011, but the process would directly contradict the notice to the parties. While some parties probably did not file the request for judgment in the mistaken understanding that the filing of the petition was sufficient, others may have deliberately chosen not to proceed with the dissolution.

Given the strong state interest in preserving marriages, the lack of notice to the parties acting in reliance on the previous law and forms, and the difficulty for the courts in seeking out past actions and preparing dissolution forms, the committee recommends that this statute not be interpreted as operating retroactively.

Some questions were raised about the completeness of the definitions of legal separation, community property, and separate property. Given the limited nature of summary dissolution, including restrictions that the marriage or domestic partnership must be less than five years in length, that the parties own less than \$38,000 in community property and less than \$38,000 in separate property, and have debts of less than \$6,000, the committee determined to leave the definitions as they have been for many years. To address this concern, they added a notice stating that these definitions can be complicated and encouraging the parties to talk to an attorney if they have any questions.

Commentators suggested other clarifying changes to the instruction booklet and the forms; the committee has accepted many of those changes as indicated in the comment chart.

In response to SB 651, a second invitation to comment, *Family Law: Domestic Partnerships and Same Sex Marriages* (SPR11-16), was circulated during a special cycle from October 21, 2011, through November 1, 2011 (SP-16).<sup>5</sup> Due to the shortened comment period, in addition to being posted on the California Courts website, the invitation to comment was circulated to a targeted mailing list—which includes appellate presiding justices, appellate court administrators, trial court presiding judges, trial court executive officers, judges, attorneys, mediators, family law facilitators and self-help center attorneys, and other family law professionals and attorney organizations, including those specializing in the legal issues of same-sex couples.

Of a total of six commentators, three agreed with the original proposal, one agreed if modifications were made, and two did not indicate whether they agreed. A chart of comments providing the full text of the comments and the committee’s responses is attached at pages 60–62.

One commentator suggesting adding clarifying language to note that parties who married in California but are not residents of this state anymore are eligible for obtaining a dissolution in California if they now live in a jurisdiction that does not recognize their marriage. The committee agreed to add that clarifying language. The same commentator suggested adding language to the summary dissolution handbook (form FL-810) regarding residence requirements for domestic partnerships and that change was made. Another commentator suggested using the term “same gender” as compared to “same sex” marriage. The committee did not agree with that suggestion as “same sex” is plainer English.

### **Alternatives considered**

Because AB 939 and AB 2700 require the Judicial Council to change the procedures for summary dissolution, the committee rejected the option of taking no action. The committee considered deferring the changes, but that option was rejected as the current forms no longer reflect the law. Courts have been asking for the changes to be made as soon as possible given the contradictions between the forms currently in use and the new procedures under AB 939.

The committee considered not changing the forms to allow their use by parties in domestic partnerships who wish only to dissolve their partnership since the law provides that those persons may file an application with the Secretary of State to dissolve their partnerships and there is no filing fee for such an application. The committee determined that the better approach is to give parties the opportunity to file in the superior court if they so choose.

The committee considered revising the forms so that the courts would proactively enter judgments in cases that were filed prior to January 1, 2011, but have not yet been concluded. Because of the due process considerations noted above, the committee rejected that option.

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<sup>5</sup> These forms were recirculated to ensure that they could be in place by the effective date of SB 651, January 1, 2012, and to avoid the need to change the forms twice within one year, which would have caused difficulties for courts, practitioners, and the public.

## **Implementation Requirements, Costs, and Operational Impacts**

The new form and form revisions should result in minimal implementation requirements, costs, and operational impacts and likely will result in savings because the court will not be establishing and maintaining two separate actions for couples who are both married and registered domestic partners. These forms are not generated by a court case management system. Standard reproduction costs will be incurred only in distributing the new and revised forms if courts provide those forms. Litigants and counsel may obtain the forms on the California Courts website and from public libraries, thus reducing the need for courts to maintain a large number of copies on site.

## **Relevant Strategic Plan Goals and Operational Plan Objectives**

The proposed revisions to the summary dissolution forms support the policies underlying Goal I, Access, Fairness, and Diversity, because they simplify the summary dissolution process for self-represented litigants and for parties who are both married and registered domestic partners and wish to dissolve both unions in a single court proceeding.

## **Attachments**

1. Forms FL-800, FL-810, FL-820, FL-825, and FL-830, at pages 8–36
2. First chart of comments, at pages 37–59
3. Second chart of comments (in response to SP-16), at pages 60–62

PARTY WITHOUT ATTORNEY OR ATTORNEY <i>(Name, State Bar number, and address):</i>  TELEPHONE NO.: _____ FAX NO. <i>(Optional):</i> _____ E-MAIL ADDRESS <i>(Optional):</i> _____ ATTORNEY FOR <i>(Name):</i> _____	<b>FOR COURT USE ONLY</b>  <h2 style="margin: 0;">DRAFT</h2> <h2 style="margin: 0;">Not Approved by</h2> <h2 style="margin: 0;">the Judicial Council</h2>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
<b>MARRIAGE OR PARTNERSHIP OF</b> PETITIONER 1: PETITIONER 2:	
<b>JOINT PETITION FOR SUMMARY DISSOLUTION</b> <input type="checkbox"/> MARRIAGE <input type="checkbox"/> DOMESTIC PARTNERSHIP	CASE NUMBER: _____

**We petition for a summary dissolution of marriage, registered domestic partnership, or both** and declare that all the following conditions exist on the date this petition is filed with the court:

1. We have read and understand the *Summary Dissolution Information* booklet (form FL-810).
2. a.  We were married on *(date)*:  
 b.  We registered as domestic partners on *(date)*:
3. We separated on *(date)*:
4. Less than five years have passed between the date of our marriage and/or registration of our domestic partnership and the date of our separation.
5. a.  One of us has lived in California for at least six months and in the county of filing for at least the three months preceding the date of filing. Or we are only asking to end a domestic partnership registered in California.  
 b.  We are the same sex and were married in California but are not residents of California. Neither of us lives in a place that will allow us to divorce. We are filing this case in the county in which we married.
6. There are no minor children who were born of our relationship before or during our marriage or domestic partnership or adopted by us during our marriage or domestic partnership. Neither one of us, to our knowledge, is pregnant.
7. Neither of us has an interest in any real property anywhere. **(You may have a lease for a residence in which one of you lives. It must terminate within a year from the date of filing this petition. The lease must not include an option to purchase.)**
8. Except for obligations with respect to cars, on obligations incurred by either or both of us during our marriage or domestic partnership, we owe no more than \$6,000.
9. The total fair market value of community property assets, not including what we owe on those assets and not including cars, is less than \$38,000.
10. Neither of us has separate property assets, not including what we owe on those assets and not including cars, in excess of \$38,000.
11. We each have filled out and given the other an *Income and Expense Declaration* (form FL-150).
12. We each have filled out and given the other copies of the worksheets on pages 7, 9, and 11 of the *Summary Dissolution Information* booklet (form FL-810) used in determining the value and division of our property. We have told each other in writing about any investment, business, or other income-producing opportunities that came up after we were separated based on investments made or work done during the marriage or domestic partnership and before our separation. This meets the requirements of preliminary declaration of disclosure, and no further proof of service of the declaration of disclosure is required.
13. *(Check whichever statement is true.)*  
 a.  We have no community assets or liabilities.  
 b.  We have signed an agreement listing and dividing all our community assets and liabilities and have signed all the papers necessary to carry out our agreement. A copy of our agreement is attached to the *Judgment of Dissolution and Notice of Entry of Judgment* (form FL-825).
14. Irreconcilable differences have caused the irremediable breakdown of our marriage and/or domestic partnership, and each of us wishes to have the court dissolve our marriage and/or domestic partnership without our appearing before a judge.



PETITIONER 1:	CASE NUMBER:
PETITIONER 2:	

- 15.  Petitioner 1 desires to have his or her former name restored. That name is *(specify)*:  
 Petitioner 2 desires to have his or her former name restored. That name is *(specify)*:
- 16. We each give up our rights to appeal and to move for a new trial after the effective date of our *Judgment of Dissolution*.
- 17. **Each of us forever gives up any right to spousal or partner support from the other.**
- 18. We each agree to keep the court and each other informed of any change of mailing address or phone number occurring within six months from the filing of this joint petition using the *Notice of Change of Address* (form MC-040).
- 19. We are submitting the original and three copies of the proposed *Judgment of Dissolution and Notice of Entry of Judgment* (form FL-825) and two stamped envelopes together with this petition. One envelope is addressed to Petitioner 1 and the other to Petitioner 2.
- 20. We agree that this matter may be determined by a commissioner sitting as a temporary judge.

**21. Mailing address of Petitioner 1**

**22. Mailing address of Petitioner 2**

Name:  
Address:  
  
City:  
State:  
Zip Code:

Name:  
Address:  
  
City:  
State:  
Zip Code:

23. Number of pages attached: \_\_\_\_\_

I declare under penalty of perjury under the laws of the State of California that the foregoing and all attached documents are true and correct.

I declare under penalty of perjury under the laws of the State of California that the foregoing and all attached documents are true and correct.

Date:

Date:

▶ \_\_\_\_\_  
(SIGNATURE OF PETITIONER 1)

▶ \_\_\_\_\_  
(SIGNATURE OF PETITIONER 2)

**NOTICES**

**Your marriage and/or domestic partnership will end six months from the date of filing this joint petition. Both petitioners will receive a stamped copy from the court of the *Judgment of Dissolution and Notice of Entry of Judgment* (from FL-825) stating the effective date of your dissolution. Until the effective date specified on form FL-825 for the dissolution of your marriage and/or domestic partnership, either one of you can stop this joint petition by filing a *Notice of Revocation of Petition for Summary Dissolution* (form FL-830). If you stop this joint petition, you will STILL be married or in a domestic partnership.**

Dissolution may automatically cancel the rights of a spouse or domestic partner under the other spouse's or domestic partner's will, trust, retirement plan, power of attorney, pay-on-death bank account, transfer-on-death vehicle registration, survivorship rights to any property owned in joint tenancy, and any other similar instrument. It does not automatically cancel the rights of a spouse or domestic partner as beneficiary of the other spouse's or domestic partner's life insurance policy. You should review these matters, as well as any credit card accounts, other credit accounts, insurance policies, and credit reports to determine whether they should be changed or whether you should take any other actions. However, some changes may require the agreement of your spouse or domestic partner or a court order. (See Fam. Code, §§ 231–235.)

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Not Approved by the  
Judicial Council

# SUMMARY DISSOLUTION INFORMATION

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This booklet is available in English and Spanish from the office of the court clerk in the superior court of each county in California, or at [www.courts.ca.gov/selfhelp.htm](http://www.courts.ca.gov/selfhelp.htm).

Este folleto puede obtenerse en inglés y en español en la Dirección de Registro Público del Condado (Office of the Court Clerk) o en la Corte Superior (Superior Court) de cada condado en el estado de California [www.sucorte.ca.gov](http://www.sucorte.ca.gov).

## CONTENTS

	Page
I. WHAT IS THIS BOOKLET ABOUT? .....	1
II. SOME TERMS YOU NEED TO KNOW .....	2
III. WHO CAN USE THE SUMMARY DISSOLUTION PROCEDURE? .....	3
IV. AN IMPORTANT DIFFERENCE BETWEEN SUMMARY DISSOLUTION AND REGULAR DISSOLUTION .....	4
V. HOW DO YOU FIGURE OUT THE VALUE OF YOUR PROPERTY AND THE AMOUNT OF YOUR DEBTS? .....	5
VI. WORKSHEET FOR DETERMINING VALUE OF SEPARATE PROPERTY .....	6
WORKSHEET FOR DETERMINING VALUE AND DIVISION OF COMMUNITY PROPERTY .....	8
WORKSHEET FOR DETERMINING COMMUNITY OBLIGATIONS AND THEIR DIVISION .....	10
VII. WHAT SHOULD BE INCLUDED IN THE PROPERTY SETTLEMENT AGREEMENT? .....	12
VIII. SAMPLE PROPERTY SETTLEMENT AGREEMENT .....	13
IX. WHAT STEPS DO YOU HAVE TO TAKE TO GET A SUMMARY DISSOLUTION? .....	16
X. WHAT YOU SHOULD KNOW ABOUT REVOCATION .....	18
XI. SHOULD YOU SEE A LAWYER? .....	19
XII. SOME GENERAL INFORMATION .....	20

## I. WHAT IS THIS BOOKLET ABOUT?

This booklet describes a way to end a marriage, a domestic partnership, or both through a kind of divorce called **summary dissolution**.

The official word for **divorce** in California is **dissolution**. There are two ways of getting a divorce, or dissolution, in California. The usual way is called a **regular dissolution**.

Summary dissolution is a shorter and easier way. But not everybody can use it. Briefly, a summary dissolution is possible for couples who

1. have no children together;
2. have been married and/or in a domestic partnership five years or less (this means that the time between the date you married or registered your domestic partnership and the date you separated from your spouse or partner is five years or less);
3. do not own very much;
4. do not owe very much;
5. do not want spousal or partner support from each other; and
6. have no disagreements about how their belongings and their debts are going to be divided up once they are no longer married to or in a domestic partnership with each other.

With this procedure, you will not have to appear in court. You may not need a lawyer, but it is in your best interest to see a lawyer about the ending of your marriage or domestic partnership. See page 19 for more details about how a lawyer can help you.

For a summary dissolution, you prepare and file a *Joint Petition for Summary Dissolution* (form FL-800), together with a property settlement agreement,\* with the superior court clerk in your county. You will also prepare and turn in a *Judgment of Dissolution and Notice of Entry of Judgment* (form FL-825). Your divorce, ending your marriage and/or your domestic partnership, will be final six months after you file your *Joint Petition for Summary Dissolution*. During the six months while you wait for your divorce to become final, either of you can stop the process of summary dissolution if you change your mind. One of you can file a *Notice of Revocation of Petition for Summary Dissolution* (form FL-830) and that will stop the divorce. If either one of you still wants to get divorced, you will then have to file for a regular dissolution with a *Petition—Marriage* (form FL-100) or *Petition—Domestic Partnership* (FL-103) unless you both agree to start a new summary dissolution process.

**IMPORTANT!** Domestic partners who qualify for a summary dissolution can choose to use the process described in this booklet OR a special summary dissolution for domestic partners through the California Secretary of State. You can find the California Secretary of State forms at [www.sos.ca.gov](http://www.sos.ca.gov). **There is no filing fee for this process.** If you choose to file to terminate your domestic partnership through the Secretary of State, do not use this guide.

This booklet will tell you

1. who can use the summary dissolution procedure;
2. what steps you must take to get a summary dissolution;
3. when it would help to see a lawyer; and
4. what risks you take when you use this procedure rather than the regular dissolution procedure.

If you wish to use the summary dissolution procedure, you must, at the time you file the joint petition, sign a statement that says you have read and understood this booklet. It is important for you to read the whole booklet very carefully.

Save this booklet for at least six months if you decide to start a summary dissolution. If you decide you want to stop the summary dissolution process and revoke your petition, it will tell you how to do that.

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### SPECIAL WARNING

If you are an alien who became a lawful permanent resident on the basis of your marriage to a U.S. citizen or to a lawful permanent resident, obtaining a dissolution within two years of your marriage may lead to your deportation. You should consult a lawyer before obtaining a divorce.

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\* A property settlement agreement is an agreement that the two of you write or have someone write for you after you fill out the worksheets in this booklet. The agreement spells out how you will divide what you own and what you owe.

## II. SOME TERMS YOU NEED TO KNOW

In the following pages, you will often see the terms *community property*, *separate property*, and *community obligations*. Those terms are explained in this section.

As a married couple or domestic partners, the two of you are, in the eyes of the law, a single unit. There are certain things that you **own together** rather than separately. And there may be certain debts that you **owe together**. If one of you borrows money or buys something on credit, the other one can be made to pay.

If your marriage or domestic partnership breaks up, you become two separate individuals again. Before that can happen, you have to decide what to do with the things you *own* as a couple and the money you *owe* as a couple.

The laws that cover these questions contain the terms *community property*, *separate property*, and *community obligations*. To understand what these terms mean, you should have a clear idea of the **length of time you lived together as spouses or domestic partners**. This is the period between the day you married or registered your domestic partnership and the day you separated.

It may not be easy to decide exactly when you separated. In most cases, the day of the separation is the day the couple stopped living together. However, you may want to choose the day when you definitely decided to get a divorce and took some action to show this (like telling your spouse or partner that you wanted a divorce).

### Community Property

Community property is everything spouses or registered domestic partners **own together**.

In most cases that includes

1. money you now have that either of you earned during the time you were living together as spouses or partners; and
2. anything either of you bought with money earned during that period. It does not matter if only one of you earned or spent the money.

### Separate Property

Separate property is everything spouses or registered domestic partners **own separately from each other**.

In most cases that includes

1. anything either of you owned before you got married or registered your domestic partnership;
2. anything either of you earned or received after your separation; and
3. anything either of you received, as a gift or by inheritance, at any time.

### Community Obligations

Community obligations are the debts spouses or registered domestic partners **owe together**.

In most cases that includes anything you still owe on any debts either of you acquired during the time you were living together as spouses or registered domestic partners. (For instance, if you bought furniture on credit while you were married or domestic partners and living together, the unpaid balance is a part of your community obligations.) It usually does not matter if the debt was in the name of one spouse or domestic partner only, like on a credit card.

**NOTE:** If you have any questions about your separation date or about your property, it would be good to see a lawyer as these issues can be complicated. Also, if you lived together before your marriage or domestic partnership, you may wish to see a lawyer about possible additional rights either of you may have.

### III. WHO CAN USE THE SUMMARY DISSOLUTION PROCEDURE?

You can use the summary dissolution procedure only if **all** of the following statements are true about you at the time you file the *Joint Petition for Summary Dissolution* (form FL-800). Check this list very carefully. If even *one* of these statements is not true for you, you cannot get a divorce in this way.

- \_\_\_ 1. We have both read this booklet, and we both understand it.
- \_\_\_ 2. We have been married or registered as domestic partners five years or less between the date that we got married and/or registered our domestic partnership and the date we separated. (*Note that if you are trying to end both a marriage AND a domestic partnership at the same time through a summary dissolution, both your marriage and domestic partnership must have lasted five years or less.*)
- \_\_\_ 3. No children were born to the two of us together before or during our marriage and/or domestic partnership.
- \_\_\_ 4. We have no adopted children under 18 years of age.
- \_\_\_ 5. Neither one of us is pregnant.
- \_\_\_ 6. Neither of us owns any part of any land or buildings.
- \_\_\_ 7. Our community property is not worth more than \$38,000. (Do not count cars in this total.)
- \_\_\_ 8. Neither of us has separate property worth more than \$38,000. (Do not count cars in this total.)
- \_\_\_ 9. The total of our community obligations (other than cars) is \$6,000 or less.\*\*

**For deciding on statements 7, 8, and 9, use the guide on pages 5–11.**

- \_\_\_ 10. a. At least one of us has lived in California for the past six months or longer *and* has lived in the county where we are filing for dissolution for the past three months or longer; or
  - b. We are only asking to end a domestic partnership registered in California; or
  - c. We are the same sex and were married in California but are not residents of California. Neither of us lives in a place that will allow us to divorce. We are filing this case in the county in which we married.
- \_\_\_ 11. We have prepared and signed an agreement that states how we want our possessions and debts to be divided between us (or states that we have no community property or community obligations).
- \_\_\_ 12. We have both signed the joint petition and all other papers needed to carry out this agreement.
- \_\_\_ 13. Together with the joint petition, we will turn in the judgment of dissolution forms and two self-addressed stamped envelopes to the superior court.
- \_\_\_ 14. We both want to end the marriage and/or domestic partnership because of serious, permanent differences.
- \_\_\_ 15. We have both agreed to use the summary dissolution procedure rather than the regular dissolution procedure.
- \_\_\_ 16. We are both aware of the following facts:
  - a. There is a six-month waiting period, and either of us can stop the divorce at any time during this period.
  - b. The date that appears on the *Judgment of Dissolution of Marriage and Notice of Entry of Judgment* (form FL-825) we receive from the court as the "effective date" of the dissolution is the date our divorce will be final, unless one of us has asked to stop the divorce prior to that effective date.
  - c. After the dissolution becomes final, neither of us has any right to expect money or support from the other except that which is included in the property settlement agreement.
  - d. By choosing the summary dissolution procedure, we give up certain legal rights that we would have if we had used the regular dissolution procedure. These rights are explained on page 4.

#### IV. AN IMPORTANT DIFFERENCE BETWEEN SUMMARY DISSOLUTION AND REGULAR DISSOLUTION

With a regular dissolution, either spouse or partner can ask for a court hearing or trial. And with a regular dissolution, if either spouse or partner is unhappy with the judge's final decision, it is possible to challenge that decision. This can be done, for example, by asking for a new trial. It is also possible to **appeal** the decision by taking the case to a higher court.

**With a summary dissolution, there is no trial or hearing.** Couples who choose this method of getting a divorce do not have the right to ask for a new trial (since there is no trial) or the right to appeal the case to a higher court.

There are, however, some cases in which a divorce agreement under a summary dissolution can be challenged. You will have to see a lawyer about this. The court *may* have the power to set aside the divorce if you can show that one of the following things happened:

**1. You were treated unfairly in the property settlement agreement.**

This is possible if you find out that the things you agreed to give your spouse or partner were much more valuable than you thought at the time of the dissolution.

**2. You went through the dissolution procedure against your will.**

This is possible if you can show that your spouse or partner used threats or other kinds of unfair pressure to get you to go along with the divorce.

**3. There are serious mistakes in the original agreement.**

Some kinds of mistakes can make the dissolution invalid, but you will have to go to court to prove the mistakes. It may be that one or both of you had a lot of property that you had forgotten about when you drew up the property settlement agreement. Or maybe a bank account mentioned in the agreement had much more money or much less money in it than your agreement states.

**4. Neither of you completed the *Income and Expense Declaration* (form FL-150) and property worksheets on pages 7, 9, and 11 nor gave copies to your spouse or partner.**

California law requires that you fully share all information about your property and debts as well as your income. You have to share this information before you sign your property settlement agreement.

Correcting mistakes and unfairness in a summary dissolution proceeding can be expensive, time-consuming, and difficult. It is very important for both of you to be honest, cooperative, and careful when you or your lawyers do the paperwork for the dissolution.

## V. HOW DO YOU FIGURE OUT THE VALUE OF YOUR PROPERTY AND THE AMOUNT OF YOUR DEBTS?

Section III, page 3, lists statements that must be true if you want to use the summary dissolution procedure.

### **Statement 7 reads: “Our community property is not worth more than \$38,000.”**

Your community property is the money and things you own jointly as spouses or domestic partners. This was explained on page 2. The value of your community property is determined by adding together (1) the amount of **money** you have as community property and (2) the “fair market value” of the **possessions** you have as community property.

The **fair market value** is an estimate of the amount of money you could get if you sold these items to a stranger—for example, through a classified ad in the newspaper. It does **not** mean what you paid for it originally, and it does **not** mean how much it would cost you to replace it if you lost it.

One way of estimating the fair market value of your goods is to use prices for equivalent items in other people's classified ads for secondhand goods.

Three kinds of items go into figuring out your community property:

1. Money (as in bank accounts and credit union accounts);
2. Things you own outright (furniture that is already paid for, for example); and
3. Things you are buying on credit.

When you include things you still owe money on, subtract the amount of money you still owe on them from the fair market value.

You should not include the value of a car in this list.

### **Statement 8 reads: “Neither of us has separate property worth more than \$38,000.”**

Separate property is property that each spouse or partner owns separately. The term is explained on page 2. Separate property includes the same kinds of things used in determining community property. And again, you should not include cars in this list.

### **Statement 9 reads: “The total of our community obligations (other than cars) is \$6,000 or less.”**

Your community obligations are the debts that you and your spouse or partner owe jointly. The term is explained on page 2. List all the debts you have that you took on while you were living together as spouses or domestic partners. If you borrowed money before you got married or registered your domestic partnership, you do **not** have to include that in your community obligations. If you bought furniture on credit after you got married or registered your domestic partnership but before you separated, you **have to** include the amount of money you still owe on the furniture. If you bought a stereo after you separated, you do **not** have to include that.

Do not include car loans in this list.

**NOTICE:** The law for summary dissolution allows you to leave out cars when you figure out whether you are **eligible** for this kind of divorce. But if you do have cars as part of your community property, you still have to decide who is going to own them (and who is going to pay for them) after your divorce. You must include them in your property settlement agreement.

**Worksheets for figuring out these amounts are found on pages 6–11.** You must complete and give to your spouse or domestic partner the worksheets on pages 7 (Value of Separate Property), 9 (Value and Division of Community Property), and 11 (Community Obligations and Their Division) to meet the requirement that you fully disclose your assets and debts to each other. Sample worksheets showing how to fill out those forms are on pages 6, 8, and 10.



PETITIONER 1: Pat	CASE NUMBER:
PETITIONER 2: Chris	

### VI. SAMPLE WORKSHEET FOR DETERMINING VALUE OF SEPARATE PROPERTY

This worksheet will help you determine whether you are eligible to use the summary dissolution procedure. The total fair market value of the **separate property of one spouse/partner** cannot be more than \$38,000. The total fair market value of the **separate property of the other spouse/partner** cannot be more than \$38,000. Separate property is anything that either of you owned or earned before you got married or registered your domestic partnership, anything you earned or bought after your separation, and anything that was given to just one of you as a gift during your marriage or domestic partnership. Do not include cars.

*Note: The information on this form is for an imaginary couple, Pat and Chris, who are married. (When you fill out your worksheet, use your information.)*

**A. Bank accounts, credit union accounts, retirement funds, cash value of insurance policies, etc.**

Item	Pat's Property— Fair Market Value	Chris's Property— Fair Market Value
Credit union savings—Pat (before marriage)	420	
Savings bonds—Chris (bought before marriage)		250
Pension plan benefits—Pat (before marriage and after separation)	1500	
Pension plan benefits—Chris (before marriage and after separation)		1300

**B. Items owned outright**

Item		
Clothes—Pat (bought before marriage)	350	
Stocks—Pat (birthday present from father)	375	
Furniture—Pat (owned before marriage)	460	
Camera—Chris (owned before marriage)		229
Wristwatch—Chris (bought after separation)		142
Clothes—Chris (bought after separation)		250

**C. Items being bought on credit**

Item	Fair Market Value	Minus What's Owed		
TV set—Pat (after separation)	400	350 =	50	
Clothes—Pat (after separation)	220	170 =	50	
		=		
		=		
		=		
		=		
		=		

**GRAND TOTALS:  
Pat and Chris  
SEPARATE PROPERTY**

3205	2171
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PETITIONER 1: PETITIONER 2:	CASE NUMBER:
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**VI. WORKSHEET FOR DETERMINING VALUE OF SEPARATE PROPERTY**

This worksheet will help you determine whether you are eligible to use the summary dissolution procedure. The total fair market value of the **separate property of one spouse or domestic partner** cannot be more than \$38,000. The total fair market value of the **separate property of the other spouse or domestic partner** cannot be more than \$38,000. Separate property is anything that either of you owned or earned before you got married or registered your domestic partnership, anything you earned or bought after your separation, and anything that was given to just one of you as a gift during your marriage or domestic partnership. Do not include cars.

A. Bank accounts, credit union accounts, retirement funds, cash value of insurance policies, etc.

	PETITIONER 1 Property— Fair Market Value	PETITIONER 2 Property— Fair Market Value
Item		

B. Items owned outright

Item		

C. Items being bought on credit

	Fair Market Value	Minus What's Owed		
Item		=		
		=		
		=		
		=		
		=		
		=		
		=		
		=		
		=		

**GRAND TOTALS:  
PETITIONER 1'S AND PETITIONER 2'S  
SEPARATE PROPERTY**

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PETITIONER 1: Pat PETITIONER 2: Chris	CASE NUMBER:
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### VI. SAMPLE WORKSHEET FOR DETERMINING VALUE AND DIVISION OF COMMUNITY PROPERTY

*Note: The information on this form is for an imaginary couple, Pat and Chris, who are married. (When you fill out your worksheet, use your information.)*

This side of the sheet will help you determine whether you are **eligible** to use the summary dissolution procedure. The grand total value of your community property cannot be more than \$38,000.

This side of the sheet will help you decide on a fair division of your property. It will help you prepare your property settlement agreement.

A. Bank accounts, credit union accounts, retirement funds, cash value of insurance policies, etc.						
	Item	Amount		Pat Receives	Chris Receives	
	Savings account	150		150		
	Life insurance (cash value)	250		250		
	Pension plan—Pat	600		600		
	Pension plan—Chris	500			500	
	Checking account	180			180	
	<b>Subtotal A</b>	1680		1000	680	
B. Items you own outright (for example, stocks and bonds, sports gear, furniture, household items, tools, interests in businesses, jewelry; do not include cars)						
	Item	Fair Market Value		Pat Receives	Chris Receives	
	Furniture & furnishings— Pat's apartment	775		775		
	Furniture & furnishings—Chris's apartment	300			300	
	Terriers season tickets	285			285	
	Savings bonds	200		200		
	Jewelry—Pat	200		200		
	Pet parrot and cage	40			40	
	<b>Subtotal B</b>	1800		1175	625	
C. Items you are buying on credit (for example, stereo equipment, appliances, furniture, tools; do not include cars)						
	Item	Fair Market Value	Minus Amount Owed =	Net Fair Market Value	Pat Receives	Chris Receives
	Stereo set	305	150 =	155		155
	Color television	400	100 =	300		300
	Golf clubs	350	50 =	300		300
			=			
	<b>Subtotal C</b>			755	0	755
<b>Grand total value of community property = A + B + C</b>				4235	2175	2060

PETITIONER 1: PETITIONER 2:	CASE NUMBER:
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**VI. WORKSHEET FOR DETERMINING VALUE AND DIVISION OF COMMUNITY PROPERTY**

This side of the sheet will help you determine whether you are **eligible** to use the summary dissolution procedure. The grand total value of your community property cannot be more than \$38,000.

This side of the sheet will help you decide on a fair division of your property. It will help you prepare your property settlement agreement.

A. Bank accounts, credit union accounts, retirement funds, cash value of insurance policies, etc.							
	<b>Item</b>	<b>Amount</b>		<b>PETITIONER 1 Receives</b>	<b>PETITIONER 2 Receives</b>		
<b>Subtotal A</b>							
B. Items you own outright (for example, stocks and bonds, sports gear, furniture, household items, tools, interests in businesses, jewelry; do not include cars)							
	<b>Item</b>	<b>Fair Market Value</b>		<b>PETITIONER 1 Receives</b>	<b>PETITIONER 2 Receives</b>		
<b>Subtotal B</b>							
C. Items you are buying on credit (for example, stereo equipment, appliances, furniture, tools; do not include cars)							
	<b>Item</b>	<b>Fair Market Value</b>	<b>Minus Amount Owed</b>	<b>=</b>	<b>Net Fair Market Value</b>	<b>PETITIONER 1 Receives</b>	<b>PETITIONER 2 Receives</b>
				=			
				=			
				=			
				=			
<b>Subtotal C</b>							
<b>Grand total value of community property = A + B + C</b>							





## **VII. WHAT SHOULD BE INCLUDED IN THE PROPERTY SETTLEMENT AGREEMENT?**

A property settlement agreement should contain at least five parts:

### **I. Preliminary Statement**

This part identifies the spouses or domestic partners, states that the marriage and/or domestic partnership is being ended, and states that both spouses or partners agree on the details of the agreement.

### **II. Division of Community Property**

This part has two sections:

1. What the one spouse or partner receives; and
2. What the other spouse or partner receives.

### **III. Division of Community Obligations**

This part has two sections:

1. The amount one spouse or partner must pay and whom he or she must pay it to.
2. The amount the other spouse or partner must pay and whom he or she must pay it to.

### **IV. Waiver of Spousal Support**

This part states that each spouse or partner gives up all rights of financial support from the other.

### **V. Date and Signature**

Both spouses or partners must write the date and sign the agreement.

**An example of a property settlement agreement is found on pages 13–15.**

## VIII. SAMPLE PROPERTY SETTLEMENT AGREEMENT

Below is a sample of an acceptable **property settlement agreement**. You may use it as a model for your own agreement if you wish. You can find a fill-in-the-blanks version of this agreement at [www.courts.ca.gov/selfhelp](http://www.courts.ca.gov/selfhelp) in the section on summary dissolution.

- The parts that are underlined will fit most cases. You can copy these parts for your own agreement. Since many of the words have special meanings in the law, you may wish to talk to a lawyer if you want to change the words.
- The parts printed in regular type (not underlined) are based on an imaginary couple. You will need to replace these parts with items that apply to your situation.
- The numbered notes in *italics* in the right-hand column are **not** part of the agreement. They are there to help you understand it. (You will not need the small <sup>1</sup> and <sup>2</sup> in the sample for your agreement.)
- The sample below is for a married couple, so it refers to marriage. If you are ending a domestic partnership, you should say that in your agreement. If you are ending both a marriage and a domestic partnership with the same person, say both and write in the dates of both your marriage and the registration of your domestic partnership.

Remember, you can divide the items any way you want. As long as you both agree, the court will accept it. If you cannot agree about the division of your property and debts, you should file a regular dissolution.\*

### PROPERTY SETTLEMENT AGREEMENT

1. We are Chris P. Smedlap, hereafter called Chris,<sup>1</sup> and Pat T. Smedlap, hereafter called Pat.<sup>1</sup> We were married on October 7, 2009, and separated on December 5, 2010. Because irreconcilable differences<sup>2</sup> have caused the permanent breakdown of our marriage, we have made this agreement together to settle once and for all what we owe to each other and what we can expect from each other. Each of us states here that nothing has been held back and that we have honestly included everything we could think of in listing the money and goods that we own; and each of us states here that we believe the other has been open and honest in writing this agreement. Each of us agrees to sign and exchange any papers that might be needed to complete this agreement.

<sup>1</sup> *If you prefer, you can also write "hereafter called "Wife" or "Husband" or "Partner A" or "Partner B" whichever applies. Just make sure it is clear to whom you are referring.*

<sup>2</sup> *This means there are problems in your marriage or domestic partnership that you think can never be solved. **Irreconcilable differences** is the only legal grounds for getting a **summary dissolution**.*

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\* At the trial in a regular dissolution, a judge would set a value on and divide community property and debts into two approximately equal parts as provided by California law.



Each of us also understands that even after a *Joint Petition for Summary Dissolution* is filed, this entire agreement will be canceled if either of us revokes the dissolution proceeding.<sup>3</sup>

<sup>3</sup> *This means that the property agreement is a part of the dissolution proceeding. If either of you decides to stop the dissolution proceeding by turning in a Notice of Revocation of Petition for Summary Dissolution (form FL-830) (see page 18), this entire agreement will be canceled.*

II. Division of Community Property<sup>4</sup>

We divide our community property as follows:

<sup>4</sup> *Community property is property that you own as a couple (see page 2).*

1. Chris transfers to Pat as Pat's sole and separate property:

*If you have no community property, replace Part II with the simple statement "**We have no community property.**"*

- A. All household furniture and furnishings located at the apartment at 180 Needlepoint Way, San Francisco.<sup>5</sup>
- B. All rights to cash in savings account at Home Savings.
- C. All cash value in life insurance policy insuring life of Pat through Sun Valley Life Insurance.
- D. All retirement and pension plan benefits earned by Pat during marriage.
- E. Two U.S. Savings Bonds, Series E.
- F. Pat's jewelry.
- G. 2003 Chevrolet 4-door sedan.

<sup>5</sup> *If the furniture and household goods in one apartment are to be divided, they may have to be listed item by item.*

2. Pat transfers to Chris as Chris's sole and separate property:

- A. All household furniture and furnishings located at the apartment on 222 Bond Street, San Francisco.
- B. All retirement and pension plan benefits earned by Chris during marriage.
- C. Season tickets to Golden State Terriers basketball games.
- D. One stereo set.
- E. One set of Jock Nicklaus golf clubs.
- F. One RAC color television.
- G. 2003 Ford station wagon.
- H. One pet parrot named Arthur, plus cage and parrot food.
- I. All rights to cash in checking account in Bank of America.

III. Division of Community Property (Debts)<sup>6</sup>

1. Chris will pay the following debts and will not at any time hold Pat responsible for them:

- A. Mister Charge account.
- B. Debt to Dr. R. C. Himple.
- C. Debt to Sam's Drugs.
- D. Debt to UC Berkeley for college education loan to Chris.<sup>7</sup>
- E. Debt to Golf Store for golf clubs.
- F. Debt to Everything Electronics for color TV and stereo set.
- G. Debt to Used Ford Store for 2003 Ford.

2. Pat will pay the following debts and will not at any time hold Chris responsible for them:

- A. Cogwell's charge account.
- B. Debt to Pat's parents, Mr. and Mrs. Joseph Smith.
- C. Debt to Green's Furniture.
- D. Debt to Dr. Irving Roberts.
- E. Debt to Friendly Finance Company for 2003 Chevrolet 4-door Sedan.

IV. Waiver of Spousal/Partner Support<sup>8</sup>

Each of us waives any claim for spousal/partner support now and for all time.

V. Dated: \_\_\_\_\_ Dated: \_\_\_\_\_

\_\_\_\_\_  
Chris P. Smedlap

\_\_\_\_\_  
Pat T. Smedlap

<sup>6</sup> If you have no unpaid debts, replace Part III with the simple statement "**We have no unpaid community obligations.**"

<sup>7</sup> A general rule for dividing debts is to give the debt over to the person who benefited more from the item. In the sample agreement, because Chris received the education, Chris should pay off the loan.

<sup>8</sup> You each give up the right to have your spouse or partner support you.

## IX. WHAT STEPS DO YOU HAVE TO TAKE TO GET A SUMMARY DISSOLUTION?

If after reviewing the information in this booklet, you feel your marriage or your domestic partnership will qualify for a summary dissolution, you should carefully go through the following 15 steps. You can fill out the forms, worksheets, and agreements in the summary dissolution section

- online, for free, at [www.courts.ca.gov/selfhelp](http://www.courts.ca.gov/selfhelp);
- with a typewriter; or
- with neat printing.

1. \_\_\_\_ Turn to page 7 and complete the Worksheet for Determining Value of Separate Property. See page 6 for an example. Make one extra copy of your worksheet after it has been completed. Give one copy to your spouse or partner and keep one for your records.
2. \_\_\_\_ Turn to page 9 and complete the Worksheet for Determining Value and Division of Community Property. See page 8 for an example. Make one extra copy of your worksheet after it has been completed. Give one copy to your spouse or partner and keep one for your records.
3. \_\_\_\_ Turn to page 11 and complete the Worksheet for Determining Community Obligations and Their Division. See page 10 for an example. Make one extra copy of your worksheet after it has been completed. Give one copy to your spouse or partner and keep one for your records.
4. \_\_\_\_ Fill out an *Income and Expense Declaration* (form FL-150). You each need to fill out this form and give it to your spouse or partner before you sign your property settlement agreement or complete your divorce. Make one extra copy of your form after it has been completed. Give one copy to your spouse or partner and keep one for your records.
5. \_\_\_\_ Type or print your property settlement agreement if you have any property or debts to divide. Both of you must date and sign it. Make two extra copies. See pages 12–15 for an example and instructions. You can also find a version that you can fill in online at [www.courts.ca.gov/selfhelp](http://www.courts.ca.gov/selfhelp) in the information on summary dissolution.
6. \_\_\_\_ Fill out a *Joint Petition for Summary Dissolution* (form FL-800). Both of you must sign and date this petition. Make two extra copies of this form. (This is the form you need to **START** the process.)

**Note:** When signing your joint petition and your property settlement agreement, you are signing these documents under penalty of perjury under the laws of the State of California, which is the same as being sworn to testify in court.

**You may not sign each other's name.**

7. \_\_\_\_ Make three sets of forms that include copies of your property settlement agreement and a copy of your *Joint Petition for Summary Dissolution* (form FL-800). Staple each set together.
8. \_\_\_\_ Fill out the top portion of the *Judgment of Dissolution and Notice of Entry of Judgment* (form FL-825) and make three copies of it.
9. \_\_\_\_ Make one extra copy of a blank *Notice of Revocation of Petition for Summary Dissolution* (form FL-830) so each of you has one, and hold on to it. This is the form you would need to **STOP** the process. You may wish to use it during the waiting period if you change your mind and want to stop the process. You should keep one copy. See page 18 for more information.
10. \_\_\_\_ Take your *Joint Petition for Summary Dissolution* (form FL-800), *Judgment of Dissolution and Notice of Entry of Judgment* (form FL-825), and all of your copies to the superior court clerk's office together with two self-addressed, stamped envelopes (one addressed to each spouse or partner). The location of your superior court clerk's office can be found in the phone book or online at [www.courts.ca.gov/find-my-court.htm](http://www.courts.ca.gov/find-my-court.htm). The clerk will stamp the date on all copies, will keep one copy of each document, and will return the other two to you. One copy is for each spouse or partner.

11. \_\_\_\_ Pay the superior court clerk's filing fee. If you cannot afford to pay the filing fee, you may qualify for a fee waiver based on your income. If one of you qualifies for a fee waiver but the other one does not, the one who does not qualify will have to pay the filing fee. To request a fee waiver, see *Information Sheet on Waiver of Court Fees and Costs* (form FW-001-INFO). You will need to prepare a *Request to Waive Court Fees* (form FW-001) and an *Order on Court Fee Waiver* (form FW-003).
  
12. \_\_\_\_ The clerk will file your joint petition and return the copies to you and your spouse or partner. The court may also process the *Judgment of Dissolution* at that time, in the next few weeks, or after the six-month waiting period has expired and give or mail it to you and your spouse or partner. The *Judgment of Dissolution and Notice of Entry of Judgment* (form FL-825) will have a date on which the dissolution ending your marriage, domestic partnership, or both will be final. That is the effective date of your dissolution and it will be six months from the date you file your joint petition. The six-month waiting period is mandated by law.
  
13. \_\_\_\_ Put your copies of all documents in a safe place.
  
14. \_\_\_\_ Wait for six months. If either one of you wants to stop the summary dissolution case, fill out and file a *Notice of Revocation of Petition for Summary Dissolution* (form FL-830) before the six months run out.
  
15. \_\_\_\_ On the day that appears on your *Judgment of Dissolution and Notice of Entry of Judgment* (form FL-825) as the effective date of your dissolution:
  - a. Your marriage or domestic partnership (or both) is ended;
  - b. The agreements you made in your property settlement agreement are binding—you will then own the property assigned to you, and you will have to pay the bills assigned to you;
  - c. Except for those agreements, you and your spouse or partner have no further obligations to each other; and
  - d. You are legally free to remarry or register a new domestic partnership.

**REMEMBER:** Either of you can stop the process by filling out a *Notice of Revocation of Petition for Summary Dissolution* (form FL-830) and bringing it to the superior court clerk during the six-month waiting period before the date your dissolution is effective according to the *Judgment of Dissolution and Notice of Entry of Judgment* (form FL-825) that you received from the court.

## X. WHAT YOU SHOULD KNOW ABOUT REVOCATION

It is important to realize that the *Notice of Revocation of Petition for Summary Dissolution* (form FL-830) is not just another form you are supposed to fill out and turn in.

**Do not fill it out and do not bring it to the superior court clerk unless you want to stop the divorce!**

### **What is the notice of revocation for?**

This is the form you need if you want to stop the divorce. **Revoking** the agreement is canceling or stopping it.

### **What reasons are there for revoking?**

There are three reasons you might have for wanting to stop the summary dissolution:

1. You have decided to return to your spouse or partner and continue the marriage or domestic partnership;
2. You want to change over to the regular dissolution as a better way of getting your divorce; or
3. You learn that one of you is pregnant.

### **Why might you want to change over to the regular dissolution?**

You may come to believe that you will get a better settlement if you go to court than with the agreement you originally made with your spouse or partner. (Maybe, after thinking it over, you feel you are not receiving a fair share of the community property.)

### **How do you do it?**

At the time you picked up the joint petition forms, you and your spouse or partner also received a blank *Notice of Revocation of Petition for Summary Dissolution* (form FL-830). Fill out the form, sign it, make two copies, and bring them to the superior court clerk's office. You must also send a copy of form FL 830 to your spouse or domestic partner by first-class mail, postage prepaid, to his or her last known address. You can do this alone. This form does not need your spouse's or partner's signature.

If you do this at any time during the six-month waiting period, before the effective date of your dissolution, you will stop this divorce proceeding.

### **Can the dissolution be stopped once the waiting period is over?**

NO. After the date the court wrote on your *Judgment of Dissolution and Notice of Entry of Judgment* (form FL-825) as the date your marriage or domestic partnership is ended (the date the divorce is effective), you can no longer revoke the dissolution by filing the revocation form. You may have other legal options, but you will need to talk to a lawyer about them.

### **If you change over to a regular dissolution, what happens to the part of the waiting period that has passed?**

You can apply the amount of time you waited on the summary dissolution to your regular dissolution. For example, if four months went by before you decided to revoke the summary dissolution, the waiting period for the regular dissolution will be shortened by four months.

However, you can save this time **only** if you file for a regular dissolution within 90 days of revoking the summary dissolution.

## **XI. SHOULD YOU SEE A LAWYER?**

### **Must you have a lawyer to use the summary dissolution procedure?**

No. You can do the whole thing by yourselves. But it would be wise to see a lawyer before you decide to do it yourselves. You should not rely on this booklet only. It is not intended to take the place of a lawyer.

### **If you want legal advice, does that mean you have to hire a lawyer?**

No. You may hire a lawyer, of course, but you can also just visit a lawyer once or twice for advice on how to carry out the dissolution proceeding. Do not be afraid to ask the lawyer in advance what fee will be charged. It may be surprisingly inexpensive to have a lawyer handle your divorce.

### **Do you have to accept your lawyer's advice?**

No, you do not. And if you are not pleased with what one lawyer advises, you can feel free to go to another one.

### **How can a lawyer help you with the summary dissolution procedure?**

First, a lawyer can advise you, on the basis of your personal situation, whether you ought to use the regular dissolution procedure rather than the summary dissolution procedure.

Second, a lawyer can read your property settlement agreement to help you figure out if you have thought of everything you should have. (It is easy to forget things you do not see very often, such as savings bonds and safe deposit boxes.)

Third, in many situations it is not easy to figure out what should count as community property and what should count as separate property. Suppose one of you had money before the marriage and put it into a bank account in both of your names and then both of you used money from that account. It may not be easy to decide how the money remaining in that account should be divided. A lawyer can advise you on how to make these decisions.

Fourth, there may be special situations in which your property settlement is not covered by the sample agreement on pages 13–15.

A lawyer can help you put the agreement in words that are legally precise and cannot be challenged or misinterpreted later.

### **Where can you find a lawyer?**

You can locate organizations that can help you find a lawyer in the yellow pages of your telephone directory under "Attorneys," "Attorney Referral Service," or "Lawyer Referral Service." In many cases you will be able to find an attorney who will charge only a small fee for your first visit. You can get information about free or low-cost legal services through the county bar association in your county. You can find information about certified lawyer referral services at [www.courts.ca.gov/selfhelp](http://www.courts.ca.gov/selfhelp) or on the State Bar website at [www.calbar.ca.gov](http://www.calbar.ca.gov).

## **XII. SOME GENERAL INFORMATION**

### **What about income taxes?**

If you have filed a joint tax return, both of you will still be responsible for paying any unpaid taxes even after your divorce.

If you are receiving a tax refund, you should agree in the property settlement agreement on how it should be divided.

The amount of money that you will owe, or that will be taken out of your paycheck, for income taxes may be greater after you are single again. If that is the case, you should prepare yourself for a bigger tax obligation.

It would be a good idea to consult the Internal Revenue Service or a tax expert on how the divorce is going to affect your taxes. You should probably do this before you make your property settlement agreement.

### **What about bank accounts and credit cards?**

If you have a joint bank account, it may be a good idea to close it when you separate and get two individual bank accounts. That way it will be easier to keep your money separate.

If you have credit card accounts that you both have been using, you should destroy the cards and take out separate accounts.

### **What about cars?**

If both of your names are on a title to a car and you agree that one of you is going to own the car, you need to take action to change the ownership. You should call or visit the Department of Motor Vehicles to find out how to do that. You should also talk to the lender to get the debt into one person's name and change the insurance coverage after both the title and debt are transferred.

### **What if your spouse or domestic partner does not pay his or her debts?**

If your spouse or domestic partner does not pay a debt that is his or her responsibility, the person who loaned the money may be able to collect it from you. But then a court may order your spouse or partner to reimburse you. If you have any reason to worry about this, a lawyer can explain your rights to you.

### **Can you take back your former name?**

If you changed your name when you were married or registered your domestic partnership, you have the right to give up that name and get your former name back. You can do this by requesting it in the joint petition. If you do not request this in the joint petition, you can file a form called *Ex Parte Application for Restoration of Former Name After Entry of Judgment and Order* (form FL-395). Your spouse or partner cannot make you change your name.

### **What if I am not happy with my final judgment?**

When your divorce is final, all your rights and duties connected with your marriage or domestic partnership have ended and you cannot appeal. But if you decide later that you were cheated or pressured by your spouse or partner, or if you believe that a mistake was made in the paperwork connected with the divorce, the court may be able to set aside the divorce. A lawyer can explain your rights.

PARTY WITHOUT ATTORNEY OR ATTORNEY (Name, State Bar number, and address): <hr/> TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	<b>FOR COURT USE ONLY</b>  <b>DRAFT</b> <b>Not Approved by</b> <b>the Judicial Council</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
<b>MARRIAGE OF</b> HUSBAND: WIFE:	
<b>REQUEST FOR JUDGMENT, JUDGMENT OF DISSOLUTION OF MARRIAGE, AND NOTICE OF ENTRY OF JUDGMENT</b>	CASE NUMBER:

1. The *Joint Petition for Summary Dissolution* (form FL-800) was filed on (date):  
 (Use this form **ONLY** if the *Joint Petition for Summary Dissolution* (form FL-800) was filed before January 1, 2011. If it was filed after January 1, 2011, use *Judgment of Dissolution and Notice of Entry of Judgment* (form FL-825) instead.)

2. No notice of revocation has been filed, and the parties have not become reconciled.

3. I request that judgment of dissolution of marriage be  
 a.  entered to be effective now.  
 b.  entered to be effective (nunc pro tunc) as of (date):  
     for the following reason:

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

\_\_\_\_\_  
 (TYPE OR PRINT NAME) ▶ \_\_\_\_\_  
 (SIGNATURE OF HUSBAND OR WIFE)

4. Husband  Wife  who did **not** request that his or her own former name be restored when he or she signed the joint petition, now requests that it be restored. The applicant's former name is:

Date:  
 \_\_\_\_\_  
 (TYPE OR PRINT NAME) ▶ \_\_\_\_\_  
 (SIGNATURE OF PARTY WISHING TO HAVE HIS OR HER NAME RESTORED)

*(For Court Use Only)*

**JUDGMENT OF DISSOLUTION**

**THE COURT ORDERS**

5. A judgment of dissolution of marriage will be entered, and the parties are restored to the status of unmarried persons.  
 a.  The judgment of dissolution of marriage will be entered nunc pro tunc as of (date):  
 b.  Wife's former name is restored (specify):  
 c.  Husband's former name is restored (specify):

Husband and wife must comply with any agreement attached to the petition.

Date:  
 \_\_\_\_\_  
\_\_\_\_\_  
 JUDICIAL OFFICER



HUSBAND:  WIFE:	CASE NUMBER:
-----------------------	--------------

**NOTICE:** Dissolution may automatically cancel the rights of a spouse under the other spouse's will, trust, retirement benefit plan, power of attorney, pay-on-death bank account, transfer-on-death vehicle registration, survivorship rights to any property owned in joint tenancy, and any other similar instrument. It does not automatically cancel the rights of a spouse as beneficiary of the other spouse's life insurance policy. You should review these matters, as well as any credit cards, other credit accounts, insurance policies, retirement benefit plans, and credit reports, to determine whether they should be changed or whether you should take any other actions.

**NOTICE OF ENTRY OF JUDGMENT**

6. You are notified that a judgment of dissolution of marriage was entered on *(date)*:

Date: \_\_\_\_\_ Clerk, by \_\_\_\_\_, Deputy

**CLERK'S CERTIFICATE OF MAILING**

I certify that I am not a party to this cause and that a true copy of the *Notice of Entry of Judgment* was mailed first class, postage fully prepaid, in a sealed envelope addressed as shown below, and that the notice was mailed

at *(place)*: \_\_\_\_\_ California,

on *(date)*:

Date: \_\_\_\_\_ Clerk, by \_\_\_\_\_, Deputy

HUSBAND'S ADDRESS

WIFE'S ADDRESS


PARTY WITHOUT ATTORNEY OR ATTORNEY (Name, State Bar number, and address):  <hr/> TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	<b>FOR COURT USE ONLY</b>  <h2 style="margin: 0;">DRAFT</h2> <h3 style="margin: 0;">Not Approved by the Judicial Council</h3>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b>  STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
<b>MARRIAGE OR DOMESTIC PARTNERSHIP OF</b> PETITIONER 1: PETITIONER 2:	
<b>JUDGMENT OF DISSOLUTION AND NOTICE OF ENTRY OF JUDGMENT</b> <input type="checkbox"/> MARRIAGE <input type="checkbox"/> DOMESTIC PARTNERSHIP	CASE NUMBER: _____

Use this form ONLY if the *Joint Petition for Summary Dissolution* (form FL-800) was filed after January 1, 2011. If the *Joint Petition for Summary Dissolution* was filed before January 1, 2011, use *Request for Judgment, Judgment of Dissolution, and Notice of Entry of Judgment* (form FL-820) instead.

**1. THE COURT ORDERS**

- a. A judgment of dissolution of marriage and/or domestic partnership will be entered, and the parties are restored to the status of single persons, effective (date):
  - b.  The former name of Petitioner 1 is restored (specify): \_\_\_\_\_
  - c.  The former name of Petitioner 2 is restored (specify): \_\_\_\_\_
- Both petitioners must comply with any agreement attached to this judgment.

Date: \_\_\_\_\_

\_\_\_\_\_  
JUDICIAL OFFICER

**NOTICE:** Dissolution may automatically cancel the rights of a spouse or domestic partner under the other spouse or domestic partner's will, trust, retirement benefit plan, power of attorney, pay-on-death bank account, transfer-on-death vehicle registration, survivorship rights to any property owned in joint tenancy, and any other similar instrument. It does not automatically cancel the rights of a spouse or domestic partner as beneficiary of the other spouse's or domestic partner's life insurance policy. You should review these matters, as well as any credit cards, other credit accounts, insurance policies, retirement benefit plans, and credit reports to determine whether they should be changed or whether you should take any other actions.

**NOTICE OF ENTRY OF JUDGMENT**

2. You are notified that a judgment of dissolution of
- a.  marriage
  - b.  domestic partnership
- was entered on (date): \_\_\_\_\_

Date: \_\_\_\_\_ Clerk, by \_\_\_\_\_, Deputy

The date the judgment of dissolution is entered is NOT the date your divorce or termination of your domestic partnership is final. For the effective date of the dissolution of your marriage and/or domestic partnership, see the date in item 1a.

PETITIONER 1:	CASE NUMBER:
PETITIONER 2:	

**CLERK'S CERTIFICATE OF MAILING**

I certify that I am not a party to this cause and that a true copy of the *Judgment of Dissolution* and *Notice of Entry of Judgment* was mailed first class, postage fully prepaid, in a sealed envelope addressed as shown below, and that the notice was mailed

at *(place)*: California,  
on *(date)*:

Date: Clerk, by \_\_\_\_\_, Deputy

ADDRESS OF PETITIONER 1	_____   _____	ADDRESS OF PETITIONER 2
┌	┌   ┌	┌
└	└   └	└

PARTY WITHOUT ATTORNEY OR ATTORNEY (Name, State Bar number, and address):  TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	<b>FOR COURT USE ONLY</b>  <p style="text-align: center; font-size: 1.2em;">DRAFT Not Approved by the Judicial Council</p>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
<b>MARRIAGE OR DOMESTIC PARTNERSHIP OF</b> PETITIONER 1: PETITIONER 2:	
<b>NOTICE OF REVOCATION OF JOINT PETITION FOR SUMMARY DISSOLUTION</b>	CASE NUMBER:

Notice is given that the undersigned terminates the summary dissolution proceedings and revokes the *Joint Petition for Summary Dissolution* (form FL-800) filed on (date):

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

Date:

\_\_\_\_\_

(TYPE OR PRINT NAME)

▶ \_\_\_\_\_

(SIGNATURE OF DECLARANT)

Complete this notice. Submit the original and two copies to the court clerk's office. If the effective date of the judgment has not yet occurred, the clerk will notify you that this notice of revocation has been filed by completing the certificate below.

Name and address of Petitioner 1		Name and address of Petitioner 2

**CLERK'S CERTIFICATE OF MAILING (For court use only)**

I certify that I am not a party to this cause and that a copy of the foregoing was mailed first class, postage fully prepaid, in a sealed envelope as shown above, and that the mailing of the foregoing and execution of this certificate occurred at (place): \_\_\_\_\_ California, on

Date: \_\_\_\_\_ Clerk, by \_\_\_\_\_, Deputy

**NOTICE**

If the clerk's certificate of mailing above has been dated and signed by the clerk, this summary dissolution case is ended. You are still married and/or domestic partners. If you still want to get divorced, you will have to file a regular divorce case using the *Petition—Marriage* (form FL-100) or *Petition—Domestic Partnership* (form FL-103).

**SPR11-43****Family Law- Summary Dissolution** (adopt form FL-825; revise forms FL-800, FL-810, FL-820, FL-830)

All comments are verbatim unless indicated by an asterisk (\*).

	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
1.	Association of Certified Family Law Specialists (ACFLS) Diane Wasznicky, President, ACFLS San Rafael	AM	<p>1. Form FL-800(No. 12) (or instructions) should be modified to indicate that no further proof of service of the preliminary declaration of disclosure is needed, as some courts are requiring further proof and thus, delaying the proceedings.</p> <p>2. Form FL-810 is a booklet that contains information concerning summary dissolution actions. Page 2 of the booklet entitled "Some Terms You Need to Know" contains definitions of terms. This page contains definitions of date of separation, community property, and separate property. These definitions are vague, misleading and outright inaccurate. ACFLS proposes that more accurate definitions be inserted or that the information in its entirety be deleted as individuals should be not given incorrect information.</p>	<p>Agree to clarify that no further proof of service of the preliminary declaration of disclosure is required.</p> <p>Agree that these concepts are complex and could merit much more discussion, however, these definitions have been in place in this booklet for at least 17 years and appear to be clear, particularly for the issues being resolved in summary dissolution proceedings where the property allowable is so limited by statute. The committee proposes adding a note to say that these issues can be complicated and that it would be good to talk to a lawyer about any questions.</p>
2.	Neighborhood Legal Services of Los Angeles County Carmen McDonald-Goldberg, Esq. Pacoima	AM	<p>In general, we agree with many of the additions however the modifications we propose will hopefully make the packet more clear to those litigants (self-represented) who actually read the packet.</p> <p>On Joint Petition for Summary Dissolution: FL-800 – we propose the following modifications:</p> <p>a. In the very first box at the top – we propose that the instructions be changed to “Party without attorney OR Attorney.” Our reasoning for this is that many self-represented folks see the word attorney and stop reading and therefore when documents are being reviewed,</p>	<p>Agree to make these changes to the summary dissolution forms series.</p>

**SPR11-43**

**Family Law- Summary Dissolution** (adopt form FL-825; revise forms FL-800, FL-810, FL-820, FL-830)

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	Commentator	Position	Comment	Committee Response
			<p>there is no identifying information in that box. By switching the order – it is more likely that an attorney will read the entire sentence and write the appropriate information in the caption. Not only do we propose this on these forms, but we recommend this change on all Judicial Council forms.</p> <p>b. On Page 2 of the FL-800 #18 we suggest that the following phrase be inserted to the end of the sentence (Change of Address form = MC040). It makes sense to inform the litigants what form they would use to inform the court of their current address should there be a change from the date of filing of the Summary Dissolution. Otherwise litigants may show up at the filing office to tell the clerk what their new address is.</p> <p>c. On Page 2 of the FL-800 #19 we suggest that the sentence be modified as follows: “We are submitting a proposed Request for Judgment, Judgment of Dissolution of Marriage, and a Notice of Entry of Judgment. You must file an original and 3 copies of the FL-800 along with 2 stamped envelopes, one addressed to each party. Regarding the new form FL-825 SRL must submit an original and 3 copies along with two stamped envelopes together with the petition, one addressed to each party together with the petition. It makes sense to provide the full instruction and detail what is being submitted to the Court on the Petition.</p>	<p>Agree to make this change.</p> <p>Agree to make it clear that the parties must submit the original and three copies of the proposed judgment.</p>

**SPR11-43**

**Family Law- Summary Dissolution** (adopt form FL-825; revise forms FL-800, FL-810, FL-820, FL-830)

All comments are verbatim unless indicated by an asterisk (\*).

	Commentator	Position	Comment	Committee Response
			<p>d. On Page 2 at the bottom of the form under NOTICES – we believe it would be good practice to repeat the following warning two or 3 times throughout this paperwork  <b>“REMEMBER: YOU ARE NOT DIVORCED UNTIL THE JUDGE SIGNS THE FL-820 AND YOU RECEIVE IT IN THE MAIL.”</b> This should be mentioned as many times throughout the information booklet also. It would make sense to repeat this message similar to the SPECIAL WARNING on page 18 of the Information Booklet. Page 18 #12 . . . “The Clerk will file your Joint Petition . . . mandated by law – INSERT WARNING HERE.</p> <p>FL -825 – Judgment of Dissolution and Notice of Entry of Judgment</p> <p>NLSLA proposes the following modifications on the FL-825 and FL 820 (for Summary Disso Petitions filed before 1/1/2011)</p> <p>We propose that #1 be deleted from the Judgment. The litigant should not have to insert the date of filing especially when there is no box or something to call the litigant’s attention to the blank like a box or a line. Should the Judicial Council decide to keep this question on this form, then NLSLA recommends that this information be filled in by the Court Clerk when the 6 month period is over and the Clerk is processing the Judgment. We do not want to give the litigants another hurdle</p>	<p>While the committee understands the benefit of this warning, it already appears in a number of places. In fact, many courts may have the judge sign the FL-820 well before the 6 month period, so the proposed warning is somewhat confusing.</p> <p>Agree to remove #1.</p>

**SPR11-43****Family Law- Summary Dissolution** (adopt form FL-825; revise forms FL-800, FL-810, FL-820, FL-830)

All comments are verbatim unless indicated by an asterisk (\*).

	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
			<p>to jump through and this seems ministerial so that the Clerk can easily put that date when the Judgment is being processed. Requiring the litigant to insert this date is just asking for mistakes and rejections which are a waste of Court time and resources.</p> <p>Finally, NLSLA recommends that a comment be made about the cost related to filing a Petition for Summary Dissolution. Although there is only one filing fee for a summary dissolution, the litigant needs to understand that if both parties do not believe they can afford the filing fee, EACH party must: 1) Prepare a fee waiver and 2) present their individual fee waivers to the filing clerk.</p>	<p>Will clarify the fee waiver provisions on page 18 of the Instructional Booklet.</p>
3.	Orange County Bar Association John Hueston, President Newport Beach	A	No narrative comments.	No response required.
4.	The State Bar of California Family Law Executive Committee (FLEXCOM) Jill L. Barr, FLEXCOM Saul Bercovitch, State Bar Legislative Counsel	NI	<p>A. FL-810: This form is a booklet regarding Summary Dissolution cases. The second page of the booklet is entitled "Some Legal Terms You Need to Know."</p> <p>FLEXCOM makes the following comments on this form:</p> <p>1. Definition of date of separation: The definition of date of separation on this form is overly simplified, inaccurate and potentially misleading. FLEXCOM believes this information needs to be corrected, but also notes that it may be difficult, at best, to state this definition is both simple and legally accurate</p>	<p>Will add a note to say that these issues can be complicated and that it would be good to talk to a lawyer about any questions.</p>



**SPR11-43**

**Family Law- Summary Dissolution** (adopt form FL-825; revise forms FL-800, FL-810, FL-820, FL-830)

All comments are verbatim unless indicated by an asterisk (\*).

	Commentator	Position	Comment	Committee Response
			<p>language.</p> <p>2. Definition of Community Property/Separate Property: These definitions are also overly simplified, inaccurate and potentially misleading. FLEXCOM believes this information needs to be corrected, but also notes that it may be difficult, at best, to state this definition is both simple and legally accurate language.</p>	<p>Agree that these concepts are complex and could merit much more discussion, however, these definitions have been in place in this booklet for at least 17 years and appear to be clear, particularly for the issues being resolved in summary dissolution proceedings where the property allowable is so limited by statute. Will add a note to say that these issues can be complicated and that it would be good to talk to a lawyer about any questions.</p>
5.	Superior Court of Los Angeles County	AM	<p>Creating additional forms creates a great burden on self-represented litigants. It also adds to the Court’s workload by having to maintain and provide additional forms.</p> <p>We suggest modifying the existing form FL-820 to incorporate the language in the proposed FL-825, instead of creating a new form. To guide litigants, through the form, language similar to the below may be added:</p> <p>Box 1: “The Joint Petition for Summary Dissolution (form FL-800) was filed on (date): _____</p> <p>If your Joint Petition for Summary Dissolution was filed prior to January 1, 2011, complete sections ___ through ____</p> <p>If your Joint Petition for Summary Dissolution was filed after January 1, 2011, complete sections ___ through ____.”</p>	<p>While the committee agrees with the concept and has tried to combine the two documents, it seems much more complicated and cumbersome to do this. The FL-820 will only be used in cases filed prior to January 1, 2011 and presumably the court will have already provided the form to those litigants. This form will be repealed in a few years once the statutory period for completing those cases is finished.</p> <p>The difficulty with combining the two forms is that the procedure is so different that it is really two separate forms on one form – which becomes complicated for litigants. For example, the parties no longer have to request a judgment after a waiting period as the request will normally be made with the petition. Thus, questions regarding whether the parties have now decided to ask for a name change, or whether there have been changes since the petition, are inappropriate.</p> <p>Also, a revocation will now normally be filed AFTER the submission of the request for</p>

**SPR11-43**

**Family Law- Summary Dissolution** (adopt form FL-825; revise forms FL-800, FL-810, FL-820, FL-830)

All comments are verbatim unless indicated by an asterisk (\*).

	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
			Inserting boxes where information is to be inserted, such as in item 2 of the proposed FL-825 is an excellent idea to include on any of the forms that are being modified or created. This tactic makes it less likely for self-represented litigants to overlook where information is to be inserted.	judgment rather than before.  No response required.
6.	Superior Court of Monterey County Minnie Monarque Director of Civil & Family Law Division	A	Agree with proposed changes.	No response required.
7.	Superior Court of Orange County Family Law Operations	AM	<p>Summary Dissolution Information</p> <ul style="list-style-type: none"> <li>• Page 2, under community property, under section that begins In most cases, 2 looks odd – like it says 2nd?</li> <li>• Page18, Item 16 should be listed as Item 15; there is no 15 and Item 8 on page 17 also refers to Step 15.</li> <li>• If the court processes the Judgment at the time the Petition is submitted, and a Notice of Revocation is submitted, is there any special handling required? A Judgment still exists.</li> </ul> <p>Form FL-820</p> <ul style="list-style-type: none"> <li>• Item 1, form information should be in format consistent with other forms:</li> <li>• “(Use this form ONLY if the Joint Petition for Summary Dissolution (form FL-800) was filed.....”)</li> </ul> <p>FL-825 –</p>	<p>Agree will change to #2.</p> <p>Agree to make this change.</p> <p>The committee recommends that the court send a copy of the Revocation to the State Registrar if they send a copy of the divorce judgment to the register per Health and Safety Code section 103200. One court is placing wording in the margin of any judgment in which a revocation has been filed in the case, “Revocation filed (date)”.</p> <p>Agree</p> <p>Will make this change.</p>

**SPR11-43**

**Family Law- Summary Dissolution** (adopt form FL-825; revise forms FL-800, FL-810, FL-820, FL-830)

All comments are verbatim unless indicated by an asterisk (\*).

	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
			<p>Item 2, “THE COURT ORDERS” should be bolded.</p> <p>Form FL-830</p> <ul style="list-style-type: none"> <li>• Bolded text box under declarant signature, suggest wording changed: “submit the original and two copies to the county court clerk’s office.....” ;</li> </ul> <p>Form FL-825: footer of page 1 and 2 are different; they should be the same as on page 1</p>	<p>Will make this change.</p> <p>Will change wording to “court” clerk’s office rather than “county” clerk’s office.</p> <p>Will make this change.</p>
8.	Sherri R. Carter Court Executive Officer Superior Court of Riverside County	A	No narrative comments submitted.	No response required.
9.	Robert Turner, ASO II Finance Division Superior Court of Sacramento County,	N/I	<p>FL-810, Summary Dissolution Information booklet, Page 1, (Page 8 of SPR11-43 packet), last sentence before IMPORTANT: If either one of you still wants to get divorced, you will then have to file for a regular dissolution with a <i>Petition-Marriage</i> (form FL-100) or <i>Petition-Domestic Partnership</i> (FL-103). This statement is not entirely true. You can also file a new joint summary petition. However, if one party wants to continue then he/she will need to file a regular dissolution, either the petition-marriage or petition-domestic partnership.</p> <p>Booklet page 3 (Page 10 of SPR11-43), <b>III WHO CAN USE THE SUMMARY DISSOLUTION PROCEDURE?</b>, #1. 1. We have both read this booklet, and we both</p>	<p>Agree to add a note that they can start the summary dissolution process again if they both agree.</p> <p>This provision asking both parties to affirm that they have read the instructional booklet has been on the petition – and hence the instruction sheets since the forms were created. This is a potentially</p>

**SPR11-43**

**Family Law- Summary Dissolution** (adopt form FL-825; revise forms FL-800, FL-810, FL-820, FL-830)

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	Commentator	Position	Comment	Committee Response
			<p>understand it. Delete #1. It implies if either party doesn't read or doesn't understand the booklet then they can't have a summary dissolution.</p> <p>Page 4 of booklet (Page 11 of SPR11-43), <b>IV. SOME TIME PERIODS TO KEEP IN MIND:</b></p> <p>This page is redundant in the information it provides; it can be removed.</p> <p>In the event this page is not removed: Option 1: Remove the first bracket and the associated arrow.</p> <p>Option 2: Remove everything left of the numbered items. The brackets and arrows make this information confusing.</p> <p>In the event this page is not removed...This bracket should be extended a little longer to reflect it incorporates "Marriage...Domestic Partnership" and "Separation" and includes points 1 &amp; 2.</p> <p>#1. This information should be included in the "terms" section on page 2.</p> <p>#2. Move this information to page 3 of this form, and delete this section.</p> <p>Delete #3. This is redundant as this information is stated several times throughout this</p>	<p>substantive change that should receive comment. This issue will be reviewed when the forms are next modified.</p> <p>Agree that this information is found in other places in the instruction booklet, and since the timeframes are not as critical with the change in the statute, will eliminate this page.</p>

**SPR11-43**

**Family Law- Summary Dissolution** (adopt form FL-825; revise forms FL-800, FL-810, FL-820, FL-830)

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	Commentator	Position	Comment	Committee Response
			<p>document.</p> <p>Last paragraph: Delete the word "Notice".</p> <p>Page 18 of booklet, (Page 25 of SPR11-43):  <b>Notice</b> text box:            Delete reference to Jan 2011 law in the first two sentences. The SRL doesn't need to know there's been a law change a year ago when this form goes into effect.            Option 1: Rewrite this paragraph and exclude reference to law change.            Option 2: Just remove the entire "Notice" box.</p> <p>Last paragraph, beginning with <b>Remember</b>:            Remove this entire paragraph, this information is redundant.</p> <p>Page 21 of booklet, Page 28 of PSR-43, second to the last paragraph:            "Your spouse or partner can't make you change your name."            Change can't to cannot.</p> <p>There is nothing in Family Code section 2403 or elsewhere that indicates that only cases filed after January 1, 2011, are subject to automatic entry of judgment after six months. To the contrary, Family Code section 4 provides that, unless a new law (or amendment to an old law) explicitly provides, the new law (or amendment) applies retroactively. See Marriage of Fellows (2006) 39CA3d179.</p>	<p>Agree to delete the Notice Text Box.</p> <p>Agree to make this change.</p> <p>Agree to make this change</p> <p>"A statute that merely clarifies, rather than changes, existing law is properly applied to transactions predating its enactment. However, a statute might not apply retroactively when it substantially changes the legal consequences of past actions, or upsets expectations based in prior law." In re Marriage of Howell, 195 Cal. App. 4th 1062, p. 6.</p> <p>In this case, parties who read the instruction</p>

**SPR11-43**

**Family Law- Summary Dissolution** (adopt form FL-825; revise forms FL-800, FL-810, FL-820, FL-830)

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				<p>booklet and filed for summary dissolution expected that the divorce would not be final until they filed their request for judgment 6 months after they filed the petition for dissolution. While some parties probably did not file in the mistaken understanding that the filing of the petition was sufficient, others may have deliberately chosen not to proceed with the divorce. This statute substantially changed the legal consequences of past actions and upsets expectations based in prior law. Given the strong state interest in preserving marriages, the lack of notice to the parties acting in reliance on the previous law and forms, and the difficulty to the courts in seeking out past actions and preparing dissolution forms, the committee recommends that this statute not be interpreted as being retroactive.</p> <p>Further, there is no indication in the legislative history that this statute was intended to be retroactive. “In the absence of an express retroactivity provision, a statute will not be applied retroactively unless it is very clear from extrinsic sources that the Legislature must have intended a retroactive application. In the absence of a clear legislative intent to the contrary statutory enactments apply prospectively.” <i>In re Marriage of Howell</i>, 195 Cal. App. 4th 1062, p. 7.</p>
10.	Superior Court of San Bernardino County, Staff Debra Meyers, Director	AM	Streamlining the process for summary dissolution will be very helpful to the litigants. More persons should now qualify to use this procedure, and reducing the last step of having to wait to submit the judgment should mean a higher success rate for self-represented litigants.	Agree to try to find additional ways to streamline the process.

**SPR11-43**

**Family Law- Summary Dissolution** (adopt form FL-825; revise forms FL-800, FL-810, FL-820, FL-830)

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			<p>The Judicial Council should look for additional ways to streamline the process, such as creating an uncontested divorce procedure for those parties who agree on their judgment but cannot use the summary dissolution process because of children or additional property.</p> <p>On the Instruction Pamphlet, page 1 near the bottom (above Special Warning), the new sentence doesn't make sense. I think it is meant to read: "Save this booklet for at least 6 months if you decide you want to stop the summary dissolution process and revoke your petition. It will tell you how to do it."</p> <ul style="list-style-type: none"> <li>• Instructional Pamphlet, page 18, Item 12. This instruction indicates that the court will return the completed judgment no later than a few weeks after submission. However, what if the court is processing the judgments at the 6 month time period? Is there some rule regarding when the Judgment must be processed by the court?</li> <li>• Instructional Pamphlet, page 19, "How do you do it?" – These instructions indicate that the individual is to send a copy of the Notice of Revocation. But on the form, it looks like the clerk is supposed to send the notice. Should the instructions require self-addressed stamped envelopes instead?</li> <li>• Judgment (FL-825) – caption doesn't follow the same format as the Notice of Revocation – label for "Marriage or Partnership" instead of "Marriage or Domestic</li> </ul>	<p>Will revise to say "Save this booklet for at least 6 months if you decide to start a summary dissolution. If you decide you want to stop the summary dissolution process and revoke your petition, it will tell you how to do it."</p> <p>Agree to modify to reflect different practices in different courts.</p> <p>Family Code section 2402 (c) requires that "The revoking party shall send a copy of the notice of revocation to the other party by first-class mail, postage prepaid, at the other party's last known address." Will clarify that on the Notice of Revocation.</p> <p>Agree to add "Domestic" to the caption.</p>

## SPR11-43

### Family Law- Summary Dissolution (adopt form FL-825; revise forms FL-800, FL-810, FL-820, FL-830)

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	Commentator	Position	Comment	Committee Response
			Partnership” on the other form. • Suggestion: It might be helpful to have a Property Settlement Agreement form that the parties can simply fill in.	There is a Settlement Agreement in the instructional booklet, FL-810, which is available to be completed online at <a href="http://www.courts.ca.gov/selfhelp">www.courts.ca.gov/selfhelp</a> .
11.	Superior Court of San Diego County Mike Roddy Court Executive Officer	AM	Form FL-800, Item 20: Our court recommends to remove the entire item. The party is now submitting the proposed Judgment of Dissolution and Notice of Entry of Judgment at the time of filing the Joint Petition, so they would not have had an opportunity to file a Notice of Revocation. In addition, the first notice box explains that they may file one in the 6 months before the proposed judgment is entered. (Also remove the same information from FL-810, page 3, Item 16c)  Form FL-810, page 2, 4 <sup>th</sup> paragraph, last sentence – Is it more accurate to state, “This is the period between your marriage <i>and/or</i> day you registered your domestic partnership.”?  Form FL-810, page 4, Item 1: Same comment as above.  Form FL-810, Item 16: The sentence is awkwardly phrased. Our court suggests, “ <i>The date</i> that appears on your Judgment of ... as the effective date of your divorce <i>is the date...</i> ”  Form FL-820: Instead of Husband and Wife, use Petitioner 1 and 2 throughout, just like FL-825.	Agree to make these changes.  Agree to modify to say “This is the period between the day you married or registered your domestic partnership and the day you separated.” The date of marriage and date of registration of the domestic partnership are likely to be different dates, so and/or does not seem appropriate.  Agree to make that change.  FL-820 will only be used for cases started before January 1, 2011 which were only designed for married persons. Thus, adding domestic partnership is not appropriate.



**SPR11-43**

**Family Law- Summary Dissolution** (adopt form FL-825; revise forms FL-800, FL-810, FL-820, FL-830)

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	Commentator	Position	Comment	Committee Response
			Form FL-820: Marriage <i>and Domestic Partnership</i> should be in the title of the form, perhaps as two boxes as in FL-825	FL-820 will only be used for cases started before January 1, 2011 which were only designed for married persons. Thus, adding domestic partnership is not appropriate.
12.	Superior Court of Shasta County Stacy Larson, Family Law Facilitator	AM	<ul style="list-style-type: none"> <li>• FL-800, subdivision (4): We should reword for subject/verb agreement such as “Less than five years have passed . . .”</li> <li>• FL-800, subdivision (5): Is there a residency requirement for summary dissolution of a domestic partnership if the partnership was formed in California?</li> <li>• FL-800, page 2, subdivision (22): We should capitalize “Petitioner” as they are being used as proper nouns.</li> <li>• FL-800, page 2, Bolded Information Box at bottom of page 2: Unless there’s a residency requirement to dissolve a domestic partnership that was formed in California, we should revise the first sentence of this notice.</li> <li>• FL-800, page 2, Bolded Information Box at bottom of page 2, second to the last sentence of the first paragraph: We should clarify that they can file “and serve” a copy of the FL-830.</li> <li>• FL-810, Summary Dissolution Booklet, page 1, ¶1: We should reword to write, “This booklet . . . or both through a summary dissolution, which is like an abbreviated divorce or termination proceeding.” At least for now, domestic partners cannot marry in California, so it stands to reason that said partners cannot divorce.</li> </ul>	<p>Agree to make this change.</p> <p>Will change to add a sentence saying “Or, we are only asking to end a domestic partnership registered in California.”</p> <p>Agree to make this change.</p> <p>Family Code 299(b) provides for the same waiting period to end a domestic partnership as for a marriage.</p> <p>Family Code 2402 (b) does not appear to require service to effectuate the revocation. Agree to provide information about the requirement of service on the revocation form itself.</p> <p>Some domestic partners did marry during the period in which same – sex marriage was legal in California and others have married outside of California thus, they can divorce.</p>

**SPR11-43**

**Family Law- Summary Dissolution** (adopt form FL-825; revise forms FL-800, FL-810, FL-820, FL-830)

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	Commentator	Position	Comment	Committee Response
			<ul style="list-style-type: none"> <li>• FL-810, page 1, ¶2, first sentence: We should clarify that the official word for “divorce” or “termination of a domestic partnership” in California is “dissolution.”</li> <li>• FL-810, page 1, ¶3: We should combine the first and second sentences, so we will not be starting the second sentence with a conjunction, e.g., “Summary dissolution is a shorter . . . , but not everybody . . .”</li> <li>• FL-810, page 1, ¶4: We need a comma after “With this procedure, . . .” At the end of the sentence, we should revise to state “about the ending of your marriage or domestic partnership.”</li> <li>• FL-810, page 1, ¶5, fourth sentence: We should clarify “wait for your divorce or domestic partnership to become final . . .”</li> <li>• FL-810, page 1, ¶5, fifth sentence: We should clarify “that will stop your divorce or domestic partnership . . .”</li> <li>• FL-810, page 1, ¶5, sixth sentence: We should clarify “If either of you . . . wants to get divorced or dissolve your domestic partnership, you will then have to file for a . . .”</li> <li>• FL-810, page 1, first bullet under ¶5: We should clarify “If you are domestic partners . . . for a regular dissolution in the courts . . .”</li> <li>• FL-810, page 1, second bullet under ¶5: There is redundancy in stating “either through this summary dissolution process discussed here . . .” We should replace “this” with “the” or, in the alternative, eliminate “discussed here.”</li> <li>• FL-810, page 2, ¶1: We should place a comma after “In the following pages,”</li> </ul>	<p>The term divorce is a common term for ending both a marriage and a domestic partnership.</p> <p><i>A Dictionary of Modern Legal Usage</i> (2nd Edition) by Bryan A. Garner notes that it is acceptable to begin a sentence with a conjunction. It shortens the sentences, and thus increases readability.</p> <p>Agree to make these changes.</p> <p>The term divorce is a common term for ending both a marriage and a domestic partnership.</p> <p>The term divorce is a common term for ending both a marriage and a domestic partnership.</p> <p>The term divorce is a common term for ending both a marriage and a domestic partnership.</p> <p>The term divorce is a common term for ending both a marriage and a domestic partnership.</p> <p>Agree to change “this” to “the” summary dissolution process</p> <p>Agree to make this change.</p>

**SPR11-43**

**Family Law- Summary Dissolution** (adopt form FL-825; revise forms FL-800, FL-810, FL-820, FL-830)

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			<ul style="list-style-type: none"> <li>• FL-810, page 2, ¶2, third sentence: We should not start this sentence with the conjunction “And.” Instead, we could combine it with the sentence before, “. . . separately, and there may be . . .” or we can eliminate the “and” and write “There may also be certain debts . . .”</li> <li>• FL-810, page 2, ¶5: We should clarify, “. . . the day when you definitely decided to get a divorce or dissolve your domestic partnership and took some action . . .(like telling your spouse or partner that you wanted a divorce or to end your domestic partnership”</li> <li>• FL-810, page 2, ¶11: We should remove the parentheses around “(For instance, . . . obligations.)” as they are unnecessary. We should also clarify “. . . name of one spouse or domestic partner only, like on a credit card.”</li> <li>• FL-810, page 3, ¶1: We should clarify “get a divorce or terminate your domestic partnership in this way.”</li> <li>• FL-810, page 3, subsection (7-8): We should clarify that these values are exclusive of encumbrances and/or debt on said assets/property.</li> <li>• FL-810, page 3, subsection 11: We should change “states” to “stated.”</li> <li>• FL-810, page 3, subsection 16(a): We should clarify “. . . stop the divorce or dissolution of our domestic partnership . . .”</li> <li>• FL-810, page 3, subsection 16(b): We should clarify “. . . stop the divorce or dissolution of our domestic partnership . . .”</li> <li>• FL-810, page 3, subsection 16(b): We should eliminate the extra period at the end of</li> </ul>	<p><i>A Dictionary of Modern Legal Usage</i> (2nd Edition) by Bryan A. Garner notes that it is acceptable to begin a sentence with a conjunction. It shortens the sentences, and thus increases readability.</p> <p>The term divorce is a common term for ending both a marriage and a domestic partnership.</p> <p>Agree to make these changes.</p> <p>The term divorce is a common term for ending both a marriage and a domestic partnership.</p> <p>Agree</p> <p>Will retain the term “states.”</p> <p>The term divorce is a common term for ending both a marriage and a domestic partnership.</p> <p>The term divorce is a common term for ending both a marriage and a domestic partnership.</p> <p>Agree to make that change.</p>

**SPR11-43**

**Family Law- Summary Dissolution** (adopt form FL-825; revise forms FL-800, FL-810, FL-820, FL-830)

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			<p>the verbiage.</p> <ul style="list-style-type: none"> <li>• FL-810, page 3, subsection 16(c): We should eliminate the word “That” at the beginning of the sentence to make the verbiage a complete sentence rather than fragment. Alternatively, we can begin the sentence with “We acknowledge that when presenting . . .”</li> <li>• FL-810, page 3, subsection 16(e): We should eliminate the parentheses around “(These rights are explained on page 5.)” as they are unnecessary.</li> <li>• FL-810, page 3, subsection 16(d): The reference to support will be confusing as they are waiving any rights to spousal or partner support in this procedure. We should change this to read “expect money or other items of value from the other . . .”</li> <li>• FL-810, page 3, asterisks at bottom of page: We should change “cars” to “vehicles” or “cars/trucks/motorcycles, etc.”</li> <li>• FL-810, page 4, subsection (3): We should replace “divorce” with “dissolution” as follows: “. . . when your dissolution ending your marriage and/or domestic partnership . . .”</li> <li>• FL-810, page 5, ¶1: We should eliminate the “and” at the beginning of the second sentence, so we will not be starting the sentence with a conjunction. Alternatively, we could combine the first two sentences and place a comma before the “and.” However, this would make for a very long and confusing sentence.</li> <li>• FL-810, page 5, ¶2: We should clarify “. . . Couples who . . . getting a divorce or</li> </ul>	<p>The committee is recommending that 16(c) be eliminated in response to comments from the San Diego Superior Court.</p> <p>Agree to make that change.</p> <p>The purpose of (d) is to ensure that they are aware that they cannot receive either property not covered in the agreement or support from each other.</p> <p>Family Code 2400 (a) (7) only refers to automobiles which are commonly known as cars.</p> <p>The term divorce is a common term for ending both a marriage and a domestic partnership.</p> <p><i>A Dictionary of Modern Legal Usage</i> (2nd Edition) by Bryan A. Garner notes that it is acceptable to begin a sentence with a conjunction. It shortens the sentences, and thus increases readability.</p> <p>The term divorce is a common term for ending both a marriage and a domestic partnership.</p>

**SPR11-43**

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			<p>dissolving their domestic partnership do not have the right . . .”</p> <ul style="list-style-type: none"> <li>• FL-810, page 5, ¶3: We should change “divorce” to “dissolution” in both sentences to include domestic partnerships.</li> <li>• FL-810, page 5, subsection (2): We should change “divorce” to “dissolution” to include domestic partnerships.</li> <li>• FL-810, page 5, subsection (3): We should combine the second and third sentences to avoid starting the third sentence with a conjunction. We should place a comma before the conjunction “or” as follows: “. . .agreement, or maybe a bank account . . .”</li> <li>• FL-810, page 6, ¶7: This paragraph advises the parties to subtract the money they still owe on their property/assets to figure fair market value and determine whether their assets/debts exclude the requirements for summary dissolution. This seems to contradict FL-800, subsection (9) and (10). Similarly, on FL-810, page 9-10, Subsection (C), the parties are directed to subtract money owed from the value to obtain the fair market value of their community assets. These sections need to be clarified to avoid confusion. Note: FC §299 and FC §2400 specify that “encumbrances” on property should be excluded.</li> <li>• FL-810, page 6, ¶8 and ¶13 and ¶14: We should replace “car” with “vehicle” or “car/truck/motorcycle, etc.”</li> <li>• FL-810, page 6, ¶9: We should eliminate the word “And” at the beginning of the third sentence to avoid starting the sentence</li> </ul>	<p>The term divorce is a common term for ending both a marriage and a domestic partnership.</p> <p>The term divorce is a common term for ending both a marriage and a domestic partnership.</p> <p><i>A Dictionary of Modern Legal Usage</i> (2nd Edition) by Bryan A. Garner notes that it is acceptable to begin a sentence with a conjunction. It shortens the sentences, and thus increases readability.</p> <p>The committee does not read these as contradictory. FL-800 at subsections 9 and 10 asks for the value “not including what we owe on those assets.”</p> <p>Family Code 2400 (a) (7) only refers to automobiles which are commonly known as cars.</p> <p><i>A Dictionary of Modern Legal Usage</i> (2nd Edition) by Bryan A. Garner notes that it is acceptable to begin a sentence with a conjunction.</p>

**SPR11-43**

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			<p>with a conjunction.</p> <ul style="list-style-type: none"> <li>• FL-810, page 6, second ¶ from bottom: We should replace “divorce” with “dissolution” throughout to include domestic partnerships. We should eliminate “But” at the beginning of the second sentence to avoid starting a sentence with a conjunction.</li> <li>• FL-810, page 7, ¶1, last word and FL-810, page 8, ¶1, last word: We should replace “cars” with “cars/trucks/motorcycles, etc.” or “vehicles.”</li> <li>• FL-810, page 9-10, ¶1 and page 11-12, ¶1: We should replace the word “married” with “married or registered domestic partners” to include domestic partnerships.</li> <li>• FL-810, page 9-10, subsection (B): We should replace “cars” with “cars/trucks/motorcycles, etc.” or “vehicles.”</li> <li>• FL-810, page 11-12, paragraph on top of left column: We should replace “car loans” with “vehicle loans” or “car/truck/motorcycle, etc. loans.”</li> <li>• FL-810, page 14, fourth bullet: We should clarify, “The sample below . . . refers to marriage. If you are ending a domestic partnership, you should clarify this in your agreement. If you are ending both a marriage and a . . .”</li> <li>• FL-810, page 15, footnote 4, and FL-810, page 16, footnote 6: We should capitalize “Part II and “Part III.”</li> <li>• FL-810, page 15, Subsection 2: We should eliminate the extra colon at the end of</li> </ul>	<p>It shortens the sentences, and thus increases readability. The term divorce is a common term for ending both a marriage and a domestic partnership.</p> <p>Family Code 2400 (a) (7) only refers to automobiles which are commonly known as cars.</p> <p>Since this is instructional and intended to provide some background to those filling it out, making t his change does not seem appropriate.</p> <p>Family Code 2400 (a) (7) only refers to automobiles.</p> <p>Family Code 2400 (a) (7) only refers to automobiles which are commonly known as cars.</p> <p>Agree to make this change.</p> <p>Agree to make this change.</p> <p>Agree to make this change.</p>

**SPR11-43**

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			<p>the sentence.</p> <ul style="list-style-type: none"> <li>• FL-810, page 17, ¶1: We should place a comma after “If after reviewing the information in this booklet, as it is a dependent clause beginning a sentence. We should eliminate the extra space after “marriage” in the first line.</li> <li>• FL-810, page 17, subsection (4): Replace “divorce” with “dissolution” to include domestic partnerships.</li> <li>• FL-810, page 17, subsection (9): The parentheses and spacing is messy in this clause. We should revise as follows: “Make one extra copy . . . onto it. This is the form . . . process. You may wish to use it . . .”</li> <li>• FL-810, page 17, subsection (10): We should replace “phone book” with “telephone book.”</li> <li>• FL-810, page 18, subsection (11): We should eliminate the comma after “(form FW-001),” as an incomplete sentence follows the conjunction “and” and there are only two items in the series.</li> <li>• FL-810, page 18, subsection (12): We should replace the word “divorce” with “dissolution” to include domestic partnerships in the second and third sentences.</li> <li>• FL-810, page 18, subsection (16): We should replace the word “divorce” with “dissolution” to include domestic partnerships.</li> <li>• FL-810, page 18, last information box on page: We should eliminate the comma after “superior court clerk.”</li> <li>• FL-810, page 19, information box in</li> </ul>	<p>Agree to make these changes.</p> <p>The term divorce is a common term for ending both a marriage and a domestic partnership.</p> <p>Agree to make these changes.</p> <p>“Phone” is easier to read than “telephone” and the meaning is still clear.</p> <p>Agree to make that change.</p> <p>The term divorce is a common term for ending both a marriage and a domestic partnership.</p> <p>The term divorce is a common term for ending both a marriage and a domestic partnership.</p> <p>Agree to make this change</p> <p>The term divorce is a common term for ending</p>

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			<p>borders: We should replace “divorce” with dissolution to include domestic partnerships.</p> <ul style="list-style-type: none"> <li>• FL-810, page 19, “What is the notice of revocation for?”: We should replace “divorce” with dissolution to include domestic partnerships.</li> <li>• FL-810, page 19, “What reasons are there for revoking?” subsection (2)</li> <li>• FL-810, page 19, ¶2 under “How do you do it?”: We should replace “divorce” with dissolution to include domestic partnerships.</li> <li>• FL-810, page 19, “Can the dissolution be stopped once the waiting period is over?”: We should replace “divorce” with dissolution to include domestic partnerships as follows, “NO. After the date . . . (the date the dissolution is effective).</li> <li>• FL-810, page 20, “Must you have a lawyer to use the summary dissolution procedure?”: We should combine the first two full sentences to eliminate starting the second sentence with a “But” conjunction, e. g., “You can do it . . . yourselves, but it would be wise . . .”</li> <li>• FL-810, page 20, “If you want legal advice, does that mean you have to hire a lawyer?”: We should replace “divorce” with dissolution to include domestic partnerships.</li> <li>• FL-810, page 20, “Do you have to accept your lawyer’s advice?”: We should eliminate the “And” beginning the second sentence to avoid starting the sentence with a conjunction.</li> <li>• FL-810, page 20, “Where can you find a</li> </ul>	<p>both a marriage and a domestic partnership.</p> <p>The term divorce is a common term for ending both a marriage and a domestic partnership.</p> <p>The term divorce is a common term for ending both a marriage and a domestic partnership.</p> <p>The term divorce is a common term for ending both a marriage and a domestic partnership.</p> <p>The term divorce is a common term for ending both a marriage and a domestic partnership.</p> <p><i>A Dictionary of Modern Legal Usage</i> (2nd Edition) by Bryan A. Garner notes that it is acceptable to begin a sentence with a conjunction. It shortens the sentences, and thus increases readability.</p> <p>The term divorce is a common term for ending both a marriage and a domestic partnership.</p> <p><i>A Dictionary of Modern Legal Usage</i> (2nd Edition) by Bryan A. Garner notes that it is acceptable to begin a sentence with a conjunction. It shortens the sentences, and thus increases readability</p> <p>Agree to make these changes.</p>



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	Commentator	Position	Comment	Committee Response
			<p>lawyer?": We should eliminate the comma between ". . . list, under . . ." as it is unnecessary and improperly places a comma before a dependent clause at the end of a sentence. We should place a comma after "In many cases, . . ." in the second sentence as it is a dependent clause beginning a sentence.</p> <ul style="list-style-type: none"> <li>• FL-810, page 21, "What about income taxes?": We should replace "divorce" with "dissolution" to include domestic partnerships.</li> <li>• FL-810, page 21, "What about income taxes?": We should replace "divorce" with "dissolution" to include domestic partnerships in the third ¶.</li> <li>• FL-810, page 21, "What about cars?": We should replace "cars" with "vehicles."</li> <li>• FL-810, page 21, "What if your spouse or domestic partners does not pay his or her debts?": We should combine the first two sentences to avoid starting the second sentence with the conjunction "But," as follows: "If your spouse . . . collect it from you, but then a court . . ."</li> <li>• FL-810, page 21, "What if I am not happy with my final judgment?": We should replace "divorce" with "dissolution" to include domestic partnerships throughout the paragraph (3x). We should eliminate the "But" conjunction at the beginning of the second sentence.</li> <li>• FL-820, Caption: We should rephrase "Marriage Of" with "Marriage or Domestic Partnership Of." We should replace "Husband" and "Wife" with "Petitioner 1" and "Petitioner</li> </ul>	<p>The term divorce is a common term for ending both a marriage and a domestic partnership.</p> <p>The term divorce is a common term for ending both a marriage and a domestic partnership.</p> <p>Family Code 2400 (a) (7) only refers to automobiles which are commonly known as cars. <i>A Dictionary of Modern Legal Usage</i> (2nd Edition) by Bryan A. Garner notes that it is acceptable to begin a sentence with a conjunction. It shortens the sentences, and thus increases readability.</p> <p>The term divorce is a common term for ending both a marriage and a domestic partnership.</p> <p>FL-820 will only be used for cases started before January 1, 2011 which were only designed for married persons. Thus, adding domestic partnership is not appropriate.</p>

**SPR11-43**

**Family Law- Summary Dissolution** (adopt form FL-825; revise forms FL-800, FL-810, FL-820, FL-830)

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	Commentator	Position	Comment	Committee Response
			<p>2” or some other nomenclature that includes domestic partnerships. In the next box down in the caption, we should replace with “Request for Judgment, Judgment of Dissolution of Marriage or Domestic Partnership, and Notice of Entry of Judgment.”</p> <ul style="list-style-type: none"> <li>• FL-820, subsection (3): We should replace “marriage” with “marriage or domestic partnership” to include domestic partnerships.</li> <li>• FL-820, signature line: We should replace “Signature of Husband or Wife” with “Signature of Petitioner 1 or Petitioner 2” or some other nomenclature that includes domestic partnerships.</li> <li>• FL-820, subsection (4): We should include domestic partners here either by replacing “husband” and “wife” with “Petitioner 1” and “Petitioner 2” or by adding a box for each domestic partner.</li> <li>• FL-820, subsection (5): We should replace “marriage” with “marriage or domestic partnership” and “unmarried persons” to “unmarried and unpartnered persons” to include domestic partnerships. We should similarly replace “Wife” and “Husband” in subsection (b) and (c) or add boxes for domestic partners and replace nomenclature just above the judge’s signature.</li> <li>• FL-820, page 2, “Notice” box: We should replace “spouse” designations with “spouse or domestic partner” designations throughout this paragraph.</li> <li>• FL-820, page 2, subsection (6): We</li> </ul>	<p>FL-820 will only be used for cases started before January 1, 2011 which were only designed for married persons. Thus, adding domestic partnership is not appropriate.</p> <p>FL-820 will only be used for cases started before January 1, 2011 which were only designed for married persons. Thus, adding domestic partnership is not appropriate.</p> <p>FL-820 will only be used for cases started before January 1, 2011 which were only designed for married persons. Thus, adding domestic partnership is not appropriate.</p> <p>FL-820 will only be used for cases started before January 1, 2011 which were only designed for married persons. Thus, adding domestic partnership is not appropriate.</p> <p>FL-820 will only be used for cases started before January 1, 2011 which were only designed for married persons. Thus, adding domestic partnership is not appropriate.</p> <p>FL-820 will only be used for cases started before January 1, 2011 which were only designed for married persons. Thus, adding domestic partnership is not appropriate.</p>

**SPR11-43****Family Law- Summary Dissolution** (adopt form FL-825; revise forms FL-800, FL-810, FL-820, FL-830)

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	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
			<p>should replace “marriage” with “marriage or domestic partnership” to include domestic partnerships.</p> <ul style="list-style-type: none"> <li>FL-820, page 2, Clerk’s Certificate of Mailing: We should replace “Husband’s” and “Wife’s” Address with nomenclature that includes domestic partnerships.</li> <li>FL-830, “Clerk’s Certificate of Mailing”: We should capitalize “Petitioner 1” and “Petitioner 2” as they are used as proper nouns.</li> </ul>	<p>January 1, 2011 which were only designed for married persons. Thus, adding domestic partnership is not appropriate.</p> <p>FL-820 will only be used for cases started before January 1, 2011 which were only designed for married persons. Thus, adding domestic partnership is not appropriate.</p> <p>Will make that change.</p>
13.	Christine N. Donovan, CFLS Sr. Staff Attorney Superior Court of Solano County	NI	The form lacks a checkbox giving the parties the alternative between the two, which may lead the parties into mistakenly believing attaching the worksheets is the parties’ only option.	Given the parties still need to determine the value of their assets and debts, it seems confusing to suggest that they complete an additional set of forms.
14.	John Zeis Asst. Court Executive Officer Superior Court of Shasta County	AM	<p>On form FL-820 Request for Judgment, Judgment of Dissolution of Marriage, and Notice of Entry of Judgment, item 1; correct the title of the form FL-825 to Judgment of Dissolution and Notice of Entry of Judgment.</p> <p>Sections on form FL-825 Judgment of Dissolution and Notice of Entry of Judgment are not in numerical order – 1,2, then 6.</p>	<p>Will make that change.</p> <p>Will change the numbering of that form.</p>

## SP11-16

**Family Law: Family Law: Domestic Partnerships and Same Sex Marriages** (revise forms FL-800, FL-810) - *Joint Petition for Summary Dissolution of Marriage* (form FL-800), *Summary Dissolution* (form FL-810). These forms were circulated as part of SP11-16 with Forms FL-103, FL123, FL 910 and FL 915. The comments on this chart refer only to the two summary dissolution forms.

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	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
1.	Katheel Crouch, Attorney Law Offices of Mark Pachowicz, Camarillo	A	No narrative comments.	No response required.
2.	John C. Hueston President Orange County Bar Association	A	Agree with proposed changes as to FL-800, FL-810, FL-910 and FL-915	No response required.
3.	Kevin J. Lane Assistant Clerk - Administrator California Court of Appeal, Fourth Appellate District, Div. 1 San Diego	A	I would agree with the changes made to forms FL-800, FL-910 and FL-915.	No response required.
4.	Helen Lynn Safe Child Coalition	NI	*The commentator, a family law litigant, provided information relating to child sexual abuse, parental alienation, child custody laws, and child custody proceedings in family courts. The commentator did not address the forms in the proposals circulating for comment in the special cycle.	The commentator did not indicate a position on the forms included in the invitation to comment.
5.	National Center for Lesbian Rights Catherine Sakimura, Esq. Staff Attorney San Francisco	AM	<b>Potential confusion in questions for non-resident same-sex married spouses.</b> We believe that the checkbox option intended for non-resident same-sex married spouses may be confusing to <i>resident</i> same-sex married spouses, who may be unsure whether this option applies to them. This option appears in FL-103, FL-123, FL-800, and the checklist in Part III of the Summary Dissolution Information publication. We believe that including the phrase “but are not residents of California” may make it more clear immediately that this option	That change has been made.

**SP11-16**

**Family Law: Family Law: Domestic Partnerships and Same Sex Marriages** (revise forms FL-800, FL-810) - *Joint Petition for Summary Dissolution of Marriage* (form FL-800), *Summary Dissolution* (form FL-810). These forms were circulated as part of SP11-16 with Forms FL-103, FL123, FL 910 and FL 915. The comments on this chart refer only to the two summary dissolution forms.

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	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
			<p>only applies to non-residents:            We are the same sex and were married in California, <u>but are not residents of California.</u>            Neither of us lives in a place that will allow us to divorce. We are filing this case in the county in which we married. (underlined text added)</p> <p><b>Information publication.</b>            The highlighted question about residency in the checklist in Part III of the Summary Dissolution Information publication only asks questions about residency for married spouses.</p> <p>The summary dissolution procedures should apply to couples with statuses similar to registered domestic partnerships entered into in other states, such as civil unions, if they meet residency requirements. We believe that a question about their residency should be included in the checklist.</p>	<p>The reference to marriage has been removed and an additional option provided for those parties who registered their domestic partnership in California.</p>
6.	Charles Spiegel, Esq. Attorney at Law San Francisco, CA	NI	I believe that same gender is a preferred term to same sex. People should think about our gender, not our sex(ual acts).	The term “same-sex” is plainer English than “same-gender.”