

## RUPRO ACTION REQUEST FORM

**RUPRO Meeting:** October 1, 2014

RUPRO action requested:  <b>Circulate for comment (Out of cycle)</b>
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<p>Title: Traffic and Criminal Law: Notice to Appear Forms</p>	<p>Rules: 4.103</p> <p>Standards:</p> <p>Forms: TR-INST, TR-115, TR-120, TR-130, TR-135, and TR-145</p>
<p>Committee or other entity submitting the proposal: Traffic Advisory Committee</p>	<p>Staff contact: Mr. Courtney Tucker courtney.tucker@jud.ca.gov 415-865-7611</p>

<p><b>If requesting July 1 or out of cycle, explain:</b> Adoption of the amended rule 4.103; revised forms TR-INST, TR-115, TR-120, and TR-130; and new forms TR-135 and TR-145 is recommended effective April 1, 2015, to give law enforcement agencies sufficient notice and time to implement necessary changes to coincide with implementation of an electronic citation project of the California Highway Patrol.</p>
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<p><b>Additional Information for RUPRO:</b> (To facilitate RUPRO’s review of your proposal, please include any relevant information not contained in the attached summary, including any substantial argument in opposition and any expected individual or organization likely to support or oppose the proposal.)</p> <p>The proposal has been designed to support implementation of the electronic citation pilot project of the California Highway Patrol and also allow other issuing law enforcement agencies to use electronic citation programs with an approved format that is similar to forms in current use.</p>
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# Judicial Council of California

455 Golden Gate Avenue · San Francisco, California 94102-3688  
[www.courts.ca.gov/policyadmin-invitationstocomment.htm](http://www.courts.ca.gov/policyadmin-invitationstocomment.htm)

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## INVITATION TO COMMENT

**W14-10**

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Title	Action Requested
Traffic and Criminal Law: Notice to Appear Forms	Review and submit comments by December 1, 2014
Proposed Rules, Forms, Standards, or Statutes	Proposed Effective Date
Amend Cal. Rules of Court, rule 4.103; revise forms TR-INST, TR-115, TR-120, TR-130; adopt forms TR-135 and TR-145	April 1, 2015
Proposed by	Contact
Traffic Advisory Committee	Mr. Courtney Tucker
Hon. Mark S. Borrell, Chair	courtney.tucker@jud.ca.gov 415-865-7611

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### Executive Summary and Origin

Vehicle Code section 40500(b) authorizes the Judicial Council to prescribe the form of a Notice to Appear that is issued when a person is arrested for misdemeanor or infraction violations of the Vehicle Code. Penal Code section 853.9 further authorizes the council to approve Notice to Appear forms for nontraffic offenses. Penal Code section 959.1(d) permits a Notice to Appear issued on a form approved by the Judicial Council to be received and filed by a court in electronic form. In response to issues courts have reported with electronic citation forms and procedures and to improve uniformity of the content of Notice to Appear forms used for electronic citations issued by arresting officers, the Traffic Advisory Committee recommends amendment of California Rules of Court, rule 4.103, Notice to Appear Forms; revision of forms TR-INST, *Notice to Appear and Related Forms*; TR-115, *Automated Traffic Enforcement System Notice to Appear*; TR-120, *Nontraffic Notice to Appear*; TR-130, *Traffic/Nontraffic Notice to Appear*; and adoption of forms TR-135, *Electronic Traffic/Nontraffic Notice to Appear (4-inch format)* and TR-145, *Electronic Traffic/Nontraffic Notice to Appear (3-inch format)*; effective April 1, 2015.

### Background

When a Notice to Appear issued on a Judicial Council form is verified by the issuing officer, it constitutes a complaint in a criminal case. (Pen. Code, § 853.9, and Veh. Code, § 40513(b).) In addition, “a notice to appear issued on a form approved by the Judicial Council may be received and filed by a court in electronic form.” (Pen. Code, § 959.1(d).) Until 2004, the Judicial Council required under Vehicle Code section 40500 that every law enforcement agency submit its Notice

*The proposals have not been approved by the Judicial Council and are not intended to represent the views of the council, its Rules and Projects Committee, or its Policy Coordination and Liaison Committee. These proposals are circulated for comment purposes only.*

to Appear citation form for traffic offenses to the council for individual review and approval. In 2005 the council adopted California Rules of Court, rule 4.103, which provides that Notices to Appear that use the approved council forms and comply with the council's form instructions in TR-INST, *Notice to Appear and Related Forms* (Instructions), are on a form approved by the Judicial Council. At present, form TR-130, *Traffic-Nontraffic Notice to Appear*, is used for issuing both electronic and preprinted handwritten citations. The California Highway Patrol (CHP) has an ongoing pilot program to issue and file electronic Notice to Appear citations. Other law enforcement agencies in various counties are currently filing Notice to Appear citations with courts electronically. The committee's proposal is designed to facilitate implementation of the CHP program for electronic citations and improve and clarify requirements for other issuing agencies.

### **The Proposal**

Under rule 4.103 of the California Rules of Court, Notice to Appear citations that use the approved council Notice to Appear forms and comply with the council's Instructions are issued on a form approved by the Judicial Council. The Traffic Advisory Committee proposes changes to improve the requirements for the Notice to Appear form used by law enforcement agencies to issue electronic citations when making arrests for infraction and misdemeanor violations. The complete proposal would (1) amend California Rules of Court, rule 4.103 (Attachment A) to require that law enforcement agencies that issue electronic Notice to Appear citations submit a copy of the agency's form to the Judicial Council annually; (2) clarify and revise the Instructions (Attachment B); (3) revise forms TR-115, *Automated Traffic Enforcement System Notice to Appear*; TR-120, *Nontraffic Notice to Appear*; and TR-130, *Traffic/Nontraffic Notice to Appear*; and (4) create new forms TR-135, *Electronic Traffic/Nontraffic Notice to Appear (4-inch format)* and TR-145, *Electronic Traffic/Nontraffic Notice to Appear (3-inch format)*, for issuing electronic Notice to Appear citations when making arrests.

The committee recommends the proposal in response to requests by courts to reduce the administrative impact and the expense of processing traffic citations by facilitating electronic filing and to address concerns of the public about the validity of electronic citation forms. The 2014 annual agenda of the Traffic Advisory Committee classified the revision of electronic citation requirements as urgently needed to remedy a problem that is causing significant cost or inconvenience to the courts or the public. The proposal is designed to benefit the judicial branch and justice partners by improving the requirements and procedures for issuing and filing electronic citations as an alternative to handwritten citations that require extensive processing and data entry by both courts and law enforcement agencies. Clarification of the requirements would also provide defendants with reassurance of the validity of the citations as complaints and avoid unwarranted challenges for statutory deficiencies. In addition, amendment of rule 4.103 to require annual submission of electronic citation forms by issuing agencies would provide the council with continuing information about compliance with requirements and identify issues where further action may be needed.

Amendment of rule 4.103; revision of the Instructions and forms TR-115, TR-120, and TR-130; and adoption of forms TR-135 and TR-145 would improve compliance with statutory requirements, provide the courts with the necessary information for processing citations in a more cost-effective manner, and reduce issuance and challenge of unapproved Notice to Appear forms.

**Amendment of rule 4.103** The committee recommends amendment of rule 4.103 to provide the Judicial Council with an annual sample copy of electronic citation forms issued by agencies for arrests in traffic and nontraffic criminal cases. The requirement to provide the council with a copy of the forms may improve the compliance with related statutes and the council requirements in the Instructions and identify issues where further improvement is needed. Improvement in compliance with the requirements may reduce the expense and administrative burden of cases where citations are challenged and result in decreased workload for judicial officers and court staff in processing contested cases.

**Revision of form TR-INST** The Instructions would be revised to include the following changes to improve uniformity of content and format and satisfy legal requirements for Notice to Appear forms used to issue and file Notice to Appear citations:

- Revision of section 1.030 to provide for a continuation page for electronic citations where there are many violations or multiple vehicles would avoid unnecessary printing of duplicate instructions that are part of the existing continuation forms, TR-106, *Continuation of Notice to Appear*, and TR-108, *Continuation of Citation*.
- Revision of section 1.040 to specify use of form TR-135 or TR-145 for issuing and filing electronic citations and to provide for different requirements for electronic and preprinted citations would help identify the circumstances where the requirements for electronic citations differ from those for preprinted handwritten citations.
- Revision of section 2.010 to specify use of form TR-135 or TR-145 for issuing electronic citations at the time of arrest would clarify and improve the requirements for electronic citations.
- Revision of section 3.010 to require implementation by April 1, 2015, of form TR-135 or TR-145 by law enforcement agencies that choose to file citations electronically would provide time for issuing agencies to implement the changes for electronic citations.
- Revision of section 4.010 to specify that the defendant's copy of the citation must include the defendant's signature for the promise to appear would improve compliance with statutory provisions.
- Revision of section 4.020 to specify the "trim" size of Notice to Appear forms would prevent use of a form that is too narrow to allow printing of the form with the approved format and required minimum font size.
- Revision of section 4.050(b) to specify that text on citation form TR-135 or TR-145 must have a minimum font size of 6.0 would avoid use of citations with print that is too small to be legible.

- Revision of section 6.00 to provide that citations issued on form TR-135 or TR-145 may abbreviate terms would facilitate printing of citations when issued. Removal of the provision for minor alterations of formatting for electronic citations would improve standardization of the form and reduce the occurrence of unapproved changes to the form.
- Revision of section 6.030 to specify that the approved barcode data format is USS Code 39 would assist issuing agencies in complying with the standard.
- Revision of section 6.120 to require the vehicle description to include the model and color of the vehicle would help identify vehicles on citations.
- Revision of section 6.140 to permit listing of a company as the registered owner of a vehicle would provide appropriate flexibility in completing citations.
- Revision of section 6.160 to specify that Notice to Appear citations require an issuing officer to indicate whether a violation is eligible for correction by checking a “Yes” or “No” checkbox for eligible offenses would provide clarity about whether an officer has made the determination required by Vehicle Code section 40522.
- Revision of section 6.170 to add forms TR-135 and TR-145 to the forms that have a “Booking Required” checkbox would comply with Penal Code section 853.6.
- Revision of section 6.180 to add specific data fields on forms TR-135 and TR-145 for construction and safety enhancement zone violations and overweight violations would assist courts in imposing the proper penalties for the specific offenses.
- Revision of section 6.210 to add a reference to collision investigation as an example of citations for which the officer executes a declaration on information and belief would assist proper completion of citations.
- Revision of section 6.220 to specify the location for the declaration date that is required by Code of Civil Procedure section 2015.5 for the arresting or citing officer’s declaration to be verified and for the citation to serve as a complaint would improve compliance with statutory requirements.
- Revision of section 6.240 to provide that the signature on the defendant’s copy must be identical to the signature on the copy filed with the court would satisfy the requirement of Vehicle Code section 40505 that the citation issued to the defendant include all information on the copy filed with the court.
- Revision of section 6.280 to remove the exception to have the form approval legend at the top of the form instead of the bottom would improve statewide uniformity and reduce ambiguity about whether a citation is issued on an approved form.
- Revision of section 7.030 to allow adding a thumbprint to a shaded area of form TR-135 or TR-145 would allow issuing agencies flexibility to determine a suitable location on the front of the form.

**Revision of forms TR-115, TR-120, and TR-130** As discussed above, the committee recommends revision of forms TR-115, TR-120, and TR-130 to further clarify and standardize the requirements that apply for Notice to Appear citations to be filed and serve as a verified complaint in criminal cases. Adoption of the revised forms and instructions would provide clear and understandable provisions that can be followed to facilitate use of Notice to Appear citations

and allow courts and issuing agencies to improve standardization for processing handwritten citations. The specific details for forms TR-115, TR-120, and TR-130 are discussed above in the changes to form TR-INST. The primary clarifications for citation requirements are that (1) the defendant's copy must include a signature for the promise to appear that is identical to the signature on the copy filed with the court, (2) the issuing officer must indicate whether an offense is eligible for correction by specifying "Yes" for an offense that is correctable or "No" for an offense that is ineligible for correction, (3) the arresting or citing officer's declaration must include a declaration date where specified for the citation to serve as a verified complaint, and (4) an optional field would be replaced with a required field on the form instructions for a local website address for citation information.

**Adoption of forms TR-135 and TR-145** As also discussed above, the committee recommends adoption of forms TR-135 and TR-145 to clarify and standardize the requirements that apply for electronic citations to be filed and serve as a verified complaint in criminal cases. Adoption of the new forms and instructions would provide clear and understandable provisions that can be followed to facilitate use of electronic citations and allow courts and issuing agencies to realize cost savings from reduction in administrative expenses for processing handwritten citations. The specific details for forms TR-135 and TR-145 are discussed above in the changes to form TR-INST. The primary clarifications for electronic citation requirements are that (1) the defendant's copy must include a signature for the promise to appear that is identical to the signature on the copy filed with the court, (2) the issuing officer must indicate whether an offense is eligible for correction by specifying "Yes" for an offense that is correctable or "No" for an offense that is ineligible for correction, (3) the officer's declaration must include a declaration date where specified for the citation to serve as a verified complaint, and (4) the forms have a different width and formatting to facilitate use with a variety of existing citation software programs and hardware.

### **Alternatives Considered**

The committee considered clarifying the form requirements in TR-INST while continuing the current practice of using form TR-130, *Traffic/Nontraffic Notice to Appear*, for both electronic and preprinted handwritten citations. This approach was not favored. The committee decided instead to propose a new form with specific requirements, tailored to the unique aspects of electronic citations, that could be distinguished from those that are better suited to preprinted citations. Use of a new form that is consistent with the CHP pilot program and statutory requirements would allow other agencies to implement future electronic citation systems in a more uniform, understandable, and well-establish manner.

The committee also considered reinstatement of the prior council requirement for agencies to submit citation forms for individual review and approval by the council. This approach was not favored because of the administrative burden, staffing, and cost that would be necessary for implementation of this reinstatement. The committee considered that the proposed requirement to provide the council with an annual copy of the citation form would be easily satisfied with negligible expense and provide continuing information to the council for future improvements.

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

This proposal is expected to result in long-term cost savings and time savings for courts and issuing agencies, because costs of processing handwritten citations will be reduced or eliminated. Implementation of the proposal would facilitate efforts of courts to expand electronic filing of citations and result in reduced court costs for labor related to processing and data input for handwritten citations. Law enforcement agencies with existing electronic citation programs may have programming costs to implement the changes that are proposed to comply with existing law.

### **Request for Comments**

In addition to comments on the proposal as a whole, the advisory committee is interested in comments on the following:

- Does the proposal appropriately address the stated purpose?
- Is it necessary to include the location for where the officer's declaration is executed when it expressly declares under penalty of perjury under the laws of the State of California the foregoing is true and correct.

The advisory committee also seeks comments from *courts* on the following cost and implementation matters:

- Will the proposal provide cost savings? If so, please quantify.
- What are the implementation requirements for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems.
- Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?
- How well would this proposal work in courts of different sizes?

## **Attachments and Links**

Attachment A: Proposed amended California Rules of Court, rule 4.103

Attachment B: Proposed revised form TR-INST, *Notice to Appear and Related Forms*

Attachment C: Proposed revised form TR-115, *Automated Traffic Enforcement System Notice to Appear*

Attachment D: Proposed revised form TR-120, *Nontraffic Notice to Appear*

Attachment E: Proposed revised form TR-130, *Traffic/Nontraffic Notice to Appear*

Attachment F: Proposed form TR-135, *Electronic Traffic/Nontraffic Notice to Appear (4-Inch format)*

Attachment G: Proposed form TR-145, *Electronic Traffic/Nontraffic Notice to Appear (3-Inch format)*



Rule 4.103 of the California Rules of Court would be amended, effective April 1, 2015, to read:

**Rule 4.103. Notice to appear forms**

**(a) Traffic offenses**

A [printed or electronic](#) notice to appear that is issued for any violation of the Vehicle Code other than a felony or for a violation of an ordinance of a city or county relating to traffic offenses must be prepared and filed with the court on *Automated Traffic Enforcement System Notice to Appear* (form TR-115), ~~or~~ *Traffic/Nontraffic Notice to Appear* (form TR-130), [Electronic Traffic/Nontraffic Notice to Appear \(4-inch format\) \(form TR-135\)](#), or [Electronic Traffic/Nontraffic Notice to Appear \(3-inch format\) \(form TR-145\)](#), and must comply with the requirements in the current version of the Judicial Council's instructions, *Notice to Appear and Related Forms* (form TR-INST).

**(b) Nontraffic offenses**

A notice to appear issued for a nontraffic infraction or misdemeanor offense that is prepared on *Nontraffic Notice to Appear* (form TR-120), ~~or~~ *Traffic/Nontraffic Notice to Appear* (form TR-130), [Electronic Traffic/Nontraffic Notice to Appear \(4-inch format\)\(form TR-135\)](#), or [Electronic Traffic/Nontraffic Notice to Appear \(3-inch format\) \(form TR-145\)](#), and that complies with the requirements in the current version of the Judicial Council's instructions, *Notice to Appear and Related Forms* (form TR-INST), may be filed with the court and serve as a complaint as provided in Penal Code section 853.9.

**(c) Corrections**

Corrections to citations previously issued on *Continuation of Notice to Appear* (form TR-106), *Continuation of Citation* (form TR-108), *Automated Traffic Enforcement System Notice to Appear* (form TR-115), *Nontraffic Notice to Appear* (form TR-120), ~~or~~ *Traffic/Nontraffic Notice to Appear* (form TR-130), [Electronic Traffic/Nontraffic Notice to Appear \(4-inch format\) \(form TR-135\)](#), or [Electronic Traffic/Nontraffic Notice to Appear \(3-inch format\) \(form TR-145\)](#) must be made on a *Notice of Correction and Proof of Service* (form TR-100).

**(d) Electronic citation forms**

[A law enforcement agency that uses an electronic citation device to issue notice to appear citations on the Judicial Council's \*Electronic Traffic/Nontraffic Notice to Appear \(4-inch format\) \(form TR-135\)\* or \*Electronic Traffic/Nontraffic Notice to Appear \(3-inch format\) \(form TR-145\)\* must annually submit to the Judicial Council an exact printed copy of the agency's citation form that complies with the requirements in the current version of the Judicial Council's instructions, \*Notice to Appear and Related Forms\* \(form TR-INST\).](#)

**TR-INST, NOTICE TO APPEAR AND RELATED FORMS**

Revised Effective ~~February 26, 2013~~ April 1, 2015



**JUDICIAL COUNCIL OF CALIFORNIA**

**Administrative Office of the Courts**  
455 Golden Gate Avenue  
San Francisco, California 94102-3688

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## ACKNOWLEDGMENTS

The ~~Administrative Office of the Courts~~ [Judicial Council](#) gratefully acknowledges the contributions and cooperation of those representatives from the judicial community, law enforcement agencies, and special interest groups who made this manual possible.

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## TABLE OF CONTENTS

<b>CHAPTER 1 PURPOSE OF FORMS .....</b>	<b>1</b>
1.000. DEFINITIONS.....	1
1.010. IN GENERAL .....	1
1.020. NOTICE TO APPEAR .....	1
1.030. CONTINUATION FORM .....	1
1.040. ELECTRONIC NOTICE TO APPEAR .....	2
1.050. NOTICE OF CORRECTION AND PROOF OF SERVICE.....	2
<b>CHAPTER 2 AUTHORITY TO PRESCRIBE FORMAT .....</b>	<b>2</b>
2.010. JUDICIAL COUNCIL .....	2
<b>CHAPTER 3 REVISION DATE .....</b>	<b>3</b>
3.010. JUDICIAL COUNCIL .....	3
<b>CHAPTER 4 FORM SPECIFICATIONS.....</b>	<b>3</b>
4.010. REQUIRED COPIES .....	3
4.020. SIZE AND COLOR .....	4
4.030. PAPER STOCK .....	4
4.040. SERIAL NUMBERS.....	4
4.050. PRINTING FORMAT .....	4
4.060. PRINTING EXPENSES.....	5
<b>CHAPTER 5 VARIATIONS OF MANDATORY LANGUAGE/DATA FIELDS .....</b>	<b>5</b>
5.000. IN GENERAL .....	5
5.010. PERMITTED VARIATIONS .....	5
<b>CHAPTER 6 MANDATORY LANGUAGE/DATA FIELDS .....</b>	<b>5</b>
6.000. IN GENERAL .....	5
6.010. AGENCY NAME .....	6
6.020. TITLE OF FORM.....	6
6.030. SERIAL NUMBER .....	6
6.040. MISDEMEANOR CHECK BOX.....	7
6.050. DATE AND TIME .....	7
6.060. DEFENDANT’S NAME.....	7
6.070. DEFENDANT’S ADDRESS .....	7
6.071. DEFENDANT’S CLASS AND CATEGORY OF DRIVER’S LICENSE .....	7
6.080. DEFENDANT’S AGE AND BIRTH DATE .....	7
6.090. DEFENDANT’S PHYSICAL DESCRIPTION.....	8
6.100. COMMERCIAL VEHICLE .....	8
6.110. HAZARDOUS MATERIAL .....	8
6.120. VEHICLE DESCRIPTION .....	8
6.130. FINANCIAL RESPONSIBILITY.....	8
6.140. NAME OF REGISTERED OWNER/LESSEE.....	8
6.150. ADDRESS OF THE REGISTERED OWNER/LESSEE.....	8
6.160. CORRECTABLE VIOLATION ADVISEMENT AND CHECK BOXES .....	9
6.170. BOOKING REQUIRED .....	9
6.180. VIOLATIONS .....	9
6.190. SPEED.....	9
6.200. LOCATION OF VIOLATION.....	10
6.210. OFFICER’S DECLARATION ON INFORMATION AND BELIEF .....	10
6.220. OFFICER’S DECLARATION UNDER PENALTY OF PERJURY .....	10

---

6.230. OTHER OFFICER .....	10
6.231. DECLARANT-AUTOMATED TRAFFIC ENFORCEMENT SYSTEM CITATIONS .....	10
6.240. DEFENDANT’S SIGNATURE .....	10
6.250. TIME TO APPEAR .....	11
6.260. PLACE TO APPEAR .....	11
6.270. NIGHT COURT .....	11
6.280. LEGEND.....	11
<b>CHAPTER 7 DISCRETIONARY LANGUAGE/DATA FIELDS .....</b>	<b>12</b>
7.000. IN GENERAL .....	12
7.010. BAIL STATEMENT .....	12
7.020. DEFENDANT’S RACE/ETHNICITY .....	12
7.030. DEFENDANT’S THUMBPRINT .....	12
<b>CHAPTER 8 PROHIBITED LANGUAGE/DATA FIELDS.....</b>	<b>13</b>
8.010. DEFENDANT’S SOCIAL SECURITY NUMBER .....	13
<b>APPENDIXES OF COUNCIL FORMS</b>	
Appendix A <i>Notice of Correction and Proof of Service</i> , Form TR-100.....	A
Appendix B <i>Continuation of Notice to Appear</i> , Form TR-106.....	B
Appendix C <i>Continuation of Citation</i> , Form TR-108.....	C
Appendix D <i>Automated Traffic Enforcement System Notice to Appear</i> , Form TR-115.....	D
Appendix E <i>Nontraffic Notice to Appear</i> , Form TR-120.....	E
Appendix F <i>Traffic/Nontraffic Notice to Appear</i> , Form TR-130 .....	F
<a href="#"><u>Appendix G <i>Electronic Traffic/Nontraffic Notice to Appear (4-inch format)</i>, Form TR-135 .....</u></a>	<a href="#"><u>G</u></a>
<a href="#"><u>Appendix H <i>Electronic Traffic/Nontraffic Notice to Appear (3-inch format)</i>, Form TR-145 .....</u></a>	<a href="#"><u>H</u></a>

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## Chapter 1 PURPOSE OF FORMS

### **1.000. Definitions**

For the purposes of these instructions the following words are synonymous: (a) Notice to Appear, citation; (b) violation, offense, allegation, charges; (c) defendant, violator, person, individual, citee, driver; (d) court, court of jurisdiction; (e) officer, arresting officer, citing officer, issuing officer.

### **1.010. In General**

Notice to Appear forms are designed to meet statutory requirements and, to the extent possible, address the procedural requirements of local courts and law enforcement agencies. Notices to Appear should provide the defendant with pertinent information regarding the charges and what steps the defendant must take to answer the allegations.

The uniform language and data fields assist law enforcement and the courts in the timely and accurate processing of the citation information. The design also ensures statewide conformity of advisements important to the defendant and that those advisements are clear and explicit.

### **1.020. Notice to Appear**

- a) Whenever a person is arrested for any violation declared to be an infraction or misdemeanor, or for a violation of any city or county ordinance, and the person is not immediately taken before a magistrate, the arresting officer must prepare a Notice to Appear form.<sup>1</sup>
- b) When the Notice to Appear is prepared on a form approved by the Judicial Council it constitutes a complaint to which the defendant may enter a plea.<sup>2</sup>

### **1.030. Continuation Form**

- a) The *Continuation of Notice to Appear* or *Continuation of Citation* form must be used when multiple offenses are charged and the Notice to Appear form does not provide sufficient space for the listing of all the charges. A *Continuation of Citation* is a multipurpose form intended for use with either a Notice to Appear form or a Notice to Correct Violation form.
- b) A second Notice to Appear must not be issued in lieu of a continuation form.
- c) The Notice to Appear and the corresponding continuation form must be treated as one law enforcement document and contain the same citation number.
- d) [Form TR-135, \*Electronic Traffic/Nontraffic Notice to Appear \(4-inch format\)\*, may, when necessary, include a short-version continuation page to allow for citing multiple offenses or offenses that involve multiple vehicles.](#)

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<sup>1</sup>Per Veh. Code, § 40500(a) and Pen. Code, § 853.6.

<sup>2</sup>Per Veh. Code, § 40513(b) and Pen. Code, § 853.9.

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### **1.040. Electronic Notice to Appear**

- a) The electronic Notice to Appear [issued on either form TR-135, \*Electronic Traffic/Nontraffic Notice to Appear \(4-inch format\)\* or form TR-145, \*Electronic Traffic/Nontraffic Notice to Appear \(3-inch format\)\*](#), eliminates those citation-processing problems caused by the illegibility of handwritten information. The use of an electronic Notice to Appear also reduces the amount of information that must be entered into law enforcement and court computer systems.
- b) A court is authorized to receive and file a Notice to Appear in an electronic form if all of the following conditions are met:<sup>3</sup>
  - 1) The information is on a form approved by the Judicial Council.
  - 2) The Notice to Appear is transmitted to the court by a law enforcement agency.
  - 3) The court has the facility to electronically store the information for the statutory period of record retention.
  - 4) The court has the ability to reproduce the Notice to Appear in physical form upon the demand and payment of the reproduction costs.
- c) [Requirements for citations issued by an electronic citation device on form TR-135 or form TR-145 that differ from those for preprinted citations are specified below where necessary.](#)

### **1.050. Notice of Correction and Proof of Service**

Form TR-100, *Notice of Correction and Proof of Service*, must be used for any corrections to the original Notice to Appear citation.<sup>4</sup> (See Appendix A.)

## **Chapter 2 AUTHORITY TO PRESCRIBE FORMAT**

### **2.010. Judicial Council**

- a) The Judicial Council has adopted [three five](#) forms for the Notice to Appear:
  - 1) Form TR-115, *Automated Traffic Enforcement System Notice to Appear*,<sup>5</sup> to be used in conjunction with violations of sections 22451, 21453, and 22101 recorded by an automated traffic enforcement system. (See Appendix D.)
  - 2) Form TR-120, *Nontraffic Notice to Appear*,<sup>6</sup> to be used for violations other than traffic offenses. (See Appendix E.)

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<sup>3</sup>Per Pen. Code, § 959.1.

<sup>4</sup>Per Veh. Code, § 40505.

<sup>5</sup>Per Veh. Code, § 40518.

<sup>6</sup>Per Pen. Code, § 853.9.

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- 3) Form TR-130, *Traffic/Nontraffic Notice to Appear*,<sup>7</sup> to be used for both infraction and misdemeanor offenses. (See Appendix F.) ~~The electronic Notice to Appear<sup>8</sup> emulates the format of the Traffic/Nontraffic Notice to Appear. A computer generated paper citation is issued to the defendant at the time of arrest.~~
  - 4) Forms TR-135 and TR-145<sup>8</sup> to be used for both infraction and misdemeanor offenses. (See Appendix G and Appendix H.) A computer-generated paper citation is issued to the defendant at the time of arrest and a copy is filed with the court either electronically when permitted or as a paper copy.
- b) Form TR-106, *Continuation of Notice to Appear*, and form TR-108, *Continuation of Citation*, are intended for use in conjunction with *Nontraffic* and *Traffic/Nontraffic Notice to Appear* forms. (See Appendix B.)
  - c) The Judicial Council has not adopted a form for, nor established guidelines governing, the following: (1) parking citations, (2) arrest/booking reports, and (3) court bail courtesy notices.

## Chapter 3 REVISION DATES

### 3.010. Judicial Council

- a) Periodically, the Judicial Council will adopt revisions of Notice to Appear forms. **Law enforcement must use the revised Notice to Appear form by the effective date of the revised form adopted by the Judicial Council.** (See section 6.030 for exception.) Depending on changes in statutory requirements, effective dates are established to allow law enforcement as much time as possible to deplete any existing supplies of the old form, print and disseminate new forms, and, if necessary, develop new procedures and train personnel regarding the revisions.
- b) The council adopted forms TR-135 and TR-145, effective April 1, 2015. The council adopted revised forms TR-115, ~~effective January 1, 2014.~~ The council adopted revised forms TR-120, and TR-130, effective September 20, 2005 April 1, 2015. The council adopted forms TR-100, TR-106, and TR-108 with an effective date of January 1, 2004.

## Chapter 4 FORM SPECIFICATIONS

### 4.010. Required Copies

The arresting officer must prepare the Notice to Appear form, at a minimum, in triplicate with a copy delivered to the court and the issuing agency for Vehicle Code violations<sup>9</sup> and in duplicate for all other violations.<sup>10</sup> The copy of the citation issued to the arrested

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<sup>7</sup>Per Veh. Code, §§ 40500(b), 40513(b), 40522, and Pen. Code, § 853.9.

<sup>8</sup>~~Per Pen. Code, § 959.1.~~

<sup>8</sup>Per Pen. Code, § 959.1.

<sup>9</sup>Per Veh. Code, § 40500(a) and Veh. Code, § 40506.

<sup>10</sup>Per Pen. Code, § 853.6.



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[person must include all of the information on the copy of the citation filed with the court, including any signature for the defendant's promise to appear.](#)<sup>11</sup> Before printing Notice to Appear forms [TR-100, TR-106, TR-108, TR-115, TR-120, or TR-130](#), law enforcement agencies should contact their local court to determine if there are any local requirements for the court's case management system.

#### **4.020. Size and Color**

**The size and color of Notice to Appear copies [for forms TR-106, TR-108, TR-120, and TR-130](#) should conform with the requirements of the courts in which they are filed.** The Judicial Council recommends the following minimum size and other form specifications:

- a) A "trim" size of 4 1/4 inches wide and 7 1/2 inches long; 5/8-inch tabs on the top or bottom of the form.
- b) Original (Court's copy) white, 15-pound paper stock. Print head-to-head.
- c) Duplicate (Police agency's copy) pink, 15-pound paper stock. No printing on reverse.
- d) Triplicate (Officer's copy) green, 15-pound paper stock. Print reverse head-to-head.
- e) Quadruplicate (Defendant's copy) yellow, 20-pound paper stock. Print reverse head-to-head.
- f) The colors of the "Court's copy" and "Police agency's copy" correspond with rule 1:3-1 of the "Model Rules Governing Procedure in Traffic Cases" adopted by the National Conference of Commissioners on Uniform State Laws.

[Form TR-135 has a "trim" size of 4 inches wide, and form TR-145 has a "trim" size of 3 inches wide.](#)

#### **4.030. Paper Stock**

Paper stock for hand-written citations must be pressure sensitive and have a shelf life of at least five years. The citation text must be reproducible on photocopy equipment.

#### **4.040. Serial Numbers**

- a) The serial numbers of the form sets must be sequential. There must be no "duplication" of numbers between form sets.
- b) The format of the serial numbers is at the discretion of local law enforcement with the approval of the court.

#### **4.050. Printing Format**

- a) A vertical format is required, except for the Proof of Service on form TR-100, which is printed horizontally to facilitate mailing.

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<sup>11</sup>[Per Veh. Code, § 40505.](#)

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- b) All text on the forms must be printed in black ink. All text on citation forms TR-115, TR-120, ~~and~~ TR-130, [TR-135](#), and [TR-145](#) must have a minimum font size of 6.0. Serial numbers may be printed in red ink. The box for the defendant’s signature may be printed in red ink.

#### **4.060. Printing Expenses**

The printing of the forms and the associated costs are not the responsibility of the Judicial Council; printing is to be arranged in accordance with local custom.

## **Chapter 5 VARIATIONS OF MANDATORY LANGUAGE/DATA FIELDS**

### **5.000. In General**

Mandatory language and data fields are indicated on examples of Judicial Council–adopted forms by unshaded areas; see section 5.010 for exceptions.

### **5.010. Permitted Variations**

- a) To meet the unique customs and/or needs of local law enforcement agencies and courts, the Judicial Council form permits limited variations in the “time,” “place,” and “proof of correction certification” data fields, among others. To indicate that variations may be permitted, these data fields are identified by shaded areas. Shading should not appear on printed forms.
- b) The California Highway Patrol is permitted to alter the format and location of the fields for the name of the court, court address, and phone number and to add a field for the location of a CHP Inspection Facility on the face of a form TR-130, *Traffic/Nontraffic Notice to Appear* for their form CHP-215X.
- c) Formatting for the bracketed information that is required in the “Where” field on notice to appear forms may be modified to include information for multiple court locations.

## **Chapter 6 MANDATORY LANGUAGE/DATA FIELDS**

### **6.000. In General**

The mandatory language and data fields vary between the various Notice to Appear forms depending on the purpose of the form. All language and data fields in unshaded areas on the forms are mandatory, even if not discussed below. Mandatory text or data fields of the forms may not be re-worded or omitted, except for references to statutory authorities, which may be abbreviated differently. Electronic Notice to Appear [citations issued on forms \[TR-135\]\(#\) and \[TR-145\]\(#\)](#) may abbreviate terms ~~and have minor alterations to formatting~~ to facilitate printing of forms.

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Law enforcement agencies should be aware that if a written Notice to Appear is not prepared on an approved council form, a court may conclude that it does not constitute a complaint to which a defendant may enter a plea. (Veh. Code, § 40513(b).) If a defendant pleads other than “guilty” or “nolo contendere” and the court concludes that the Notice to Appear is defective, it could be necessary to re-file the charges by a formal complaint. (Veh. Code, § 40513(a).)

### **6.010. Agency Name**

The name of the citing agency and jurisdiction must appear near the top of the form.

### **6.020. Title of Form**

The title of the form must be printed near the top of the form.

### **6.030. Serial Number**

- a) A sequential serial number for each multipart set of Notice to Appear forms must appear horizontally near the top right corner of each form.
- b) To facilitate the filing systems of some courts, statewide law enforcement agencies must also print the serial number in the lower right margin of the court’s copy. Statewide law enforcement agencies must comply with this requirement as specified in section 3.010. Local law enforcement agencies must comply with the requirement for the duplication of the serial number in the right margin within one calendar year of a request from a local court.
- c) The serial number may be preprinted on the Notice to Appear.
- d) The serial number on ~~the~~ continuation form [TR-106 or TR-108](#) must be the same as that on the corresponding Notice to Appear; the duplication of the serial number in the right margin is not required.
- e) Bar coding of the serial number permits those courts with bar code readers to improve the timeliness and accuracy of processing Notice to Appear forms. Within the following parameters, the bar coding of the serial number must be placed on the face of the court’s copy of the Notice to Appear form:
  1. The bar code must appear as near as practical to the bottom of the form [and is the USS Code 39 barcode data format](#).
  2. The bar code should have a 1/4-inch area (quiet zone) that is clear and free of all printing preceding the start character and the following stop character.
  3. Statewide law enforcement agencies must comply with the bar code requirement as specified in section 3.010.
  4. Local law enforcement agencies must comply with the bar code requirement within one calendar year of a request from a local court.

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#### **6.040. Misdemeanor Check Box**

To facilitate processing, the citing officer must check the misdemeanor box at the top of the Notice to Appear if one of the offenses charged is a misdemeanor. The misdemeanor check box does not appear on the automated traffic enforcement system notice [form TR-115](#).

#### **6.050. Date and Time**

- a) The date and time of the issuance of the Notice to Appear must be indicated near the top of the form.
- b) The “Date of Violation” data field must be: Mo./Day/Yr.
- c) A check box “A.M./P.M.” format is provided as an optional field to indicate the time. Indicating the time in the form of “A.M./P.M.” is more easily understood by most defendants than the use of the 24 hour clock (military time).

#### **6.060. Defendant’s Name**

- a) The defendant’s name is required on the Notice to Appear.<sup>12</sup>
- b) The sequence of the defendant’s name must be First/Middle/Last. This sequence corresponds with the California Driver License/Identification Card.

#### **6.070. Defendant’s Address**

- a) The defendant’s address must be indicated on the Notice to Appear.<sup>13</sup>
- b) The address must be the defendant’s mailing address. The mailing address allows the court to mail a courtesy notice and/or other correspondence to the defendant.
- c) A street address may also be indicated in addition to the mailing address.

#### **6.071. Defendant’s Class and Category of Driver’s License**

- a) The defendant’s class of driver’s license may be specified on the Notice to Appear.
- b) Notice to Appear forms TR-115 ~~and~~, TR-130, [TR-135](#), and [TR-145](#) must specify whether the defendant’s driver’s license is a commercial driver’s license.

#### **6.080. Defendant’s Age and Birth Date**

- a) The defendant’s age and birth date is required on the Notice to Appear. The sequence of the birth date must be: Mo./Day/Yr.
- b) The birth date data field is designed to accept a numerical entry.

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<sup>12</sup>Per Veh. Code, §§ 40500(a), 40518(b) and Pen. Code, § 853.6.

<sup>13</sup>Per Veh. Code, §§ 40500(a), 40518(b) and Pen. Code, § 853.6.

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### **6.090. Defendant's Physical Description**

- a) The defendant's sex, hair, color of eyes, height, and weight are required on the Notice to Appear. See section 7.020 for the policy regarding the defendant's race/ethnicity.
  
- b) Data fields for the recording of the defendant's physical description are designed to accept the standard abbreviations of physical descriptors.

### **6.100. Commercial Vehicle**

If the vehicle involved in an offense when a notice to appear is issued is a commercial vehicle,<sup>14</sup> the citing officer must mark the check box within the data field, "COMMERCIAL VEHICLE (Veh. Code, § 15210(b))."

### **6.110. Hazardous Material**

If the vehicle involved in an offense when a notice to appear is issued was transporting hazardous material, the citing officer must mark the check box within the data field, "HAZARDOUS MATERIAL (Veh. Code, § 353)".

### **6.120 Vehicle Description**

The year, make, model, ~~and~~ body style, and color of the vehicle operated by the defendant at the time of the offense must be indicated on the Notice to Appear.<sup>15</sup>

### **6.130. Financial Responsibility**

The officer must write the driver's evidence of financial responsibility on the Notice to Appear.<sup>16</sup> A person issued a Notice to Appear for a violation of this section may submit to the clerk of the court, in person or by mail, written evidence that the driver was in compliance with this section at the time of the citation.

### **6.140. Name of Registered Owner/Lessee**

- a) The Notice to Appear must contain the name of the registered owner or lessee.<sup>17</sup>
  
- b) The name must be indicated on the Notice to Appear in the following sequence: First/Middle/Last, unless a company is listed as the registered owner of the vehicle or vehicles.

### **6.150. Address of the Registered Owner/Lessee**

- a) The address of the registered Owner/Lessee must be indicated on the Notice to Appear.<sup>18</sup>

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<sup>14</sup>Commercial vehicle is defined in Veh. Code, § 15210(b). The requirement to indicate if offense involves a motor vehicle is per Veh. Code, § 40300.2.

<sup>15</sup>Per Veh. Code, § 40500(a).

<sup>16</sup>Per Veh. Code, § 16028.

<sup>17</sup>Per Veh. Code, § 40500(a).

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- b) The address must be the registered owner's mailing address.

### **6.160. Correctable Violation Advisement and Check Boxes**

- a) Whenever a person is arrested for violations specified in Vehicle Code section 40303.5 and none of the disqualifying conditions set forth in Vehicle Code section 40610(b) exist, and the officer issues a Notice to Appear, the notice must specify the offense charged and note in a form approved by the Judicial Council that the charge will be dismissed upon proof of correction.<sup>19</sup>
- b) For offenses identified in Vehicle Code section 40303.5 the citing officer must indicate by marking the appropriate "Yes" or "No" check box whether or not the offense is eligible for dismissal upon proof of timely correction. Marking the "#No" box denotes that disqualifying conditions specified in Vehicle Code section 40610(b) exist.
- c) The correctable violation advisement and the check boxes do not appear on the *Automated Traffic Enforcement System* notice [form, TR-115](#).

### **6.170. Booking Required**

The officer may either book the arrested person prior to release, or indicate on the Notice to Appear that the arrested person must be booked before appearing in court.<sup>20</sup> If the "Booking Required" check box is checked on form TR-120-~~or~~, TR-130, [TR-135, or TR-145](#) the arresting agency must complete the verification of booking section on the defendant's copy of the form. The "booking required" check box does not appear on the *Automated Traffic Enforcement System* notice.

### **6.180. Violations**

The Notice to Appear must state the offenses charged.<sup>21</sup> [Forms TR-135 and TR-145 may include special data fields to cite construction zone violations \(Veh. Code, § 42009\), Safety Enhancement-Double Fine Zone violations \(Veh. Code, § 42010\), and overweight violations \(Veh. Code, §§ 42030 and 42030.1\).](#)

### **6.190. Speed**

A Notice to Appear charging a speeding violation must specify the approximate speed, prima facie or maximum speed, and any other speed limit exceeded.<sup>22</sup>

- a) The "safe speed" box is provided so that the officer can indicate a speed different from the maximum or prima facie (posted) speed when the Notice to Appear is prepared charging a violation of the basic speed law (Veh. Code, § 22350). Conditions affecting the safe speed limit should be noted on the Notice to Appear (e.g., fog, rain, etc.).

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<sup>18</sup>Per Veh. Code, § 40500(a).

<sup>19</sup>Per Veh. Code, § 40522.

<sup>20</sup>Per Pen. Code, § 853.6.

<sup>21</sup>Per Veh. Code, § 40500(a) and Pen. Code, § 853.6.

<sup>22</sup>Per Veh. Code, § 40503.

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- b) When a speed violation is charged, both the approximate speed and the prima facie speed applicable to the street or highway should be indicated.
  - c) Entry of the maximum speed limit pertaining to the particular type of vehicle, or combination of vehicles, is only required if the defendant is cited for exceeding the speed limit for that vehicle.

#### **6.200. Location of Violation**

The Notice to Appear must state the location of where the offenses charged occurred.

#### **6.210. Officer's Declaration on Information and Belief**

The officer must indicate on the Notice to Appear (check box) when the offense was not committed in his/her presence and that his/her declaration is on information and belief. A citizen's complaint ~~is an~~ and an accident investigation are examples of a situation that may result in the officer's checking the box. The declaration is separate and distinct from the officer's declaration under penalty of perjury discussed in section 6.220.

#### **6.220. Officer's Declaration under Penalty of Perjury**

The Notice to Appear must contain the officer's dated declaration, under penalty of perjury, subscribed by the officer, that the information regarding the violations is true and correct.<sup>23</sup> The date of the declaration must appear in the declaration date field when completed by either an arresting or a citing officer.

#### **6.230. Other Officer**

The name of the arresting officer, if different from the name of the officer completing the Notice to Appear, must be stated on the Notice to Appear. This policy was adopted to address situations in which there are teams of officers working radar enforcement or aerial patrol. This option is not available on the *Automated Traffic Enforcement System Notice to Appear*. (See section 6.231.)

#### **6.231. Declarant-Automated Traffic Enforcement System Citations**

The name of the government agency or law enforcement representative making the declaration, "Violation was not committed in my presence. The above is declared on information and belief and is based on photographic evidence," must be stated on the *Automated Traffic Enforcement System Notice to Appear*.

#### **6.240. Defendant's Signature**

To secure release from arrest, the defendant must give his/her written promise to appear.<sup>24</sup> The defendant's signature on the defendant's copy of the citation must be identical to the signature on the copy of the citation filed with the court. This option ~~The requirement for a signed promise to appear~~ does not apply to citations issued for violations recorded by an *Automated Traffic Enforcement System Notice to Appear*.

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<sup>23</sup>Per Code Civ. Proc., § 2015.5.

<sup>24</sup>Per Veh. Code, § 40504 and Pen. Code, § 853.6.

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### **6.250. Time to Appear**

- a) The time specified in a Notice to Appear issued for a traffic offense must be a specific date which is at least 21 days after arrest; the court having jurisdiction over the offense charged may authorize the arresting officer to specify on the Notice to Appear that the appearance may be made before the time specified.<sup>25</sup>
- b) When a Notice to Appear has been issued for a violation recorded by an automated traffic enforcement system, it must be mailed within 15 days of the violation date to the current address of the registered owner of the vehicle on file with the Department of Motor Vehicles, with a certificate of mailing obtained as evidence of service.<sup>26</sup> The time to appear must be at least ten days after the Notice to Appear is delivered.<sup>27</sup>
- c) The time to appear placed on ~~the Nontraffic Notice to Appear or on a Traffic/Nontraffic~~ Notice to Appear for a nontraffic offense must be at least 10 days after the date of arrest for a nontraffic violation. (Pen. Code, § 853.6.)
- d) In the case of juveniles, the court having jurisdiction over the offense charged may require the arresting officer to indicate on the Notice to Appear “to be notified” rather than a specific date.<sup>28</sup>

### **6.260. Place to Appear**

The place specified on the Notice to Appear must be one of the following:

- a) Before a magistrate or judge.<sup>29</sup>
- b) Before a person authorized to receive a deposit of bail.<sup>30</sup>
- c) Before the juvenile court, juvenile court referee, or juvenile hearing officer.<sup>31</sup>

### **6.270. Night Court**

If the court identified in the Notice to Appear holds night sessions, the notice must include a statement advising the defendant.<sup>32</sup>

### **6.280. Legend**

The lower left corner of the Notice to Appear forms must denote that the form is a Judicial Council form and specify the council’s form number. ~~On electronic Notice to Appear forms, the approval legend may appear near the top of the form.~~

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<sup>25</sup>Per Veh. Code, § 40501(a).

<sup>26</sup>Per Veh. Code, § 40518(a).

<sup>27</sup>Per Veh. Code, § 40518(b).

<sup>28</sup>Per Veh. Code, § 40501(b).

<sup>29</sup>Per Veh. Code, § 40502(a)–(b) and Pen. Code, § 853.6.

<sup>30</sup>Per Veh. Code, § 40502(c) and Pen. Code, § 853.6.

<sup>31</sup>Per Veh. Code, § 40502(d).

<sup>32</sup>Per Veh. Code, § 40502(d).



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## Chapter 7 DISCRETIONARY LANGUAGE/DATA FIELDS

### **7.000. In General**

The discretionary (shaded) areas on the forms (see Appendix) depict language and data fields that are frequently included at the option of the court or law enforcement agency (with the consent of the court in which the Notice to Appear is to be filed).

Because of limited space, not all of the discretionary language and data fields used throughout the state can be shown on the sample forms. The following are narrative descriptions of several discretionary data fields.

### **7.010. Bail Statement**

If the offense is bailable, the magistrate must fix the amount of bail and endorse the following statement on the warrant for arrest.<sup>35</sup>

BAIL:

The defendant is to be admitted to bail in the sum of \_\_\_\_\_ dollars.

\_\_\_\_\_  
Judge

Note: The mandatory requirement that the above statement appear on the reverse of the court's copy disrupts the processing of Notice to Appear forms in those automated courts that use the space for cash register validations, automated traffic system notations, and notes of court proceedings. These courts use a separate form when issuing a warrant for arrest. For those reasons, the warrant for arrest statement is now discretionary.

### **7.020. Defendant's Race/Ethnicity**

- a) A specific data field for the defendant's "Race" or "Ethnicity" may be added to the Notice to Appear form. The data field should be located on the same line as other physical descriptors.
- b) The defendant's "Race" or "Ethnicity" may be indicated in the "Other Description" data field.
- c) If the defendant's "Race" or "Ethnicity" is to be indicated, the Judicial Council recommends the use of a single alpha character. Reference: California Department of Justice's Arrest and Disposition Instruction Manual.

### **7.030. Defendant's Thumbprint**

- a) The defendant's thumbprint may be placed on the Notice to Appear in situations in which there is a question in the citing officer's mind as to the true identity of the defendant. The court will then have the option of comparing thumbprints in those

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<sup>32</sup>Per Pen. Code, § 815(a).

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cases where the defendant alleges that another person has committed the cited offense.<sup>33</sup>

- b) The Judicial Council recommends that the thumbprint [on form TR-120 or TR-130](#) be placed in a one-inch square area located on the reverse of the court's copy in the lower left corner. [For citations on forms TR-135 or TR-145, a digitized thumbprint or fingerprint may be printed on the defendant's paper copy of the citation and filed with the court as part of the notice to appear. If the defendant's thumbprint or fingerprint is captured electronically as a digital image, but not included as part of the notice to appear, the digital image may be retained by the arresting agency for use as provided in Penal Code sections 853.5 and 853.6 and Vehicle Code sections 40500 and 40504 and any other purposes permitted by law.](#)
- c) The thumbprint item does not appear on the *Automated Traffic Enforcement System Notice to Appear*.

## Chapter 8 PROHIBITED LANGUAGE/DATA FIELDS

### **8.010. Defendant's Social Security Number**

The defendant's social security number must not be indicated on the Notice to Appear, unless the social security number is also the driver license number and/or the defendant holds a commercial driver license.

To protect an individual's civil rights, federal statutes allow a very restricted compulsory use of a person's social security number for the purpose of establishing identity.<sup>34</sup>

Federal statutes do permit an agency having administrative responsibility for driver license and motor vehicle registration laws to use a person's social security number to establish that person's identity as it relates to the laws within the agency's jurisdiction.<sup>35</sup>

The California Department of Motor Vehicles requires an individual to disclose his or her social security number in order to obtain a driver license or identification card.<sup>36</sup> A number of other states use the individual's social security number as the driver license number.

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<sup>33</sup>Per Veh. Code, § 40500(a) and Pen. Code, § 853.6.

<sup>34</sup>Per Public Law 93-579, § 7.

<sup>35</sup>Per 42 USC § 405, (c)(2)(c)(i)-(iv).

<sup>36</sup>Per Veh. Code, §§ 1653.5 and 12801.

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**APPENDIXES OF COUNCIL FORMS**

Appendix A *Notice of Correction and Proof of Service*, Form TR-100

NAME OF COURT: STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME: TELEPHONE:	
PEOPLE OF THE STATE OF CALIFORNIA vs.	
DEFENDANT:	
NOTICE OF CORRECTION AND PROOF OF SERVICE (Vehicle Code, § 40505)	
AMENDING OFFICER NAME/ID NO.:	DEPARTMENT/AGENCY:
CITATION NUMBER:	CASE NUMBER:

1. A *Notice to Appear/Notice to Correct Violation* was issued to you by an officer of this department on *(date)*:
2. The citation issued to you contained an error as indicated by the items checked below. This notice of correction does not affect the validity of the citation or the required court appearance.
  - Date/time of violation should be \_\_\_\_\_
  - Date/time of court appearance should be changed  
from \_\_\_\_\_ to \_\_\_\_\_
  - Violation section(s) should be changed  
from \_\_\_\_\_ to \_\_\_\_\_
  - Location of violation should be changed  
from \_\_\_\_\_ to \_\_\_\_\_
  - Other (*specify*): \_\_\_\_\_

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

Date: \_\_\_\_\_  
(Signature of officer)

Form Adopted for Mandatory Use  
Judicial Council of California  
TR-100 [Rev. January 1, 2004]

I am at least 18 years of age, not a party to this action, and ~~not~~ a resident of or employed in the county where the mailing took place. My business address is:

On (date): \_\_\_\_\_, I served this Notice of Correction on the parties at the address listed below by depositing it in a sealed envelope, postage prepaid, with the United States Postal Service at (city and state):

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

Original to Court

Defendant's Address:

(Type or print name)

(SIGNATURE)

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Appendix B *Continuation'of Notice to Appear*, Form TR-106

**CONTINUATION OF NOTICE TO APPEAR**  
(Face of Violator's Copy)

(Name of Agency and Jurisdiction)		<input type="checkbox"/> MISDEMEANOR	
<b>CONTINUATION OF NOTICE TO APPEAR</b>		<input type="checkbox"/> Traffic <input type="checkbox"/> Nontraffic (Citation No.)	
Date 1.    /    /	Time AM PM	Day of Week S M T W T F S	Case No.
Name (First, Middle, Last) 2. _____			
Veh. Lic. No. or VIN 3. _____		State _____	
Correctable Violation (Veh. Code, § 40610)			
Yes	No	Code and Section	Description
		Misdemeanor or Infraction (Circle)	
4. <input type="checkbox"/>	<input type="checkbox"/>	_____	_____ M _____ I
5. <input type="checkbox"/>	<input type="checkbox"/>	_____	_____ M _____ I
6. <input type="checkbox"/>	<input type="checkbox"/>	_____	_____ M _____ I
7. <input type="checkbox"/>	<input type="checkbox"/>	_____	_____ M _____ I
8. <input type="checkbox"/>	<input type="checkbox"/>	_____	_____ M _____ I
9. <input type="checkbox"/>	<input type="checkbox"/>	_____	_____ M _____ I
10. <input type="checkbox"/>	<input type="checkbox"/>	_____	_____ M _____ I
11. <input type="checkbox"/>	<input type="checkbox"/>	_____	_____ M _____ I
12. <input type="checkbox"/>	<input type="checkbox"/>	_____	_____ M _____ I
13. <input type="checkbox"/>	<input type="checkbox"/>	_____	_____ M _____ I
14. <input type="checkbox"/>	<input type="checkbox"/>	_____	_____ M _____ I
15. <input type="checkbox"/>	<input type="checkbox"/>	_____	_____ M _____ I
16. <input type="checkbox"/>	<input type="checkbox"/>	_____	_____ M _____ I
17. <input type="checkbox"/>	<input type="checkbox"/>	_____	_____ M _____ I
18. <input type="checkbox"/>	<input type="checkbox"/>	_____	_____ M _____ I
19. <input type="checkbox"/>	<input type="checkbox"/>	_____	_____ M _____ I
20. <input type="checkbox"/>	<input type="checkbox"/>	_____	_____ M _____ I
21. <input type="checkbox"/> Violations not committed in my presence, declared on information and belief.			
I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct, and a continuation of the enforcement document noted.			
22. _____		Serial No. _____	
Arresting or Citing Officer			
23.    /    /	_____		Serial No. _____
Date		Name of Arresting Officer, if different from Citing Officer	
24. <div style="border: 1px solid black; padding: 5px; display: inline-block;">WITHOUT ADMITTING GUILT, I PROMISE TO APPEAR AT THE TIME AND PLACE INDICATED. X Signature</div>			
Judicial Council of California Form		SEE REVERSE	
Rev. 01-01-04 (Veh. Code, §§ 40500(b), 40513(b), 40522, 40600; Pen. Code, § 853.9)		TR-106	

**Shaded areas** on the form indicate spaces subject to modification for local or agency requirements.

# CONTINUATION OF NOTICE TO APPEAR

(REVERSE OF VIOLATOR'S COPY)

## IMPORTANT — READ CAREFULLY

This form is used when multiple offenses are charged and the original notice to appear form does not provide sufficient space for the listing of all the charges. PLEASE REFER TO THE REVERSE OF THE ORIGINAL NOTICE TO APPEAR FOR IMPORTANT INFORMATION REGARDING YOUR LEGAL OBLIGATIONS.

**CORRECTABLE VIOLATIONS:** Those driver license, vehicle registration, and mechanical violations cited in accordance with Vehicle Code section 40610(a) will be dismissed by the court *if* **PROOF OF CORRECTION** and payment of a transaction fee are presented to the court by mail or in person on or before the appearance date.

Violations of Vehicle Code section 16028 (automobile insurance) will be dismissed upon your showing to the court that evidence of financial responsibility was valid at the time this citation was issued.

Proof of correction should be obtained for driver license, registration, and equipment violations. **CORRECT EQUIPMENT VIOLATIONS IMMEDIATELY.**

**METHODS FOR OBTAINING CERTIFICATION OF CORRECTION (Veh. Code, § 40616):**

1. Pollution control device violations must be certified by a smog check station licensed by the California Bureau of Automobile Repair.
2. Lamp, brakes, and exhaust system violations may be certified as corrected by an authorized inspection and installation station for the specific violation(s).
3. Registration and driver license violations may also be certified as corrected by an office of the Department of Motor Vehicles or by any clerk or deputy clerk of a court.
4. Proof of correction, except for violations that must be cleared at a certified inspection and installation station, may be obtained at \_\_\_\_\_ (fill in location) during regular business hours.

**CERTIFICATE OF CORRECTION (MUST BE RETURNED TO COURT)**


Section(s) Violated	Signature of Person Certifying Correction	Serial No.	Agency	Date

**Shaded areas** on the form indicate spaces subject to modification for local or agency requirements.

CONTINUATION OF NOTICE TO APEAR  
(Reverse of Court Copy)

(Circle one)

RIGHT or LEFT  
THUMB PRINT



Shaded areas on the form indicate spaces subject to modification for local or agency requirements.



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Appendix C *Continuation of Citation*, Form TR-108

# CONTINUATION OF CITATION

(Face of Violator's Copy)

<small>(Name of Agency and Jurisdiction)</small> <b>CONTINUATION OF CITATION</b> <input type="checkbox"/> NOTICE TO APPEAR <input type="checkbox"/> MISDEMEANOR <input type="checkbox"/> NOTICE TO CORRECT VIOLATION <input type="checkbox"/> Traffic <input type="checkbox"/> Nontraffic    (Citation No.)				
Date of Violation <b>1</b> /    /	Time <input type="checkbox"/> AM <input type="checkbox"/> PM	Day of Week <b>S M T W T F S</b>	Case No.	
Name (First, Middle, Last) <b>2</b>				
Veh. Lic. No. or VIN <b>3</b>			State	
Correctable Violation (Veh. Code, § 40610)				
Yes	No	Code and Section	Description	Misdemeanor or Infraction (Circle)
<b>4</b> <input type="checkbox"/>	<input type="checkbox"/>			M    I
<b>5</b> <input type="checkbox"/>	<input type="checkbox"/>			M    I
<b>6</b> <input type="checkbox"/>	<input type="checkbox"/>			M    I
<b>7</b> <input type="checkbox"/>	<input type="checkbox"/>			M    I
<b>8</b> <input type="checkbox"/>	<input type="checkbox"/>			M    I
<b>9</b> <input type="checkbox"/>	<input type="checkbox"/>			M    I
<b>10</b> <input type="checkbox"/>	<input type="checkbox"/>			M    I
<b>11</b> <input type="checkbox"/>	<input type="checkbox"/>			M    I
<b>12</b> <input type="checkbox"/>	<input type="checkbox"/>			M    I
<b>13</b> <input type="checkbox"/>	<input type="checkbox"/>			M    I
<b>14</b> <input type="checkbox"/>	<input type="checkbox"/>			M    I
<b>15</b> <input type="checkbox"/>	<input type="checkbox"/>			M    I
<b>16</b> <input type="checkbox"/>	<input type="checkbox"/>			M    I
<b>17</b> <input type="checkbox"/>	<input type="checkbox"/>			M    I
<b>18</b> <input type="checkbox"/>	<input type="checkbox"/>			M    I
<b>20</b> <input type="checkbox"/>	<input type="checkbox"/>			M    I
<b>21</b> <input type="checkbox"/> Violations not committed in my presence, declared on information and belief.				
I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct, and a continuation of the enforcement document noted.				
<b>22</b> _____ Arresting or Citing Officer			Serial No. _____	
<b>23</b> /    / Date		Name of Arresting Officer, if different from Citing Officer		Serial No. _____
<div style="border: 1px solid black; padding: 5px; display: inline-block;"> <b>WITHOUT ADMITTING GUILT, I PROMISE TO APPEAR AT THE TIME AND PLACE INDICATED.</b>  <b>X Signature</b> </div>				
<small>Judicial Council of California Form Rev. 01-01-04 (Veh. Code, §§ 40500(b), 40513(b), 40522, 40600; Pen. Code, § 853.9)</small>			<b>SEE REVERSE</b> TR-108	

Shaded areas on the form indicate spaces subject to modification for local or agency requirements.

# CONTINUATION OF CITATION (Reverse of Violator's Copy)

### IMPORTANT — READ CAREFULLY

This form is used when multiple offenses are charged and the original Notice to Appear/Notice to Correct Violation form does not provide sufficient space for the listing of all the charges. PLEASE REFER TO THE REVERSE OF THE ORIGINAL NOTICE TO APPEAR/NOTICE TO CORRECT VIOLATION FOR IMPORTANT INFORMATION REGARDING YOUR LEGAL OBLIGATIONS.

**CORRECTABLE VIOLATIONS ON A NOTICE TO APPEAR:** Those driver license, vehicle registration, and mechanical violations cited in accordance with Vehicle Code section 40610(a) will be dismissed by the court *if* PROOF OF CORRECTION and payment of a transaction fee are presented to the court by mail or in person on or before the appearance date. Proof of correction should be obtained for driver license, registration, and equipment violations. **CORRECT EQUIPMENT VIOLATIONS IMMEDIATELY.**

Violations of Vehicle Code section 16028 (automobile insurance) will be dismissed upon (1) your showing to the court evidence of financial responsibility valid at the time this notice to appear was issued and (2) your payment of a transaction fee.

**CORRECTABLE VIOLATIONS ON A NOTICE TO CORRECT VIOLATION:** Those driver license, vehicle registration, and mechanical violations cited in accordance with Vehicle Code section 40610(a) must be corrected and PROOF OF CORRECTION must be provided to the law enforcement agency's office designated on the reverse side of the Notice to Correct Violation form within 30 days in order to have the violation cleared. Proof of correction should be obtained for driver license, registration, and equipment violations. **CORRECT EQUIPMENT VIOLATIONS IMMEDIATELY.**

**METHODS FOR OBTAINING CERTIFICATION OF CORRECTION (Veh. Code, § 40616):**

1. Pollution control device violations must be certified by a smog check station licensed by the California Bureau of Automobile Repair.
2. Lamp, brakes, and exhaust system violations may be certified as corrected by an authorized inspection and installation station for the specific violation(s).
3. Registration and driver license violations may also be certified as corrected by an office of the Department of Motor Vehicles or by any clerk or deputy clerk of a court.
4. Proof of correction, except for violations that must be cleared at a certified inspection and installation station, may be obtained at \_\_\_\_\_ (fill in location) during regular business hours.


CERTIFICATE OF CORRECTION (MUST BE RETURNED TO: <input type="checkbox"/> COURT, <input type="checkbox"/> CITING AGENCY)				
Section(s) Violated	Signature of Person Certifying Correction	Serial No.	Agency	Date

Shaded areas on the form indicate spaces subject to modification for local or agency requirements.

CONTINUATION OF CITATION  
(Reverse Of Court Copy)

*(Circle one)*

RIGHT or LEFT  
THUMBPRINT



Shaded areas on the form indicate spaces subject to modification for local or agency requirements.

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Appendix D *Automated Traffic Enforcement System Notice to Appear*, Form TR-115

# TRAFFIC NOTICE TO APPEAR

## Automated Traffic Enforcement System

(NAME OF AGENCY AND JURISDICTION)						
<b>NOTICE TO APPEAR</b> Automated Traffic Enforcement (Citation No.)						
Date of Violation 1. / /		Time <input type="checkbox"/> AM <input type="checkbox"/> PM		Day of Week <b>S M T W T F S</b>		Case No.
Name (First, Middle, Last) 2.						
Address 3.						
City 4.		State		ZIP Code		
Driver Lic. No. 5.		State	Class	Commercial <input type="checkbox"/> Yes <input type="checkbox"/> No	Age	Birth Date / /
Sex 6.	Hair	Eyes	Height	Weight	Race	
Veh. Lic. No. or VIN 7.				State		
				<input type="checkbox"/> <b>COMMERCIAL VEHICLE</b> (Veh. Code, § 15210(b))		
Yr. of Veh. 8.	Make	Model	Body Style	Color		
				<input type="checkbox"/> <b>HAZARDOUS MATERIAL</b> (Veh. Code, § 353)		
Registered Owner or Lessee 9.						
Address 10.						
City 11.		State		ZIP Code		
<b>Code and Section</b> 12.			<b>Description</b>			
Location of Violation at 13.			City/County of Occurrence			
<p><input checked="" type="checkbox"/> Violation was not committed in my presence. The above is declared on information and belief and is based on photographic evidence.</p> <p>I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct.</p>						
Date Issued 14.		Declarant			ID No.	
<b>YOU MUST RESPOND TO THE COURT ON OR BEFORE:</b>						
15. WHEN: DATE: _____				Time: _____ <input type="checkbox"/> AM <input type="checkbox"/> PM		
WHAT TO DO: FOLLOW THE INSTRUCTIONS ON THE REVERSE.						
16. WHERE: [Name of court[s]] [Section[s] or division[s], room no[s].] [Street address(es)] [Phone no.]				<b>Clerk's Office Hours</b> [Insert hours clerk's office is open.]		
<div style="border: 1px solid black; padding: 5px; display: inline-block;"> <b>FPO Barcode</b>  <span style="color: blue;">USS Code 39</span> </div>						
					DEFENDANT COPY	
Judicial Council of California Form Rev. 04-01-15 (Veh. Code, § 40518)					<b>SEE REVERSE</b> TR-115	

Shaded areas on the form indicate spaces subject to modification for local or agency requirements.

TRAFFIC NOTICE TO APPEAR  
Automated Traffic Enforcement System

<b>IMPORTANT—READ CAREFULLY</b>	
<b>LOCAL INFORMATION FOR THE CITATION IS AVAILABLE ONLINE AT [website address]</b>	
<b>This Citation Is Based on Photographic Evidence</b> The vehicle identified on the front was photographed in violation of a traffic signal or sign. <b>You may see the photographs.</b> Contact: _____ <b>You may see the photographs online at:</b> _____ For more information about the evidence in this case, you may contact the issuing agency, _____ by telephone at: _____ or in person at: _____ on _____ during the hours of _____ If you were not driving the vehicle at the time of the violation, contact _____	
<b>WHAT TO DO</b>	
You have been issued a citation that charges you with a traffic infraction. You must respond by following one of the procedures below by the date on the front (see "WHEN"). If you do not, you may lose your license to drive, and your money penalties may increase. <b>1. If you do NOT contest the violation</b> <b>a. (Pay the bail amount)</b> (See "BAIL INFORMATION" below) Your bail will be forfeited to the court. You will not have to appear in court. You will be convicted of the violation, and it will appear on your record at the Department of Motor Vehicles (DMV). A point count will be charged to your DMV record for this offense and your insurance may be adversely affected. <b>b. (Traffic school)</b> You may be able to avoid the point count and adverse effect on your insurance by attending traffic school. Contact the court to request traffic school. You must pay the bail amount as a fee, and you may have to pay other fees. <b>2. If you contest the violation (select one)</b> <b>a. (Court trial)</b> Send a certified or registered letter postmarked not later than five days prior to the appearance date, or come to the court by the appearance date to request a court trial on a future date when an officer and witnesses will be present. You will be required to submit the bail amount. You will be given a date for your trial. <b>—OR—</b> <b>b. (Trial by written declaration)</b> Send a certified or registered letter postmarked not later than five days prior to the appearance date, or come to the court on or before the date on the front and request a trial by written declaration. <b>Submit the bail amount.</b> You will be given forms to allow you to write a statement and submit other evidence without appearing in court. An officer will also submit a statement. The judicial officer will consider all of the evidence at the same time and decide the case.	
<b>WRITING TO THE COURT</b>	
If you write to the court, always write the citation number and your driver license number on your letter. Use of certified or registered mail is required. <b>Do not send your copy of the citation.</b> Keep it for your own records.	
<b>BAIL INFORMATION</b>	
The "bail" is the amount you must pay or deposit for the charged violation. <table border="1" style="margin-left: auto; margin-right: auto;"><tr><td style="text-align: center;">Bail Amount: \$ _____ <b>OR [See enclosed information]</b></td></tr></table> Make the check or money order payable to _____ Write the citation number and your driver license number on your check or money order. You may deposit the bail in person, by mail, or by phone.	Bail Amount: \$ _____ <b>OR [See enclosed information]</b>
Bail Amount: \$ _____ <b>OR [See enclosed information]</b>	
NIGHT COURT TRIALS [are] [are NOT] available for this citation.	
<b>JUVENILES</b>	
If you are under 18, you must be accompanied by your parent or guardian when you appear in court. Bring this citation and your driver license. You will be notified by the Juvenile Court of your court date. [For additional information, call the Juvenile Traffic Court at _____]	

Shaded areas on the form indicate spaces subject to modification for local or agency requirements.

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Appendix E *Nontraffic Notice to Appear*, Form TR-120



## NONTRAFFIC NOTICE TO APPEAR (Face of Court's Copy)

(Name of Agency and Jurisdiction)		<input type="checkbox"/> MISDEMEANOR		(Citation No.)	
<b>NOTICE TO APPEAR</b>		Nontraffic			
Date of Violation 1. / /		Time <input type="checkbox"/> AM <input type="checkbox"/> PM		Day of Week <b>S M T W T F S</b>	
Case No.					
Name (First, Middle, Last) 2.					
Address 3.					
City 4.		State		ZIP Code	
<a href="#">E-mail Address</a>					
Driver Lic. No. 5.		State		Class	
		Age		Birth Date / /	
<input type="checkbox"/> Juvenile (Phone No.) ( )					
Sex 6.		Hair		Eyes	
		Height		Weight	
		Race		Other Description	
Code		Ordinance		Description	
				Misdemeanor Infraction (Circle)	
7.				M I	
8.				M I	
9.				M I	
10.				M I	
11.				M I	
12.				M I	
13.				M I	
14.				M I	
15.				M I	
16.				M I	
17.				M I	
18.				M I	
Evidence Seized 19.				<input type="checkbox"/> Booking Required	
Location of Violation(s) 20.				City/County of Occurrence	
Comments 21.					
<input type="checkbox"/> Violations not committed in my presence, declared on information and belief.					
22. I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct.					
23. / / Dec. Date		Arresting or Citing Officer		Serial No. to Dates Off	
24. / / Dec. Date		Name of Arresting Officer, if different from Citing Officer		Serial No. to Dates Off	
25. <b>WITHOUT ADMITTING GUILT, I PROMISE TO APPEAR AT THE TIME AND PLACE INDICATED BELOW.</b> <b>X Signature</b>					
26. WHEN:		ON OR BEFORE THIS DATE: / /		Time: <input type="checkbox"/> AM <input type="checkbox"/> PM	
				Time: <input type="checkbox"/> AM <input type="checkbox"/> PM	
27. WHAT TO DO:		FOLLOW THE INSTRUCTIONS ON THE REVERSE.			
WHERE:		[Name of court[s]] [Section[s] or division[s], room no[s].] [Street address[es]] [Phone No.]			
28. <input type="checkbox"/> To be notified		<input type="checkbox"/> You may arrange with the clerk to appear at a night session of the court.			
<b>FPO Barcode (USS Code 39)</b>				DEFENDANT COPY	
Judicial Council of California Form Rev. 04-01-15 (Pen. Code, § 853.9)				<b>SEE REVERSE</b> TR-120	

Shaded areas on the form indicate spaces subject to modification for local or agency requirements.

NONTRAFFIC NOTICE TO APPEAR  
(Reverse Of Defendant's Copy)

**IMPORTANT — READ CAREFULLY**

**LOCAL INFORMATION FOR THE CITATION IS AVAILABLE ONLINE  
AT [website address]**

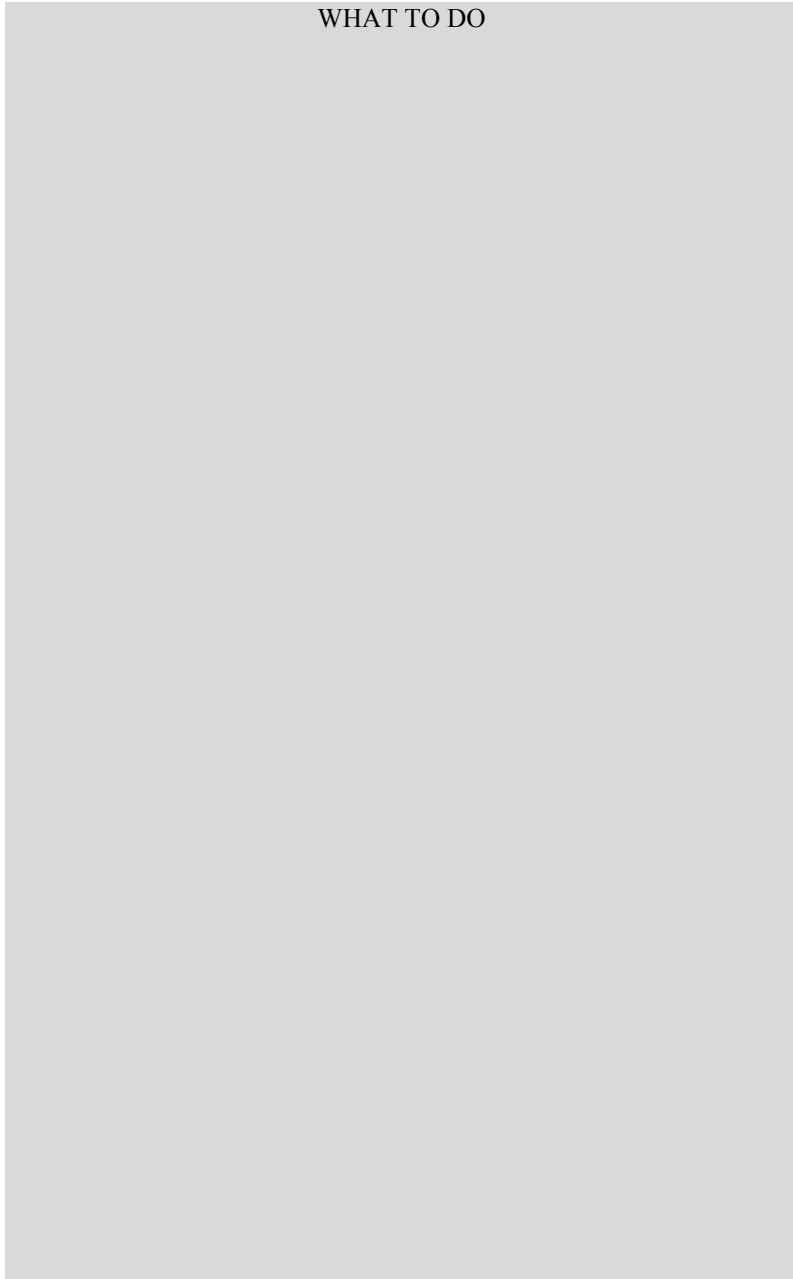
**WARNING:** If you fail to appear in court as you have promised, you may be arrested and punished by 6 MONTHS IN JAIL AND/OR A \$1,000 FINE, regardless of the disposition of the original charge. (Pen. Code, § 853.7.)

If "Booking Required is checked you must appear on a weekday prior to your court date for booking at: \_\_\_\_\_ between the hours of \_\_\_\_\_ and \_\_\_\_\_ and bring the signed verification to your court appearance. Call \_\_\_\_\_ for more information.

**Booking Verification:** I declare under penalty of perjury under the laws of the State of California that

\_\_\_\_\_ was booked on \_\_\_\_\_ Date \_\_\_\_\_ Officer \_\_\_\_\_ Serial No. \_\_\_\_\_

WHAT TO DO

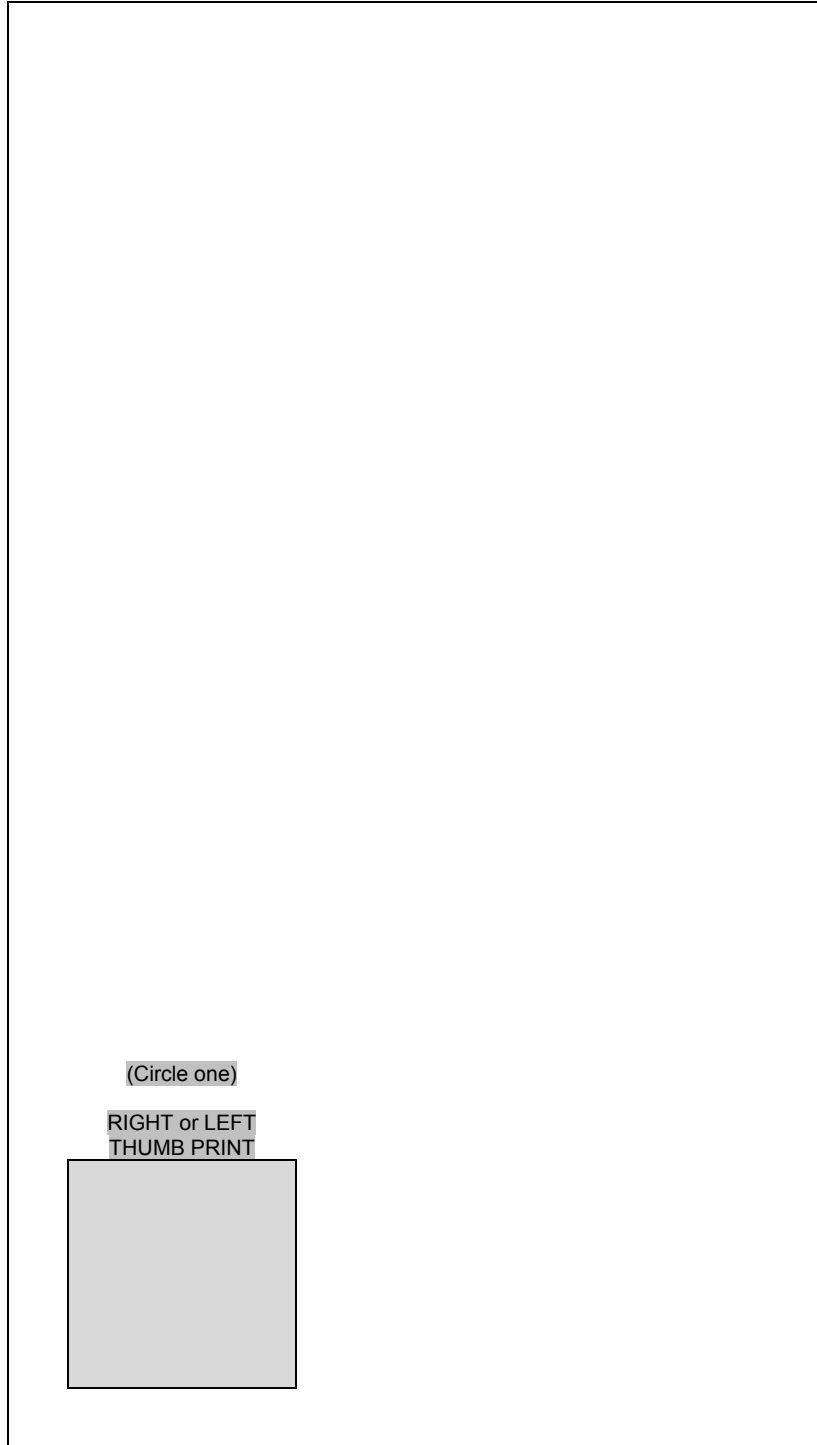


Shaded areas on the form indicate spaces subject to modification for local or agency requirements.

NONTRAFFIC NOTICE TO APPEAR  
(Reverse Of Court's Copy)

(Circle one)

RIGHT or LEFT  
THUMB PRINT



Shaded areas on the form indicate spaces subject to modification for local or agency requirements.

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Appendix F *Traffic/Nontraffic Notice to Appear*, Form TR-130

## TRAFFIC/NONTRAFFIC NOTICE TO APPEAR (Face of Court's Copy)

(NAME OF AGENCY AND JURISDICTION)										<input type="checkbox"/> MISDEMEANOR			
<b>NOTICE TO APPEAR</b>										<input type="checkbox"/> Traffic <input type="checkbox"/> Nontraffic		(Citation No.)	
Date of Violation 1. / /			Time		<input type="checkbox"/> AM <input type="checkbox"/> PM		Day of Week <b>S M T W T F S</b>		Case No.				
Name (First, Middle, Last) 2.										<input type="checkbox"/> Owner's Responsibility (Veh. Code, § 40001)			
Address 3.													
City 4.				State		ZIP Code		E-mail Address					
Driver Lic. No. 5.			State		Class	Commercial <input type="checkbox"/> Yes <input type="checkbox"/> No		Age	Birth Date / /				
Sex 6.	Hair	Eyes	Height	Weight	Race		<input type="checkbox"/> Juvenile (Phone No.) ( )						
Veh. Lic. No. or VIN 7.			State		Reg. MO/YR		<input type="checkbox"/> COMMERCIAL VEHICLE (Veh. Code, § 15210(b))						
Yr. of Veh. 8.	Make	Model	Body Style	Color		<input type="checkbox"/> HAZARDOUS MATERIAL (Veh. Code, § 353)							
Evidence of Financial Responsibility 9.					CHP/DOT/PUC/ICC								
Registered Owner or Lessee 10.										<input type="checkbox"/> Same as Driver			
Address 11.										<input type="checkbox"/> Same as Driver			
City 12.				State		ZIP Code							
Correctable Violation (Veh. Code, § 40610)										<input type="checkbox"/> Booking Required (see reverse)		Misdemeanor or Infraction (Circle)	
Yes	No	Code and Section		Description				M	I				
13. <input type="checkbox"/>	<input type="checkbox"/>							M	I				
14. <input type="checkbox"/>	<input type="checkbox"/>							M	I				
15. <input type="checkbox"/>	<input type="checkbox"/>							M	I				
16. <input type="checkbox"/>	<input type="checkbox"/>							M	I				
Speed Approx. 17.	P.F./Max Spd.	Veh. Lmt.	Safe	Radar	<input type="checkbox"/> Continuation Form Issued		N						
Location of Violation(s) 18. at					City/County of Occurrence			W	E				
Comments (Weather, Road & Traffic Conditions) 19.										<input type="checkbox"/> Accident			
<input type="checkbox"/> Violations not committed in my presence, declared on information and belief. 20. I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct. Executed at (place) Violation Location													
21. / / Dec. Date	Arresting or Citing Officer					Serial No.	to	Dates Off					
22. / / Dec. Date	Name of Arresting Officer, if different from Citing Officer					Serial No.	to	Dates Off					
23. <b>WITHOUT ADMITTING GUILT, I PROMISE TO APPEAR AT THE TIME AND PLACE INDICATED BELOW.</b> <b>X Signature</b>													
24. WHEN:	ON OR BEFORE THIS DATE: / /					Time: _____	<input type="checkbox"/> AM	<input type="checkbox"/> PM					
25. WHAT TO DO:	FOLLOW THE INSTRUCTIONS ON THE REVERSE.												
25. WHERE:	[Name of court[s]] [Section[s] or division[s], room no[s].] [Street address(es)] [Phone No.]												
26. <input type="checkbox"/> To be notified	<input type="checkbox"/> You may arrange with the clerk to appear at a night session of the court.												
FPO Barcode (USS Code 39)										DEFENDANT COPY			
Judicial Council of California Form										SEE REVERSE			
Rev. 04-01-15 (Veh. Code, §§ 40500(b), 40513(b), 40522, 40600; Pen. Code, § 853.9)										TR-130			

Shaded areas on the form indicate spaces subject to modification for local or agency requirements.

## TRAFFIC/NONTRAFFIC NOTICE TO APPEAR (Reverse of Defendant's Copy)

### IMPORTANT — READ CAREFULLY

LOCAL INFORMATION FOR THE CITATION IS AVAILABLE ONLINE  
AT [\[website address\]](#)

**WARNING:** If you fail to appear in court as you have promised, you may be arrested and punished by 6 MONTHS IN JAIL AND/OR A \$1,000 FINE regardless of the disposition of the original charge. (Veh. Code, § 40508 or Pen. Code, § 853.7.) In addition, any person who fails to appear as provided by law may be deemed to have elected to have a trial by written declaration (in absentia) pursuant to Vehicle Code section 40903(a) upon any alleged infraction, as charged by the arresting/citing officer.

**JUVENILE:** If you were under age 18 at the time the citation was issued, you must appear in court with your parent or guardian.

**COURTESY NOTICE:** A courtesy notice may be mailed to the address shown on your citation, indicating the required deposit of money (bail) that may be forfeited instead of your appearing in court. If you do not receive such courtesy notice, you are still required to comply with the items below by the appearance date.

#### WHAT TO DO

You are required to appear at court for a misdemeanor violation. For all violations, your court date/time/place are on the front of this notice to appear. Have the citation with you when contacting the court. In all infraction cases, you must do one or more of the following for each violation:

- Pay the fine (bail).
- Correct the violation (traffic cases, when applicable).
- Appear in court.
- Request traffic school (traffic cases, when applicable).
- Contest the violation.
- Request trial by written declaration (traffic cases).

If you do not do one of the above actions, then a "failure to appear" charge will be filed against you (Veh. Code, § 40508(a)) and your driver license may be withheld, suspended, or revoked. In some courts you may be charged an amount in addition to the bail amount and the case may be turned over to a collection agency. (Pen. Code, § 1214.1.)

**1. If you do NOT contest the violation:**

**a. (Pay the bail amount)** Contact the court for bail information. You will not have to appear in court. You will be convicted of the violation, and it will appear on your record at the Department of Motor Vehicles (DMV). A point count may be charged to your DMV record and your insurance may be adversely affected.

**b. (Traffic school)** You may be able to avoid the point count by completing traffic school. You must pay the bail amount, and you may have to pay other fees. Contact the court to request traffic school.

**c. (Correctable violations)** If the "Yes" box is checked on the front of your ticket, the violation is correctable. Upon correction of the violation, have a law enforcement officer or an authorized inspection/installation station agent sign below. (Veh. Code, § 40616.) Registration and driver license violations may also be certified as corrected at an office of the DMV or by any clerk or deputy clerk of a court. The violation will be dismissed by the court after PROOF OF CORRECTION and payment of a transaction fee are presented to the court by mail or in person by the appearance date. Violations of Vehicle Code section 16028 (automobile liability insurance) will be dismissed **only** upon (1) your **showing or mailing to the court** evidence of financial responsibility valid at the time this notice to appear was issued, and (2) your payment of a transaction fee.

#### CERTIFICATE OF CORRECTION (MUST BE RETURNED TO COURT)

Section(s) Violated	Signature of Person Certifying Correction	Serial No.	Agency	Date

**2. If you contest the violation (select a or b):**

**a. (Court trial)** Send a certified or registered letter postmarked not later than five days prior to the appearance date or come to the court by the appearance date to request a court trial on a future date when an officer and any witnesses will be present. **You will be required to submit the bail amount.—OR—**

**b. (Trial by written declaration (traffic cases))** Send a certified or registered letter postmarked not later than five days prior to the appearance date or come to the court on or before the appearance date to request a trial by written declaration. **Submit the bail amount.** You will be given forms to allow you to write a statement and to submit other evidence without appearing in court. An officer will also submit a statement. The judicial officer will consider the evidence and decide the case.

3. Make check/money order payable to **Clerk of the Court**. Write your citation number and driver license number on your check or money order. You may pay in person, by mail, or by phone.

4. If "Booking Required" is checked, you must appear for booking on a weekday prior to your court date at: \_\_\_\_\_ between the hours of \_\_\_\_\_ and \_\_\_\_\_ and bring the signed verification to your court appearance. Call \_\_\_\_\_ for more information.

**Booking Verification:** I declare under penalty of perjury under the laws of the State of California that

\_\_\_\_\_ was booked on \_\_\_\_\_  

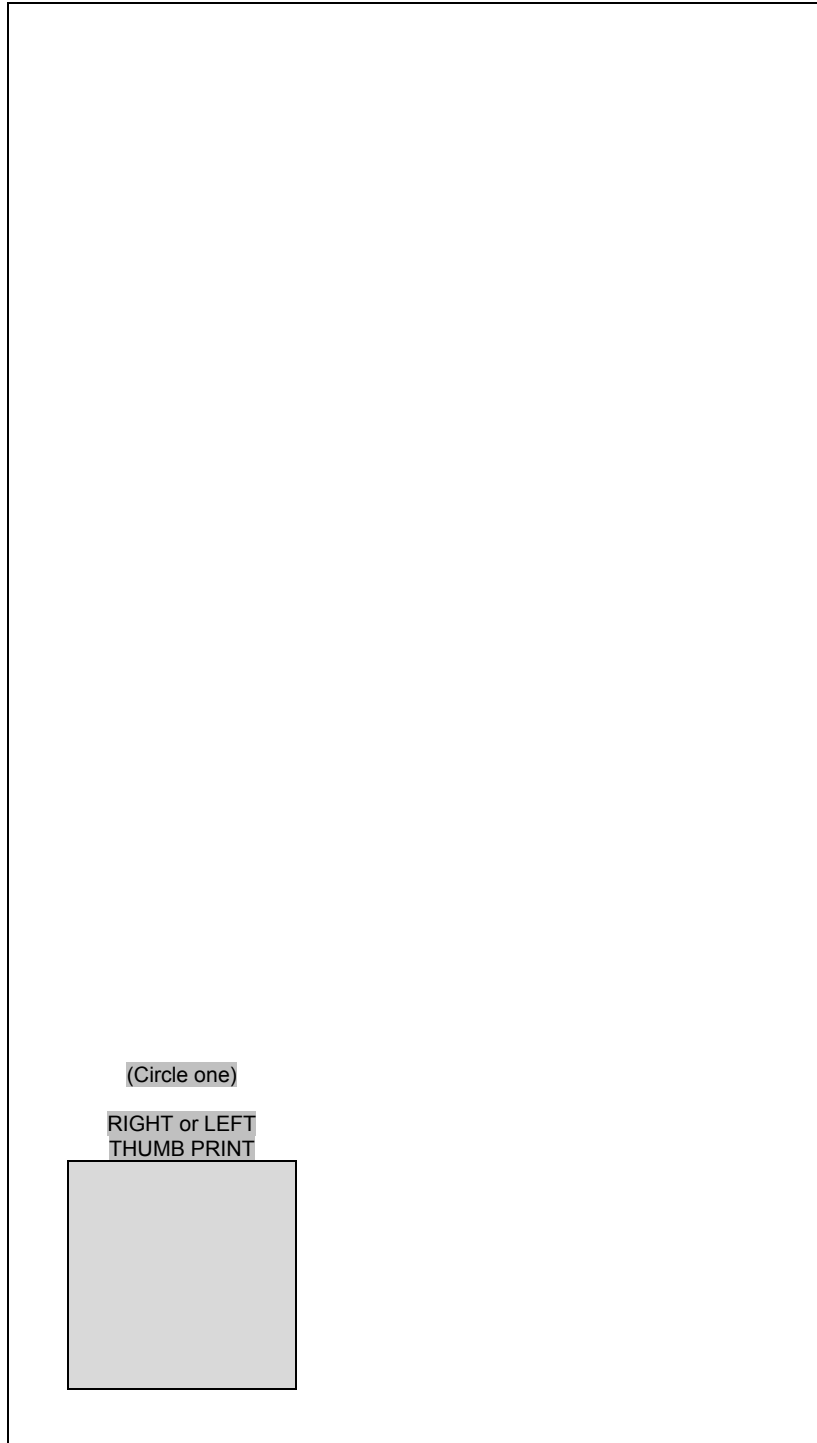
Defendant's name
Date
Officer
Serial No.

**Shaded areas on the form indicate spaces subject to modification for local or agency requirements.**

TRAFFIC/NONTRAFFIC NOTICE TO APPEAR  
(Reverse of Court's Copy)

(Circle one)

RIGHT or LEFT  
THUMB PRINT



Shaded areas on the form indicate spaces subject to modification for local or agency requirements.

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[Appendix G \*Electronic Traffic/Nontraffic Notice to Appear \(4-inch format\)\*, Form TR-135](#)



# ELECTRONIC TRAFFIC/NONTRAFFIC NOTICE TO APPEAR (Defendant's Copy)

Shaded areas indicate spaces subject to modification for local or agency requirements.

(NAME OF AGENCY AND JURISDICTION)		<input type="checkbox"/> MISDEMEANOR (Citation No.)	
<b>NOTICE TO APPEAR</b>		<input type="checkbox"/> TRAFFIC <input type="checkbox"/> NONTRAFFIC	
Date of Violation 1. / /	Time <input type="checkbox"/> AM <input type="checkbox"/> PM	Day of Week	Case No.
Name (First, Middle, Last)/(Company) 2.		<input type="checkbox"/> Owner's Responsibility (VC 40001)	
Address 3.			
City 4.	State/Country	ZIP Code	<input type="checkbox"/> Juvenile (Phone No.) ( )
Driver Lic. No. 5.	State/Country	Class	Commercial <input type="checkbox"/> Yes <input type="checkbox"/> No
Sex 6.	Hair	Eyes	Height
Weight	Race	Other Description	
E-mail Address 7.			<input type="checkbox"/> COMM. VEH. (VC 15210(b))
Veh. Lic. No. or VIN 8.	State/Country	Reg. Mo/Yr Exp	
Yr. of Veh. 9.	Make	Model	Body Style
Evidence of Financial Responsibility 10.		CHP/DOT/PUC/ICC	
Registered Owner or Lessee 11.			<input type="checkbox"/> Same as Driver
Address 12.		City	State/Country ZIP Code
Veh. Lic. No. or VIN 13.		State/Country	Reg. Mo/Yr Exp.
Veh. 2		Yr. of Veh. 14.	Make
		Model	Body Style
		Color	Type
15. <input type="checkbox"/> VC 42009 Construction Zone <input type="checkbox"/> VC 42010 Safety Zone <input type="checkbox"/> School Zone			
Correctable Violation (VC 40610) Yes/No		<input type="checkbox"/> Booking Required (see below)	
Code and Section		Description	Overweight
16 (Y/N)		lbs	M I <input type="checkbox"/> <input type="checkbox"/>
17 (Y/N)		lbs	<input type="checkbox"/> <input type="checkbox"/>
18 (Y/N)		lbs	<input type="checkbox"/> <input type="checkbox"/>
19 (Y/N)		lbs	<input type="checkbox"/> <input type="checkbox"/>
Speed Approx. 20. >	P.F./Max Spd.	Veh. Lmt.	Safe Radar
Location of Violation(s) 21. at		City/County of Occurrence	
Comments (Weather, Road & Traffic Conditions, Etc.) 22.			<input type="checkbox"/> Accident
23. <input type="checkbox"/> Violations not committed in my presence, declared on information and belief.			
24. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.			
Citation #		Violation location	Executed at (place)
25. / / Dec. Date	Arresting or Citing Officer	Serial No.	Fm To Vac. Dates
26. / / Dec. Date	Name of Arresting Officer, if different from Citing Officer	Serial No.	Fm To Vac. Dates
27. <b>WITHOUT ADMITTING GUILT, I PROMISE TO APPEAR AT THE TIME AND PLACE INDICATED BELOW.</b> X Signature			
28. WHEN: ON OR BEFORE THIS DATE: / /		Time: <input type="checkbox"/> AM <input type="checkbox"/> PM Time: <input type="checkbox"/> AM <input type="checkbox"/> PM	
WHAT TO DO: FOLLOW THE INSTRUCTIONS BELOW.			
29. WHERE: [Name of court[s]] [Section[s] or division[s], room no[s].] [Street address[es]] [Phone No.]		PHOTO	
30. <input type="checkbox"/> To be notified <input type="checkbox"/> Contact the clerk to appear at a night court session.		DEFENDANT COPY	
Judicial Council of California Form New 04-01-15 (VC 40500(b), 40513(b), 40522, and 40600; PC 853.9 and 959.1) TR-135		FPO Barcode (USS Code 39)	

# ELECTRONIC TRAFFIC/NONTRAFFIC NOTICE TO APPEAR

## (Continuation of Defendant's Copy)

**Shaded areas** indicate conditional fields for use when citing multiple vehicles or violations with a continuation page.

(NAME OF AGENCY AND JURISDICTION)		<input type="checkbox"/> MISDEMEANOR (Citation No.)	
<b>NOTICE TO APPEAR</b>		<input type="checkbox"/> TRAFFIC <input type="checkbox"/> NONTRAFFIC	
1. Date of Violation	Time	<input type="checkbox"/> AM <input type="checkbox"/> PM	Day of Week
2. Name (First, Middle, Last)/(Company)		<input type="checkbox"/> Owner's Responsibility (VC 40001)	
3. Address			
4. City	State/Country	ZIP Code	<input type="checkbox"/> Juvenile (Phone No.) ( )
5. Driver Lic. No.	State/Country	Class	Commercial <input type="checkbox"/> Yes <input type="checkbox"/> No
6. Sex		Hair	Eyes
7. E-mail Address	Height	Weight	Race
8. <input type="checkbox"/> VC 42009 Construction Zone <input type="checkbox"/> VC 42010 Safety Zone <input type="checkbox"/> School Zone			
Correctable Violation (VC 40610)		<input type="checkbox"/> Booking Required (see below)	
9. Yes/No	Code and Section	Description	Misdemeanor or Infraction
9 (Y/N)		Overweight	M I <input type="checkbox"/> <input type="checkbox"/>
10 (Y/N)		lbs	<input type="checkbox"/> <input type="checkbox"/>
11 (Y/N)		lbs	<input type="checkbox"/> <input type="checkbox"/>
12 (Y/N)		lbs	<input type="checkbox"/> <input type="checkbox"/>
13 (Y/N)		lbs	<input type="checkbox"/> <input type="checkbox"/>
14 (Y/N)		lbs	<input type="checkbox"/> <input type="checkbox"/>
15 (Y/N)		lbs	<input type="checkbox"/> <input type="checkbox"/>
16 (Y/N)		lbs	<input type="checkbox"/> <input type="checkbox"/>
17 (Y/N)		lbs	<input type="checkbox"/> <input type="checkbox"/>
18 (Y/N)		lbs	<input type="checkbox"/> <input type="checkbox"/>
19 (Y/N)		lbs	<input type="checkbox"/> <input type="checkbox"/>
20 (Y/N)		lbs	<input type="checkbox"/> <input type="checkbox"/>
21. Veh. Lic. No. or VIN	State/Country	Reg. Mo/Yr	Expiration Date
22. Veh. 3	Veh. Lic. No. / VIN	State/Country	Reg. Mo/Yr Exp.
23. Yr. of Veh.	Make	Model	Body Style Color Type
24. Veh. 4	Veh. Lic. No. / VIN	State/Country	Reg. Mo/Yr Exp.
25. Yr. of Veh.	Make	Model	Body Style Color Type
26. Veh. 5	Veh. Lic. No. / VIN	State/Country	Reg. Mo/Yr Exp.
27. Yr. of Veh.	Make	Model	Body Style Color Type
Location of Violation			
28. <input type="checkbox"/> Violations not committed in my presence, declared on information and belief.			
29. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.			
Citation#	Violation location	Executed at (place)	
30. / /	Dec. Date	Arresting or Citing Officer	Fm To Serial No. Vac. Dates
31. / /	Dec. Date	Name of Arresting Officer, if different from Citing Officer	Fm To Serial No. Vac. Dates
(Citation No.)			
WITHOUT ADMITTING GUILT, I PROMISE TO APPEAR AT THE TIME AND PLACE INDICATED.			
32. X Signature			
Judicial Council of California Form New 04-01-15 (VC 40500(b), 40513(b), 40522, and 40600; PC 853.9 and 959.1) TR-135		FPO Barcode	(USS Code 39)

ELECTRONIC TRAFFIC/NONTRAFFIC NOTICE TO APPEAR (Defendant's Instructions)

(Citation No.)

LOCAL INFORMATION FOR THE CITATION IS AVAILABLE ONLINE AT  
[website address]

**IMPORTANT — READ CAREFULLY**

**WARNING:** If you fail to appear in court as you have promised, you may be arrested and punished by 6 MONTHS IN JAIL AND/OR A \$1,000 FINE regardless of the disposition of the original charge. (Veh. Code, § 40508, or Pen. Code, § 853.7.) In addition, any person who fails to appear as provided by law may be deemed to have elected to have a trial by written declaration (in absentia) pursuant to Vehicle Code section 40903(a) upon an alleged infraction, as charged by the arresting/citing officer.

**JUVENILE:** If you were under age 18 at the time the citation was issued, you must appear in court with your parent or guardian.

**COURTESY NOTICE:** A courtesy notice may be mailed to the address shown on your citation, indicating the required deposit of money (bail) that may be forfeited instead of your appearing in court. If you do not receive such courtesy notice, you are still required to comply with the items below by the appearance date.

**WHAT TO DO**

You are required to appear at court for a misdemeanor violation. For all violations, your court date/time/place are provided above in this notice to appear. Have the citation with you when contacting the court. In all infraction cases, you must do one or more of the following for each violation:

- Pay the fine (bail).
  - Appear in court.
  - Contest the violation.
  - Correct the violation (traffic cases, when applicable).
  - Request traffic school (traffic cases, when applicable).
  - Request trial by written declaration (traffic cases).
- If you do not do one of the above actions, then a "failure to appear" charge will be filed against you (Veh. Code, § 40508(a)) and your driver license may be withheld, suspended, or revoked. In some courts you may be charged an amount in addition to the bail amount and the case may be turned over to a collection agency. (Pen. Code, § 1214.1.)

1. **If you do NOT contest the violation:**
  - a. **(Pay the bail amount)** Contact the court for bail information. You will not have to appear in court. You will be convicted of the violation, and it will appear on your record at the Department of Motor Vehicles (DMV). A point count may be charged to your DMV record, and your insurance may be adversely affected.
  - b. **(Traffic school)** You may be able to avoid the point count by completing traffic school. You must pay the bail amount as a fee, and you may have to pay other fees. Contact the court to request traffic school.
  - c. **(Correctable violations)** If the "Yes" box is checked above, the violation is correctable. Upon correction of the violation, have a law enforcement officer or an authorized inspection/installation station agent sign below. (Veh. Code, § 40616.) Registration and driver license violations may also be certified as corrected at an office of the DMV or by any clerk or deputy clerk of a court. The violation will be dismissed by the court after PROOF OF CORRECTION and payment of a transaction fee are presented to the court by mail or in person by the appearance date. Violations of Vehicle Code section 16028 (automobile liability insurance) will be dismissed **only** upon (1) your **showing or mailing to the court** evidence of financial responsibility valid at the time this notice to appear was issued, and (2) your payment of a transaction fee.

CERTIFICATE OF CORRECTION (MUST BE RETURNED TO COURT)				
Section(s) Violated	Signature of Person Certifying Correction	Serial / ID No.	Agency	Date

2. **If you contest the violation (select a or b):**
  - a. **(Court trial)** Send a certified or registered letter postmarked not later than five days prior to the appearance date or come to the court by the appearance date to request a court trial on a future date when an officer and any witnesses will be present. **You will be required to submit the bail amount. —OR—**
  - b. **(Trial by written declaration (traffic infractions))** Send a certified or registered letter postmarked not later than five days prior to the appearance date or come to the court on or before the appearance date to request a trial by written declaration. **Submit the bail amount.** You will be given forms to allow you to write a statement and to submit other evidence without appearing in court. An officer will also submit a statement. The judicial officer will consider the evidence and decide the case.

3. Make check/money order payable to **Clerk of the Court**. Write your citation number and driver license number on your check or money order. You may pay in person, by mail, or by phone.

4. If "Booking Required" is checked, you must appear for booking on a **weekday** prior to your court date at \_\_\_\_\_ **between the hours of** \_\_\_\_\_ and \_\_\_\_\_ and bring the signed verification to your court appearance. Call \_\_\_\_\_ for more information.

**Booking Verification:** I declare under penalty of perjury under the laws of the State of California that \_\_\_\_\_ was booked on \_\_\_\_\_  
 Defendant's name \_\_\_\_\_ Date \_\_\_\_\_  
 Officer \_\_\_\_\_ Serial / ID No. \_\_\_\_\_

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[Appendix J \*Electronic Traffic/Nontraffic Notice to Appear \(5-inch format\)\*, Form TR-165](#)

**ELECTRONIC TRAFFIC/NONTRAFFIC NOTICE TO APPEAR (Defendant's Copy)**  
 Shaded areas indicate spaces subject to violation details or modification for local or agency requirements.

Agency: (Name and Jurisdiction)	
<b>NOTICE TO APPEAR</b>	
Misdemeanor: (Y/N) Traffic: (Y/N) Nontraffic: (Y/N)	Citation: (No.)
Violation Date: (Day of Week) / / Time: (AM/PM) Case No.:	
Owner's Responsibility: (Y/N) (VC 40001)	
Name: (First, Middle, Last)/(Company)	
Address:	
City:	State/Country: ZIP:
Juvenile (Phone #): ( )	E-mail Address:
Driver Lic.: (No.)	State/Country: Class: Comm. Lic.: (Y/N)
Birth Date: / / Age:	Juvenile: (Y/N)
Sex: Hair: Eyes: Ht: Wt: Race:	Other Descr.:
Veh. Lic. or VIN: (No.)	State/Country: Reg.: (Mo/Yr) Exp
Yr. of Veh.:	Make: Model:
Body Style:	Color:
<b>COMMERCIAL VEH. (VC 15210(b)): (Y/N) HAZ. MAT. (VC 353): (Y/N)</b>	
Evid. of Financial Resp.:	CHP/DOT/PUC/ICC
Registered Owner or Lessee: (First, Middle, Last/Company)	
Address:	
City:	State/Country: ZIP:
<b>Veh. 2:</b> Veh. Lic. or VIN: (No.)	State/Country: Reg.: (Mo/Yr) Exp
Yr. of Veh.:	Make: Model: Body Style: Color:
<b>Veh. 3:</b> Veh. Lic. or VIN: (No.)	State/Country: Reg.: (Mo/Yr) Exp
Yr. of Veh.:	Make: Model: Body Style: Color:
<b>Veh. 4:</b> Veh. Lic. or VIN: (No.)	State/Country: Reg.: (Mo/Yr) Exp
Yr. of Veh.:	Make: Model: Body Style: Color:
Construction-VC 42009 (Y/N) Safety Zone-VC 42010 (Y/N) School Zone (Y/N)	
Correctable	Booking Required: (Y/N) (see reverse)
Violation (VC 40610)	
(Yes/No) Code Section	Description Weight Misd./ Infrac.
(Y/N)	lbs (M/I)
(Y/N)	lbs (M/I)
(Y/N)	lbs (M/I)
(Y/N)	lbs (M/I)
(Y/N)	lbs (M/I)
(Y/N)	lbs (M/I)
Speed Approx: P.F./Max Spd.:	Veh. Lmt.: Safe: Radar: (Y/N)
Location of Violation(s) at: (City/County of Occurrence)	
Conditions: (Weather, Road & Traffic Conditions, Etc.)	
Remarks:	<b>RIGHT / LEFT THUMB / FINGER PRINT</b>
Accident (Y/N)	
<b>WITHOUT ADMITTING GUILT, I PROMISE TO APPEAR AT THE TIME AND PLACE INDICATED BELOW.</b>	
X Signature	
WHEN: ON OR BEFORE THIS DATE: / / Time: (AM/PM)	
WHAT TO DO: FOLLOW THE INSTRUCTIONS ON THE REVERSE.	
WHERE: BEFORE A JUDGE OR CLERK OF THE	<b>PHOTO</b>
(Name of court[s])	
(Section[s] or division[s], room no[s].)	
(Street address[es])	
(Phone No.)	
To be notified (Y/N) Contact the clerk to appear at a night court session: (Y/N)	
<input type="checkbox"/> Violations not committed in my presence, declared on information or belief.	
I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct.	
Executed at: (Place)	Violation Location:
(Signature)	/ /
Arresting or Citing Officer	Declaration Date
(Name)	/ /
Arresting Officer, if different from Citing Officer:	Declaration Date
Serial / ID:	Dates Off: / / to / /
Judicial Council of California Form New 04-01-15 (VC 40500(b), 40513(b), 40522, and 40600; PC 853.9 and 959.1) TR-145 DEFENDANT COPY	<b>FPO Barcode USS Code 39</b>

ELECTRONIC TRAFFIC/NONTRAFFIC NOTICE TO APPEAR (Defendant's Instructions)

Shaded areas indicate spaces subject to modification for local or agency requirements.

<p><b>LOCAL INFORMATION FOR THE CITATION IS AVAILABLE ONLINE AT [website address]</b></p> <p><b>IMPORTANT — READ CAREFULLY</b></p> <p><b>WARNING:</b> If you fail to appear in court as you have promised, you may be arrested and punished by 6 MONTHS IN JAIL AND/OR A \$1,000 FINE regardless of the disposition of the original charge. (Veh. Code, § 40508 or Pen. Code, § 853.7.) In addition, any person who fails to appear as provided by law may be deemed to have elected to have a trial by written declaration (in absentia) pursuant to Vehicle Code section 40 903(a) upon any alleged infraction, as charged by the arresting/citing officer.</p> <p><b>JUVENILE:</b> If you were under age 18 at the time the citation was issued, you must appear in court with your parent or guardian.</p> <p><b>COURTESY NOTICE:</b> A courtesy notice may be mailed to the address shown on your citation, indicating the required deposit of money (bail) that may be forfeited instead of your appearing in court. If you do not receive such courtesy notice, you are still required to comply with the items below by the appearance date.</p>
--

**WHAT TO DO**

You are required to appear at court for a misdemeanor violation. For all violations, your court date/time/place are provided above in this notice to appear. Have the citation with you when contacting the court. In all infraction cases, you must do one or more of the following for each violation:

- Pay the fine (bail).
- Correct the violation (traffic cases, when applicable).
- Appear in court.
- Request traffic school (traffic cases, when applicable).
- Contest the violation.
- Request trial by written declaration (traffic cases).

If you do not do one of the above actions, then a "failure to appear" charge will be filed against you (Veh. Code, § 40508(a)) and your driver license may be withheld, suspended, or revoked. In some courts you may be charged an amount in addition to the bail amount and the case may be turned over to a collection agency. (Pen. Code, § 1214.1.)

**1. If you do NOT contest the violation:**

**a. (Pay the bail amount)** Contact the court for bail information. You will not have to appear in court. You will be convicted of the violation, and it will appear on your record at the Department of Motor Vehicles (DMV). A point count may be charged to your DMV record and your insurance may be adversely affected.

**b. (Traffic school)** You may be able to avoid the point count by completing traffic school. You must pay the bail amount as a fee, and you may have to pay other fees. Contact the court to request traffic school.

**c. (Correctable violations)** If the "Yes" box is checked above, the violation is correctable. Upon correction of the violation, have a law enforcement officer or an authorized inspection/installation station agent sign below. (Veh. Code, § 40616.) Registration and driver license violations may also be certified as corrected at an office of the DMV or by any clerk or deputy clerk of a court. The violation will be dismissed by the court after PROOF OF CORRECTION and payment of a transaction fee are presented to the court by mail or in person by the appearance date. Violations of Vehicle Code section 16028 (automobile liability insurance) will be dismissed **only** upon (1) your **showing or mailing to the court** evidence of financial responsibility valid at the time this notice to appear was issued, and (2) your payment of a transaction fee.

CERTIFICATE OF CORRECTION (MUST BE RETURNED TO COURT)				
Section Violated	Signature Certifying Correction	Serial/ ID No.	Agency	Date

**2. If you contest the violation (select a or b):**

**a. (Court trial)** Send a certified or registered letter postmarked not later than five days prior to the appearance date or come to the court by the appearance date to request a court trial on a future date when an officer and any witnesses will be present. **You will be required to submit the bail amount. —OR—**

**b. (Trial by written declaration (traffic infractions))** Send a certified or registered letter postmarked not later than five days prior to the appearance date or come to the court on or before the appearance date to request a trial by written declaration. **Submit the bail amount.** You will be given forms to allow you to write a statement and to submit other evidence without appearing in court. An officer will also submit a statement. The judicial officer will consider the evidence and decide the case.

3. Make check/money order payable to **Clerk of the Court**. Write your citation number and driver license number on your check or money order. You may pay in person, **by mail, or by phone.**

4. If "Booking Required" is checked you must appear for booking on a weekday prior to your court date at \_\_\_\_\_ between the hours of \_\_\_\_\_ and \_\_\_\_\_ and bring the signed verification to your court appearance.

Call \_\_\_\_\_ for more information.

**Booking Verification:** I declare under penalty of perjury under the laws of the State of

California that \_\_\_\_\_ (Defendant's Name)

was booked on \_\_\_\_\_ (Date)

Officer: \_\_\_\_\_

Serial / ID No.: \_\_\_\_\_

(L/R) THUMB/  
FINGER PRINT

TRAFFIC NOTICE TO APPEAR
Automated Traffic Enforcement System

(NAME OF AGENCY AND JURISDICTION)
NOTICE TO APPEAR Automated Traffic Enforcement (Citation No.)
Date of Violation 1. / / Time AM PM Day of Week S M T W T F S Case No.
Name (First, Middle, Last) 2.
Address 3.
City 4. State ZIP Code
Driver Lic. No. 5. State Class Commercial Age Birth Date
Sex 6. Hair Eyes Height Weight Race
Veh. Lic. No. or VIN 7. State COMMERCIAL VEHICLE
Yr. of Veh. 8. Make Model Body Style Color HAZARDOUS MATERIAL
Registered Owner or Lessee 9.
Address 10.
City 11. State ZIP Code
Code and Section 12. Description
Location of Violation at 13. City/County of Occurrence
Violation was not committed in my presence. The above is declared on information and belief and is based on photographic evidence.
I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct.
Date Issued 14. Declarant ID No.
YOU MUST RESPOND TO THE COURT ON OR BEFORE:
15. WHEN: DATE: Time: AM PM
WHAT TO DO: FOLLOW THE INSTRUCTIONS ON THE REVERSE.
16. WHERE: [Name of court[s]] Clerk's Office Hours
[Section[s] or division[s], room no[s].] [Insert hours clerk's office is open.]
[Street address(es)]
[Phone no.]
FPO Barcode
USS Code 39
DEFENDANT COPY
SEE REVERSE
Judicial Council of California Form TR-115
Rev. 04-01-15 (Veh. Code, § 40518)

Shaded areas on the form indicate spaces subject to modification for local or agency requirements.

TRAFFIC NOTICE TO APPEAR  
Automated Traffic Enforcement System

<b>IMPORTANT—READ CAREFULLY</b>
<b>LOCAL INFORMATION FOR THE CITATION IS AVAILABLE ONLINE AT [website address]</b>
<p><b>This Citation Is Based on Photographic Evidence</b>          The vehicle identified on the front was photographed in violation of a traffic signal or sign.  <b>You may see the photographs.</b> Contact: _____  <b>You may see the photographs online at:</b> _____          For more information about the evidence in this case, you may contact the issuing agency,          _____ by telephone at: _____          or in person at: _____          on _____ during the hours of _____          If you were not driving the vehicle at the time of the violation,          contact _____</p>
<b>WHAT TO DO</b>
<p>You have been issued a citation that charges you with a traffic infraction. You must respond by following one of the procedures below by the date on the front (see "WHEN"). If you do not, you may lose your license to drive, and your money penalties may increase.</p> <p><b>1. If you do NOT contest the violation</b>  <b>a. (Pay the bail amount)</b> (See "BAIL INFORMATION" below) Your bail will be forfeited to the court. You will not have to appear in court. You will be convicted of the violation, and it will appear on your record at the Department of Motor Vehicles (DMV). A point count will be charged to your DMV record for this offense and your insurance may be adversely affected.  <b>b. (Traffic school)</b> You may be able to avoid the point count and adverse effect on your insurance by attending traffic school. Contact the court to request traffic school. You must pay the bail amount as a fee, and you may have to pay other fees.</p> <p><b>2. If you contest the violation (select one)</b>  <b>a. (Court trial)</b> Send a certified or registered letter postmarked not later than five days prior to the appearance date, or come to the court by the appearance date to request a court trial on a future date when an officer and witnesses will be present. You will be required to submit the bail amount. You will be given a date for your trial.  <b>—OR—</b>  <b>b. (Trial by written declaration)</b> Send a certified or registered letter postmarked not later than five days prior to the appearance date, or come to the court on or before the date on the front and request a trial by written declaration. <b>Submit the bail amount.</b> You will be given forms to allow you to write a statement and submit other evidence without appearing in court. An officer will also submit a statement. The judicial officer will consider all of the evidence at the same time and decide the case.</p>
<b>WRITING TO THE COURT</b>
<p>If you write to the court, always write the citation number and your driver license number on your letter. Use of certified or registered mail is required. <b>Do not send your copy of the citation.</b> Keep it for your own records.</p>
<b>BAIL INFORMATION</b>
<p>The "bail" is the amount you must pay or deposit for the charged violation.</p> <div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 10px auto;"> <p style="text-align: center;">Bail Amount: \$ _____ <b>OR [See enclosed information]</b></p> </div> <p>Make the check or money order payable to _____          Write the citation number and your driver license number on your check or money order.          You may deposit the bail in person, by mail, or by phone.</p>
<p>NIGHT COURT TRIALS [are] [are NOT] available for this citation.</p>
<b>JUVENILES</b>
<p>If you are under 18, you must be accompanied by your parent or guardian when you appear in court. Bring this citation and your driver license. You will be notified by the Juvenile Court of your court date. [For additional information, call the Juvenile Traffic Court at _____]</p>

Shaded areas on the form indicate spaces subject to modification for local or agency requirements.



NONTRAFFIC NOTICE TO APPEAR  
(Face of Court's Copy)

<i>(Name of Agency and Jurisdiction)</i>		<input type="checkbox"/> MISDEMEANOR		(Citation No.)	
<b>NOTICE TO APPEAR</b>		Nontraffic			
Date of Violation 1. / /		Time <input type="checkbox"/> AM <input type="checkbox"/> PM		Day of Week S M T W T F S	
Case No.					
Name (First, Middle, Last) 2.					
Address 3.					
City 4.		State		ZIP Code	
E-mail Address					
Driver Lic. No. 5.		State		Class	
Age		Birth Date / /		<input type="checkbox"/> Juvenile (Phone No.) ( )	
Sex 6.		Hair		Eyes	
Height		Weight		Race	
Other Description					
Code		Ordinance		Description	
				Misdemeanor Infraction (Circle)	
7.				M I	
8.				M I	
9.				M I	
10.				M I	
11.				M I	
12.				M I	
13.				M I	
14.				M I	
15.				M I	
16.				M I	
17.				M I	
18.				M I	
Evidence Seized 19.				<input type="checkbox"/> Booking Required	
Location of Violation(s) 20.				City/County of Occurrence	
Comments 21.					
<input type="checkbox"/> Violations not committed in my presence, declared on information and belief.					
22. I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct.					
23. / / Dec. Date		Arresting or Citing Officer		Serial No. to Dates Off	
24. / / Dec. Date		Name of Arresting Officer, if different from Citing Officer		Serial No. to Dates Off	
25. <b>WITHOUT ADMITTING GUILT, I PROMISE TO APPEAR AT THE TIME AND PLACE INDICATED BELOW.</b> <b>X Signature</b>					
26. WHEN:		ON OR BEFORE THIS DATE: / /		Time: <input type="checkbox"/> AM <input type="checkbox"/> PM Time: <input type="checkbox"/> AM <input type="checkbox"/> PM	
27. WHAT TO DO:		FOLLOW THE INSTRUCTIONS ON THE REVERSE.			
WHERE:		[Name of court[s]] [Section[s] or division[s], room no[s].] [Street address[es]] [Phone No.]			
28. <input type="checkbox"/> To be notified		<input type="checkbox"/> You may arrange with the clerk to appear at a night session of the court.			
FPO Barcode (USS Code 39)				DEFENDANT COPY	
Judicial Council of California Form Rev. 04-01-15 (Pen. Code, § 853.9)				SEE REVERSE TR-120	

Shaded areas on the form indicate spaces subject to modification for local or agency requirements.

NONTRAFFIC NOTICE TO APPEAR  
(Reverse Of Defendant's Copy)

**IMPORTANT — READ CAREFULLY**

**LOCAL INFORMATION FOR THE CITATION IS AVAILABLE ONLINE  
AT [website address]**

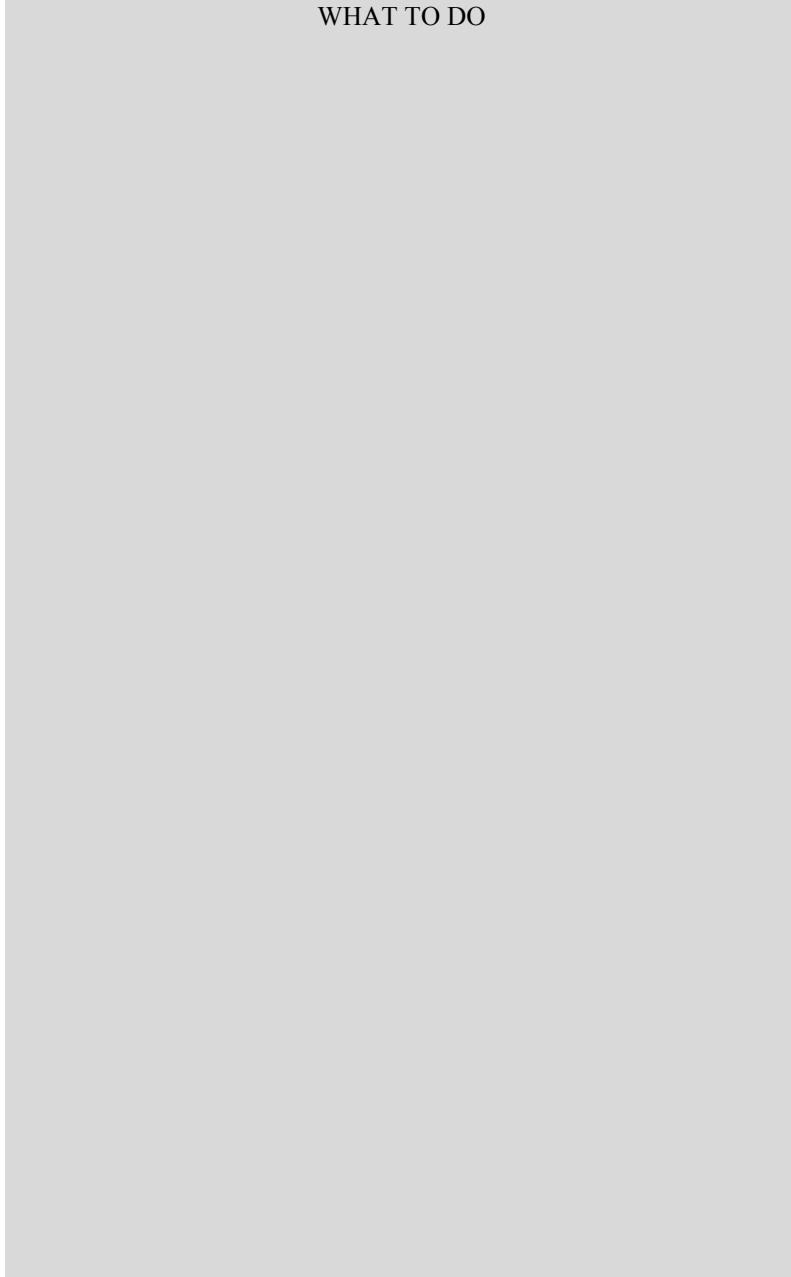
**WARNING:** If you fail to appear in court as you have promised, you may be arrested and punished by 6 MONTHS IN JAIL AND/OR A \$1,000 FINE, regardless of the disposition of the original charge. (Pen. Code, § 853.7.)

If "Booking Required is checked you must appear on a **weekday** prior to your court date for booking at: \_\_\_\_\_ between the hours of \_\_\_\_\_ and \_\_\_\_\_ and bring the signed verification to your court appearance. Call \_\_\_\_\_ for more information.

**Booking Verification:** I declare under penalty of perjury under the laws of the State of California that

\_\_\_\_\_ was booked on \_\_\_\_\_ Date \_\_\_\_\_ Officer \_\_\_\_\_ Serial No. \_\_\_\_\_

WHAT TO DO



Shaded areas on the form indicate spaces subject to modification for local or agency requirements.

NONTRAFFIC NOTICE TO APPEAR  
(Reverse Of Court's Copy)

(Circle one)

RIGHT or LEFT  
THUMB PRINT

Shaded areas on the form indicate spaces subject to modification for local or agency requirements.

TRAFFIC/NONTRAFFIC NOTICE TO APPEAR  
(Face of Court's Copy)

<i>(NAME OF AGENCY AND JURISDICTION)</i>										<input type="checkbox"/> MISDEMEANOR			
<b>NOTICE TO APPEAR</b>										<input type="checkbox"/> Traffic <input type="checkbox"/> Nontraffic		(Citation No.)	
Date of Violation 1. / /			Time		<input type="checkbox"/> AM <input type="checkbox"/> PM		Day of Week <b>S M T W T F S</b>		Case No.				
Name (First, Middle, Last) 2.										<input type="checkbox"/> Owner's Responsibility (Veh. Code, § 40001)			
Address 3.													
City 4.				State		ZIP Code		E-mail Address					
Driver Lic. No. 5.			State		Class	Commercial <input type="checkbox"/> Yes <input type="checkbox"/> No		Age	Birth Date / /				
Sex 6.	Hair	Eyes	Height	Weight	Race		<input type="checkbox"/> Juvenile (Phone No.) ( )						
Veh. Lic. No. or VIN 7.			State		Reg. MO/YR		<input type="checkbox"/> COMMERCIAL VEHICLE (Veh. Code, § 15210(b))						
Yr. of Veh. 8.	Make	Model	Body Style	Color		<input type="checkbox"/> HAZARDOUS MATERIAL (Veh. Code, § 353)							
Evidence of Financial Responsibility 9.			CHP/DOT/PUC/ICC										
Registered Owner or Lessee 10.										<input type="checkbox"/> Same as Driver			
Address 11.										<input type="checkbox"/> Same as Driver			
City 12.			State		ZIP Code								
Correctable Violation (Veh. Code, § 40610)										<input type="checkbox"/> Booking Required (see reverse)		Misdemeanor or Infraction (Circle)	
Yes	No	Code and Section		Description									
13. <input type="checkbox"/>	<input type="checkbox"/>												
14. <input type="checkbox"/>	<input type="checkbox"/>												
15. <input type="checkbox"/>	<input type="checkbox"/>												
16. <input type="checkbox"/>	<input type="checkbox"/>												
Speed Approx. 17.	P.F./Max Spd.	Veh. Lmt.	Safe	Radar	<input type="checkbox"/> Continuation Form Issued		N						
Location of Violation(s) 18. at					City/County of Occurrence			W			E		
Comments (Weather, Road & Traffic Conditions) 19.										<input type="checkbox"/> Accident		S	
<input type="checkbox"/> Violations not committed in my presence, declared on information and belief.													
I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct.													
Executed at (place) Violation Location													
21. / / Dec. Date	Arresting or Citing Officer					Serial No.	to	Dates Off					
22. / / Dec. Date	Name of Arresting Officer, if different from Citing Officer					Serial No.	to	Dates Off					
23. <b>WITHOUT ADMITTING GUILT, I PROMISE TO APPEAR AT THE TIME AND PLACE INDICATED BELOW.</b> <b>X Signature</b>													
24. WHEN:	ON OR BEFORE THIS DATE: / /					Time: _____	<input type="checkbox"/> AM	<input type="checkbox"/> PM					
25. WHAT TO DO:	FOLLOW THE INSTRUCTIONS ON THE REVERSE.												
WHERE:	[Name of court[s]] [Section[s] or division[s], room no[s].] [Street address(es)] [Phone No.]												
26. <input type="checkbox"/> To be notified	<input type="checkbox"/> You may arrange with the clerk to appear at a night session of the court.												
FPO Barcode (USS Code 39)										DEFENDANT COPY			
Judicial Council of California Form										SEE REVERSE			
Rev. 04-01-15 (Veh. Code, §§ 40500(b), 40513(b), 40522, 40600; Pen. Code, § 853.9)										TR-130			

Shaded areas on the form indicate spaces subject to modification for local or agency requirements.

TRAFFIC/NONTRAFFIC NOTICE TO APPEAR  
(Reverse of Defendant's Copy)

**IMPORTANT — READ CAREFULLY**

LOCAL INFORMATION FOR THE CITATION IS AVAILABLE ONLINE  
AT [\[website address\]](#)

**WARNING:** If you fail to appear in court as you have promised, you may be arrested and punished by 6 MONTHS IN JAIL AND/OR A \$1,000 FINE regardless of the disposition of the original charge. (Veh. Code, § 40508 or Pen. Code, § 853.7.) In addition, any person who fails to appear as provided by law may be deemed to have elected to have a trial by written declaration (in absentia) pursuant to Vehicle Code section 40903(a) upon any alleged infraction, as charged by the arresting/citing officer.

**JUVENILE:** If you were under age 18 at the time the citation was issued, you must appear in court with your parent or guardian.

**COURTESY NOTICE:** A courtesy notice may be mailed to the address shown on your citation, indicating the required deposit of money (bail) that may be forfeited instead of your appearing in court. If you do not receive such courtesy notice, you are still required to comply with the items below by the appearance date.

**WHAT TO DO**

You are required to appear at court for a misdemeanor violation. For all violations, your court date/time/place are on the front of this notice to appear. Have the citation with you when contacting the court. In all infraction cases, you must do one or more of the following for each violation:

- Pay the fine (bail).
- Correct the violation (traffic cases, when applicable).
- Appear in court.
- Request traffic school (traffic cases, when applicable).
- Contest the violation.
- Request trial by written declaration (traffic cases).

If you do not do one of the above actions, then a "failure to appear" charge will be filed against you (Veh. Code, § 40508(a)) and your driver license may be withheld, suspended, or revoked. In some courts you may be charged an amount in addition to the bail amount and the case may be turned over to a collection agency. (Pen. Code, § 1214.1.)

1. **If you do NOT contest the violation:**
  - a. **(Pay the bail amount)** Contact the court for bail information. You will not have to appear in court. You will be convicted of the violation, and it will appear on your record at the Department of Motor Vehicles (DMV). A point count may be charged to your DMV record and your insurance may be adversely affected.
  - b. **(Traffic school)** You may be able to avoid the point count by completing traffic school. You must pay the bail amount, and you may have to pay other fees. Contact the court to request traffic school.
  - c. **(Correctable violations)** If the "Yes" box is checked on the front of your ticket, the violation is correctable. Upon correction of the violation, have a law enforcement officer or an authorized inspection/installation station agent sign below. (Veh. Code, § 40616.) Registration and driver license violations may also be certified as corrected at an office of the DMV or by any clerk or deputy clerk of a court. The violation will be dismissed by the court after PROOF OF CORRECTION and payment of a transaction fee are presented to the court by mail or in person by the appearance date. Violations of Vehicle Code section 16028 (automobile liability insurance) will be dismissed **only** upon (1) your **showing or mailing to the court** evidence of financial responsibility valid at the time this notice to appear was issued, and (2) your payment of a transaction fee.

CERTIFICATE OF CORRECTION (MUST BE RETURNED TO COURT)				
Section(s) Violated	Signature of Person Certifying Correction	Serial No.	Agency	Date

2. **If you contest the violation (select a or b):**
  - a. **(Court trial)** Send a certified or registered letter postmarked not later than five days prior to the appearance date or come to the court by the appearance date to request a court trial on a future date when an officer and any witnesses will be present. **You will be required to submit the bail amount.—OR—**
  - b. **(Trial by written declaration (traffic cases))** Send a certified or registered letter postmarked not later than five days prior to the appearance date or come to the court on or before the appearance date to request a trial by written declaration. **Submit the bail amount.** You will be given forms to allow you to write a statement and to submit other evidence without appearing in court. An officer will also submit a statement. The judicial officer will consider the evidence and decide the case.
3. Make check/money order payable to **Clerk of the Court**. Write your citation number and driver license number on your check or money order. You may pay in person, by mail, or by phone.
4. If "Booking Required" is checked, you must appear for booking on a weekday prior to your court date at: \_\_\_\_\_ between the hours of \_\_\_\_\_ and \_\_\_\_\_ and bring the signed verification to your court appearance. Call \_\_\_\_\_ for more information.

**Booking Verification:** I declare under penalty of perjury under the laws of the State of California that \_\_\_\_\_ was booked on \_\_\_\_\_

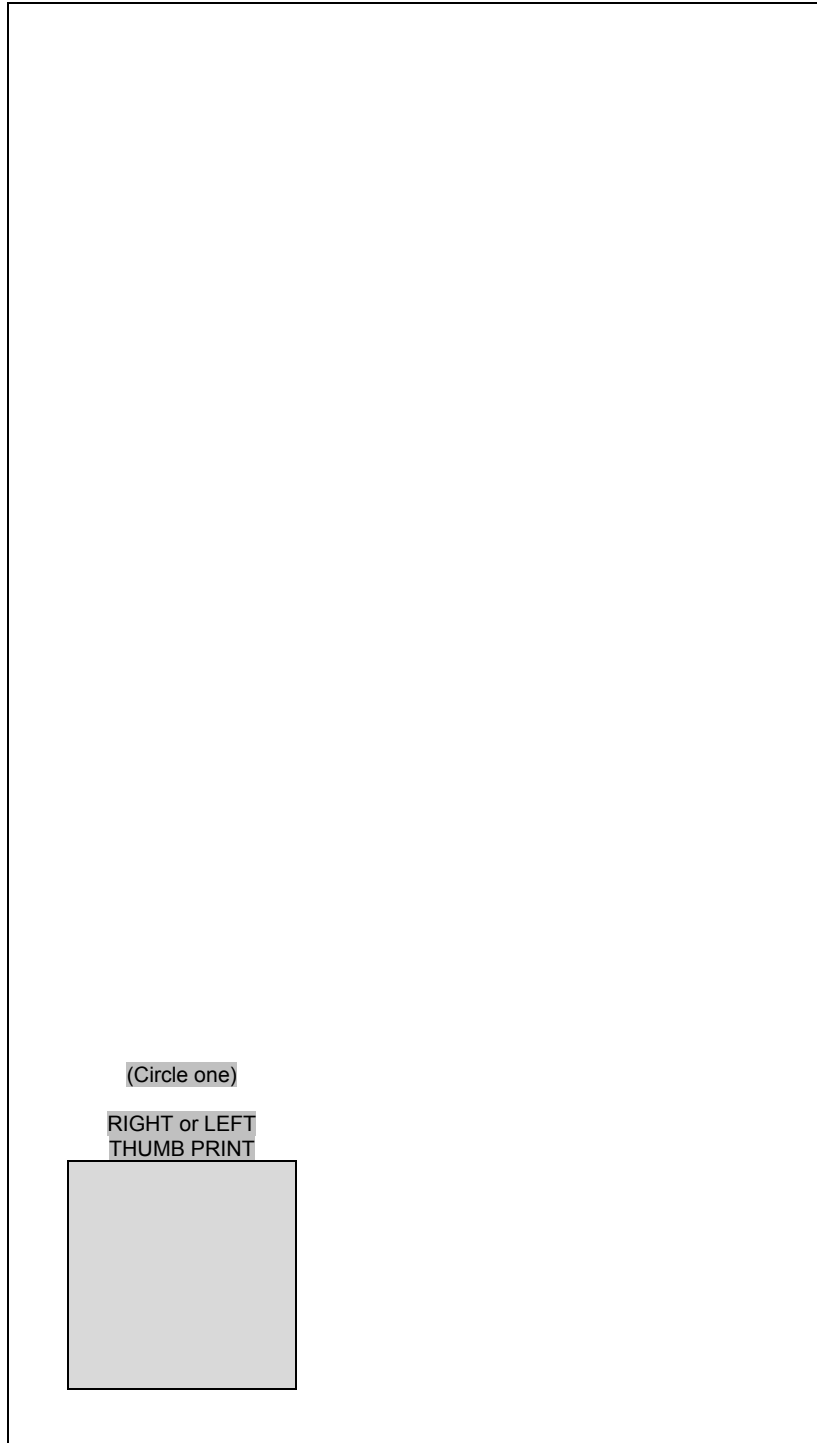
Defendant's name                      Date                      Officer                      Serial No.

**Shaded areas on the form indicate spaces subject to modification for local or agency requirements.**

TRAFFIC/NONTRAFFIC NOTICE TO APPEAR  
(Reverse of Court's Copy)

(Circle one)

RIGHT or LEFT  
THUMB PRINT



Shaded areas on the form indicate spaces subject to modification for local or agency requirements.

**ELECTRONIC TRAFFIC/NONTRAFFIC NOTICE TO APPEAR  
(Defendant's Copy)**

Shaded areas indicate spaces subject to modification for local or agency requirements.

<b>(NAME OF AGENCY AND JURISDICTION)</b>		<input type="checkbox"/> MISDEMEANOR (Citation No.)	
<b>NOTICE TO APPEAR</b>		<input type="checkbox"/> TRAFFIC <input type="checkbox"/> NONTRAFFIC	
Date of Violation 1. / /	Time <input type="checkbox"/> AM <input type="checkbox"/> PM	Day of Week	Case No.
Name (First, Middle, Last)/(Company) 2.		<input type="checkbox"/> Owner's Responsibility (VC 40001)	
Address 3.			
City 4.	State/Country	ZIP Code	<input type="checkbox"/> Juvenile (Phone No.) ( )
Driver Lic. No. 5.	State/Country	Class	Commercial <input type="checkbox"/> Yes <input type="checkbox"/> No Age Birth Date / /
Sex 6.	Hair	Eyes	Height Weight Race Other Description
E-mail Address 7.		<input type="checkbox"/> COMM. VEH. (VC 15210(b))	
Veh. Lic. No. or VIN 8.	State/Country	Reg. Mo/Yr Exp	
Yr. of Veh. 9.	Make	Model	Body Style Color
Evidence of Financial Responsibility 10.		CHP/DOT/PUC/ICC	
Registered Owner or Lessee 11.		<input type="checkbox"/> Same as Driver	
Address 12.		City State/Country ZIP Code	<input type="checkbox"/> Same as Driver
Veh. Lic. No. or VIN 13.		State/Country	Reg. Mo/Yr Exp.
Veh. 2			
Yr. of Veh. 14.		Make	Model Body Style Color Type
15. <input type="checkbox"/> VC 42009 Construction Zone <input type="checkbox"/> VC 42010 Safety Zone <input type="checkbox"/> School Zone			
Correctable Violation (VC 40610) Yes/No Code and Section		<input type="checkbox"/> Booking Required (see below) Description	
16 (Y/N)		Overweight lbs	Misdemeanor or Infraction M I <input type="checkbox"/> <input type="checkbox"/>
17 (Y/N)		lbs	<input type="checkbox"/> <input type="checkbox"/>
18 (Y/N)		lbs	<input type="checkbox"/> <input type="checkbox"/>
19 (Y/N)		lbs	<input type="checkbox"/> <input type="checkbox"/>
Speed Approx. 20. >	P.F./Max Spd.	Veh. Lmt.	Safe Radar
Location of Violation(s) 21. at		City/County of Occurrence	<b>RIGHT / LEFT THUMB/ FINGER PRINT</b>
Comments (Weather, Road & Traffic Conditions, Etc.) 22.			
23. <input type="checkbox"/> Violations not committed in my presence, declared on information and belief.			
24. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.			
Citation #	Violation location	Executed at (place)	
25. / / Dec. Date	Arresting or Citing Officer	Serial No.	Fm To Vac. Dates
26. / / Dec. Date	Name of Arresting Officer, if different from Citing Officer	Serial No.	Fm To Vac. Dates
27. <b>WITHOUT ADMITTING GUILT, I PROMISE TO APPEAR AT THE TIME AND PLACE INDICATED BELOW.</b> X Signature			
28. WHEN: ON OR BEFORE THIS DATE: / /		Time: <input type="checkbox"/> AM <input type="checkbox"/> PM Time: <input type="checkbox"/> AM <input type="checkbox"/> PM	
WHAT TO DO: FOLLOW THE INSTRUCTIONS BELOW.			
29. WHERE: [Name of court[s]] [Section[s] or division[s], room no[s].] [Street address[es]] [Phone No.]		PHOTO (Citation No.)	
30. <input type="checkbox"/> To be notified <input type="checkbox"/> Contact the clerk to appear at a night court session.		DEFENDANT COPY	
Judicial Council of California Form New 04-01-15 (VC 40500(b), 40513(b), 40522, and 40600; PC 853.9 and 959.1) TR-135		FPO Barcode (USS Code 39)	

ELECTRONIC TRAFFIC/NONTRAFFIC NOTICE TO APPEAR  
(Continuation of Defendant's Copy)

Shaded areas indicate conditional fields for use when citing multiple vehicles or violations with a continuation page.

(NAME OF AGENCY AND JURISDICTION)		<input type="checkbox"/> MISDEMEANOR (Citation No.)	
<b>NOTICE TO APPEAR</b>		<input type="checkbox"/> TRAFFIC <input type="checkbox"/> NONTRAFFIC	
1. Date of Violation	Time	<input type="checkbox"/> AM <input type="checkbox"/> PM	Day of Week
Case No.			
2. Name (First, Middle, Last)/(Company)		<input type="checkbox"/> Owner's Responsibility (VC 40001)	
3. Address			
4. City	State/Country	ZIP Code	<input type="checkbox"/> Juvenile (Phone No.) ( )
5. Driver Lic. No.	State/Country	Class	Commercial <input type="checkbox"/> Yes <input type="checkbox"/> No
Age		Birth Date / /	
6. Sex	Hair	Eyes	Height
Weight	Race	Other Description	
7. E-mail Address			
8. <input type="checkbox"/> VC 42009 Construction Zone <input type="checkbox"/> VC 42010 Safety Zone <input type="checkbox"/> School Zone			
Correctable Violation (VC 40610)		<input type="checkbox"/> Booking Required (see below)	
Yes/No	Code and Section	Description	Misdemeanor or Infraction
9 (Y/N)		Overweight	lbs M I <input type="checkbox"/> <input type="checkbox"/>
10 (Y/N)		lbs	<input type="checkbox"/> <input type="checkbox"/>
11 (Y/N)		lbs	<input type="checkbox"/> <input type="checkbox"/>
12 (Y/N)		lbs	<input type="checkbox"/> <input type="checkbox"/>
13 (Y/N)		lbs	<input type="checkbox"/> <input type="checkbox"/>
14 (Y/N)		lbs	<input type="checkbox"/> <input type="checkbox"/>
15 (Y/N)		lbs	<input type="checkbox"/> <input type="checkbox"/>
16 (Y/N)		lbs	<input type="checkbox"/> <input type="checkbox"/>
17 (Y/N)		lbs	<input type="checkbox"/> <input type="checkbox"/>
18 (Y/N)		lbs	<input type="checkbox"/> <input type="checkbox"/>
19 (Y/N)		lbs	<input type="checkbox"/> <input type="checkbox"/>
20 (Y/N)		lbs	<input type="checkbox"/> <input type="checkbox"/>
21. Veh. Lic. No. or VIN	State/Country	Reg. Mo/Yr	Expiration Date
22. Veh. 3	Veh. Lic. No. / VIN	State/Country	Reg. Mo/Yr Exp.
23. Yr. of Veh.	Make	Model	Body Style Color Type
24. Veh. 4	Veh. Lic. No. / VIN	State/Country	Reg. Mo/Yr Exp.
25. Yr. of Veh.	Make	Model	Body Style Color Type
26. Veh. 5	Veh. Lic. No. / VIN	State/Country	Reg. Mo/Yr Exp.
27. Yr. of Veh.	Make	Model	Body Style Color Type
Location of Violation			
28. <input type="checkbox"/> Violations not committed in my presence, declared on information and belief.			
29. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.			
Citation#	Violation location	Executed at (place)	
30. / /	Arresting or Citing Officer	Serial No.	Fm To Vac. Dates
31. / /	Name of Arresting Officer, if different from Citing Officer	Serial No.	Fm To Vac. Dates
32. <b>WITHOUT ADMITTING GUILT, I PROMISE TO APPEAR AT THE TIME AND PLACE INDICATED.</b> X Signature			
Judicial Council of California Form New 04-01-15 (VC 40500(b), 40513(b), 40522, and 40600; PC 853.9 and 959.1) TR-135		FPO Barcode (USS Code 39)	



(Citation No.)

**LOCAL INFORMATION FOR THE CITATION IS AVAILABLE ONLINE AT**  
[website address]

**IMPORTANT — READ CAREFULLY**

**WARNING:** If you fail to appear in court as you have promised, you may be arrested and punished by 6 MONTHS IN JAIL AND/OR A \$1,000 FINE regardless of the disposition of the original charge. (Veh. Code, § 40508, or Pen. Code, § 853.7.) In addition, any person who fails to appear as provided by law may be deemed to have elected to have a trial by written declaration (in absentia) pursuant to Vehicle Code section 40903(a) upon any alleged infraction, as charged by the arresting/citing officer.

**JUVENILE:** If you were under age 18 at the time the citation was issued, you must appear in court with your parent or guardian.

**COURTESY NOTICE:** A courtesy notice may be mailed to the address shown on your citation, indicating the required deposit of money (bail) that may be forfeited instead of your appearing in court. If you do not receive such courtesy notice, you are still required to comply with the items below by the appearance date.

**WHAT TO DO**

You are required to appear at court for a misdemeanor violation. For all violations, your court date/time/place are provided above in this notice to appear. Have the citation with you when contacting the court. In all infraction cases, you must do one or more of the following for each violation:

- Pay the fine (bail).
- Appear in court.
- Contest the violation.
- Correct the violation (traffic cases, when applicable).
- Request traffic school (traffic cases, when applicable).
- Request trial by written declaration (traffic cases).

If you do not do one of the above actions, then a "failure to appear" charge will be filed against you (Veh. Code, § 40508(a)) and your driver license may be withheld, suspended, or revoked. In some courts you may be charged an amount in addition to the bail amount and the case may be turned over to a collection agency. (Pen. Code, § 1214.1.)

**1. If you do NOT contest the violation:**

**a. (Pay the bail amount)** Contact the court for bail information. You will not have to appear in court. You will be convicted of the violation, and it will appear on your record at the Department of Motor Vehicles (DMV). A point count may be charged to your DMV record, and your insurance may be adversely affected.

**b. (Traffic school)** You may be able to avoid the point count by completing traffic school. You must pay the bail amount as a fee, and you may have to pay other fees. Contact the court to request traffic school.

**c. (Correctable violations)** If the "Yes" box is checked above, the violation is correctable. Upon correction of the violation, have a law enforcement officer or an authorized inspection/installation station agent sign below. (Veh. Code, § 40616.) Registration and driver license violations may also be certified as corrected at an office of the DMV or by any clerk or deputy clerk of a court. The violation will be dismissed by the court after PROOF OF CORRECTION and payment of a transaction fee are presented to the court by mail or in person by the appearance date. Violations of Vehicle Code section 16028 (automobile liability insurance) will be dismissed **only** upon (1) your **showing or mailing to the court** evidence of financial responsibility valid at the time this notice to appear was issued, and (2) your payment of a transaction fee.

CERTIFICATE OF CORRECTION (MUST BE RETURNED TO COURT)				
Section(s) Violated	Signature of Person Certifying Correction	Serial / ID No.	Agency	Date

**2. If you contest the violation (select a or b):**

**a. (Court trial)** Send a certified or registered letter postmarked not later than five days prior to the appearance date or come to the court by the appearance date to request a court trial on a future date when an officer and any witnesses will be present. **You will be required to submit the bail amount. —OR—**

**b. (Trial by written declaration (traffic infractions))** Send a certified or registered letter postmarked not later than five days prior to the appearance date or come to the court on or before the appearance date to request a trial by written declaration. **Submit the bail amount.** You will be given forms to allow you to write a statement and to submit other evidence without appearing in court. An officer will also submit a statement. The judicial officer will consider the evidence and decide the case.

**3** Make check/money order payable to **Clerk of the Court**. Write your citation number and driver license number on your check or money order. You may pay in person, by mail, or by phone.

**4.** If "Booking Required" is checked, you must appear for booking on a **weekday** prior to your court date at \_\_\_\_\_ **between the hours of** \_\_\_\_\_ and \_\_\_\_\_ and bring the signed verification to your court appearance. Call \_\_\_\_\_ for more information.

**Booking Verification:** I declare under penalty of perjury under the laws of the State of California that \_\_\_\_\_ was booked on \_\_\_\_\_  
 Defendant's name \_\_\_\_\_ Date \_\_\_\_\_  
 Officer \_\_\_\_\_ Serial / ID No. \_\_\_\_\_

**ELECTRONIC TRAFFIC/NONTRAFFIC NOTICE TO APPEAR (Defendant's Copy) ATTACHMENT G**  
 Shaded areas indicate spaces subject to violation details or modification for local or agency requirements.

Agency: (Name and Jurisdiction)	
<b>NOTICE TO APPEAR</b>	
Misdemeanor: (Y/N) Traffic: (Y/N) Nontraffic: (Y/N)	Citation: (No.)
Violation Date: (Day of Week) / / Time: (AM/PM) Case No.:	
Owner's Responsibility: (Y/N) (VC 40001)	
Name: (First, Middle, Last)/(Company)	
Address:	
City:	State/Country: ZIP:
Juvenile (Phone #): ( )	E-mail Address:
Driver Lic.: (No.) State/Country: Class:	Comm. Lic.: (Y/N)
Birth Date: / / Age:	Juvenile: (Y/N)
Sex: Hair: Eyes: Ht: Wt: Race:	Other Descr.:
Veh. Lic. or VIN: (No.) State/Country:	Reg.: (Mo/Yr) Exp
Yr. of Veh.: Make: Model:	
Body Style: Color:	
<b>COMMERCIAL VEH. (VC 15210(b)): (Y/N) HAZ. MAT. (VC 353): (Y/N)</b>	
Evid. of Financial Resp.:	CHP/DOT/PUC/ICC
Registered Owner or Lessee: (First, Middle, Last/Company)	
Address:	
City:	State/Country: ZIP:
<b>Veh. 2:</b> Veh. Lic. or VIN: (No.) State/Country: Reg.: (Mo/Yr) Exp	
Yr. of Veh.: Make: Model: Body Style: Color:	
<b>Veh. 3:</b> Veh. Lic. or VIN: (No.) State/Country: Reg.: (Mo/Yr) Exp	
Yr. of Veh.: Make: Model: Body Style: Color:	
<b>Veh. 4:</b> Veh. Lic. or VIN: (No.) State/Country: Reg.: (Mo/Yr) Exp	
Yr. of Veh.: Make: Model: Body Style: Color:	
Construction-VC 42009 (Y/N) Safety Zone-VC 42010 (Y/N) School Zone (Y/N)	
Correctable	Booking Required: (Y/N) (see reverse)
Violation (VC 40610)	
(Yes/No) Code Section Description	Weight Misd./ Infrac.
(Y/N)	lbs (M/I)
(Y/N)	lbs (M/I)
(Y/N)	lbs (M/I)
(Y/N)	lbs (M/I)
(Y/N)	lbs (M/I)
(Y/N)	lbs (M/I)
Speed Approx: P.F./Max Spd.: Veh. Lmt.: Safe: Radar: (Y/N)	
Location of Violation(s) at: (City/County of Occurrence)	
Conditions: (Weather, Road & Traffic Conditions, Etc.)	
Remarks:	<b>RIGHT / LEFT THUMB / FINGER PRINT</b>
Accident (Y/N)	
<b>WITHOUT ADMITTING GUILT, I PROMISE TO APPEAR AT THE TIME AND PLACE INDICATED BELOW.</b>	
X Signature	
WHEN: ON OR BEFORE THIS DATE: / / Time: (AM/PM)	
WHAT TO DO: FOLLOW THE INSTRUCTIONS ON THE REVERSE.	
WHERE: BEFORE A JUDGE OR CLERK OF THE	<b>PHOTO</b>
(Name of court[s])	
(Section[s] or division[s], room no[s].)	
(Street address[es])	
(Phone No.)	
To be notified (Y/N) Contact the clerk to appear at a night court session: (Y/N)	
<input type="checkbox"/> Violations not committed in my presence, declared on information or belief.	
I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct.	
Executed at: (Place)	Violation Location:
(Signature)	/ /
Arresting or Citing Officer	Declaration Date
(Name)	/ /
Arresting Officer, if different from Citing Officer:	Declaration Date
Serial / ID: _____	Dates Off: / / to / /
Judicial Council of California Form New 04-01-15 (VC 40500(b), 40513(b), 40522, and 40600; PC 853.9 and 959.1) TR-145 DEFENDANT COPY	<b>FPO Barcode USS Code 39</b>

**LOCAL INFORMATION FOR THE CITATION IS AVAILABLE ONLINE AT [website address]**

**IMPORTANT — READ CAREFULLY**

**WARNING:** If you fail to appear in court as you have promised, you may be arrested and punished by 6 MONTHS IN JAIL AND/OR A \$1,000 FINE regardless of the disposition of the original charge. (Veh. Code, § 40508 or Pen. Code, § 853.7.) In addition, any person who fails to appear as provided by law may be deemed to have elected to have a trial by written declaration (in absentia) pursuant to Vehicle Code section 40903(a) upon any alleged infraction, as charged by the arresting/citing officer.

**JUVENILE:** If you were under age 18 at the time the citation was issued, you must appear in court with your parent or guardian.

**COURTESY NOTICE:** A courtesy notice may be mailed to the address shown on your citation, indicating the required deposit of money (bail) that may be forfeited instead of your appearing in court. If you do not receive such courtesy notice, you are still required to comply with the items below by the appearance date.

**WHAT TO DO**

You are required to appear at court for a misdemeanor violation. For all violations, your court date/time/place are provided above in this notice to appear. Have the citation with you when contacting the court. In all infraction cases, you must do one or more of the following for each violation:

- Pay the fine (bail).
- Correct the violation (traffic cases, when applicable).
- Appear in court.
- Request traffic school (traffic cases, when applicable).
- Contest the violation.
- Request trial by written declaration (traffic cases).

If you do not do one of the above actions, then a "failure to appear" charge will be filed against you (Veh. Code, § 40508(a)) and your driver license may be withheld, suspended, or revoked. In some courts you may be charged an amount in addition to the bail amount and the case may be turned over to a collection agency. (Pen. Code, § 1214.1.)

- 1. If you do NOT contest the violation:**
- a. (Pay the bail amount)** Contact the court for bail information. You will not have to appear in court. You will be convicted of the violation, and it will appear on your record at the Department of Motor Vehicles (DMV). A point count may be charged to your DMV record and your insurance may be adversely affected.
  - b. (Traffic school)** You may be able to avoid the point count by completing traffic school. You must pay the bail amount as a fee, and you may have to pay other fees. Contact the court to request traffic school.
  - c. (Correctable violations)** If the "Yes" box is checked above, the violation is correctable. Upon correction of the violation, have a law enforcement officer or an authorized inspection/installation station agent sign below. (Veh. Code, § 40616.) Registration and driver license violations may also be certified as corrected at an office of the DMV or by any clerk or deputy clerk of a court. The violation will be dismissed by the court after PROOF OF CORRECTION and payment of a transaction fee are presented to the court by mail or in person by the appearance date. Violations of Vehicle Code section 16028 (automobile liability insurance) will be dismissed **only** upon (1) your **showing or mailing to the court** evidence of financial responsibility valid at the time this notice to appear was issued, and (2) your payment of a transaction fee.

CERTIFICATE OF CORRECTION (MUST BE RETURNED TO COURT)				
Section Violated	Signature Certifying Correction	Serial/ ID No.	Agency	Date

- 2. If you contest the violation (select a or b):**
- a. (Court trial)** Send a certified or registered letter postmarked not later than five days prior to the appearance date or come to the court by the appearance date to request a court trial on a future date when an officer and any witnesses will be present. **You will be required to submit the bail amount. —OR—**
  - b. (Trial by written declaration (traffic infractions))** Send a certified or registered letter postmarked not later than five days prior to the appearance date or come to the court on or before the appearance date to request a trial by written declaration. **Submit the bail amount.** You will be given forms to allow you to write a statement and to submit other evidence without appearing in court. An officer will also submit a statement. The judicial officer will consider the evidence and decide the case.
- 3** Make check/money order payable to **Clerk of the Court**. Write your citation number and driver license number on your check or money order. You may pay in person, **by mail, or by phone.**
- 4.** If "Booking Required" is checked you must appear for booking on a weekday prior to your court date at \_\_\_\_\_ between the hours of \_\_\_\_\_ and \_\_\_\_\_ and bring the signed verification to your court appearance.

Call \_\_\_\_\_ for more information.  
**Booking Verification:** I declare under penalty of perjury under the laws of the State of California that \_\_\_\_\_ (Defendant's Name) was booked on \_\_\_\_\_ (Date)  
 Officer: \_\_\_\_\_  
 Serial / ID No.: \_\_\_\_\_

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## JUDICIAL COUNCIL OF CALIFORNIA

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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on: October 28, 2014

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**Title**

Family Law: Petition and Response for Dissolution, Legal Separation, and Nullity of Marriage and Domestic Partnership

**Rules, Forms, Standards, or Statutes Affected**

Amend Cal. Rules of Court, rule 5.76; revise forms FL-100, FL-107-INFO, FL-110, FL-115, FL-117, and FL-120; revoke forms FL-103, and FL-123

**Recommended by**

Family and Juvenile Law Advisory Committee  
Hon. Jerilyn L. Borack, Cochair  
Hon. Kimberly J. Nystrom-Geist, Cochair

**Agenda Item Type**

Action Required

**Effective Date**

January 1, 2015

**Date of Report**

September 22, 2014

**Contact**

Bonnie Hough, 415-865-7668  
bonnie.hough@jud.ca.gov

Gabrielle D. Selden, 415-865-8085  
gabrielle.selden@jud.ca.gov

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### Executive Summary

In light of the changes to federal and state laws legalizing marriages between persons of the same sex, the Family and Juvenile Law Advisory Committee recommends that the Judicial Council approve the use of one petition (*Petition—Marriage/Domestic Partnership* (form FL-100)) and one response (*Response—Marriage/Domestic Partnership* (form FL-120)) in actions for dissolution, legal separation, or nullity of a marriage or domestic partnership. The committee also recommends that the council revoke forms *Petition—Domestic Partnership/Marriage* (form FL-103) and *Response—Domestic Partnership/Marriage* (form FL-123), which were previously adopted for use by persons in a same-sex marriage or domestic partnership (or both); amend rule 5.76 (Domestic partnership); and revise other forms so they conform to these changes. In addition, the committee recommends revising forms FL-100 and FL-120 to implement amendments to Family Code sections 2310–2312 (Assem. Bill 1847; Stats. 2014, ch. 144),

effective January 1, 2015, by deleting references to the term “incurable insanity” and replacing them with the term “permanent legal incapacity to make decisions.”

### **Recommendation**

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective January 1, 2015:

1. Amend rule 5.76 of the California Rules of Court to delete references to *Petition—Domestic Partnership/Marriage* (form FL-103) and *Response—Domestic Partnership/Marriage* (form FL-123) and include information about ending a domestic partnership through the superior court or the California Secretary of State;
2. Revise *Petition—Marriage* (form FL-100) to retitle it *Petition—Marriage/Domestic Partnership* (form FL-100), expand it to three pages to include the statutory provisions of the Family Code that are specific to domestic partnerships and same-sex marriages, and replace the reference to “incurable insanity” with “permanent legal incapacity to make decisions;”
3. Revise *Response—Marriage* (form FL-120) to retitle it *Response—Marriage/Domestic Partnership* (form FL-120), expand it to three pages to include the statutory provisions of the Family Code that are specific to domestic partnerships and same-sex marriages, and replace the reference to “incurable insanity” with “permanent legal incapacity to make decisions;”
4. Revise *Legal Steps for a Divorce or Legal Separation* (form FL-107-INFO) to delete references to revoked forms FL-103 and FL-123 and update information provided on page 2 regarding domestic partnerships;
5. Revise *Summons (Family Law)* (form FL-110) and *Proof of Service of Summons* (form FL-115) to delete references to forms FL-103 and FL-123;
6. Revise *Notice and Acknowledgment of Receipt* (form FL-117) to delete references to forms FL-103 and FL-123 and make formatting changes that help clarify how to complete the form;
7. Revoke *Petition—Domestic Partnership/Marriage* (form FL-103) and *Response—Domestic Partnership/Marriage* (form FL-123) since provisions integral to actions involving same-sex marriages and domestic partnerships will be consolidated into revised forms FL-100 and FL-123.

The text of the amended rule is attached at page 14. The revised and revoked forms are attached at pages 15–31.

### **Previous Council Action**

To implement procedures for ending domestic partnerships under Family Code section 299 (Assem. Bill 205; Stats. 2003, ch. 421), effective January 1, 2005, the Judicial Council adopted

rule 5.28 (Domestic partnerships) and forms *Petition—Domestic Partnership/Marriage* (form FL-103) and *Response—Domestic Partnership/Marriage* (form FL-123). The rule was amended effective January 1, 2007, and was amended and renumbered as rule 5.76, effective January 1, 2013, when the Judicial Council approved the restructuring of the family law rules of court. Forms FL-103 and FL-123 were revised, effective January 2012, as mandated by Assembly Bill 2700 (Stats. 2010, ch. 397) and Senate Bill 651 (Stats. 2011, ch. 721). The forms were then revised, effective January 1, 2013, to correct substantive and technical omissions.

*Petition—Marriage* (form FL-100) and *Response—Marriage* (form FL-120) were last revised, effective January 1, 2005, as required by urgency legislation enacted on June 7, 2004. Assembly Bill 782 (Stats. 2004, ch. 45) required that the Judicial Council add notices to family law forms that parties may redact their social security numbers from all written materials in their case other than forms to enforce child or spousal support.

*Legal Steps for Divorce or Legal Separation* (form FL-107-INFO) was adopted effective July 1, 2012, to help courts comply with rule 5.83 (Family centered case resolution). The form was then revised, effective July 1, 2013, to reflect changes in the law regarding declarations of disclosure, provide information about legal separation cases, and include information pertinent to same-sex marriages and domestic partnerships

*Summons (Family Law)* (form FL-110), was revised effective January 1, 2014, to address the requirements of Assembly Bill 792 and Senate Bill 1206 to provide a notice to the parties in dissolution and adoption cases about eligibility for reduced or no-cost insurance coverage through the California Benefit Exchange or no-cost coverage through Medi-Cal, and include other restraining order provisions relating to minor children of the parties.

*Proof of Service of Summons* (form FL-115) was revised effective July 1, 2012, to replace references to *Order to Show Cause* (form FL-300) and *Notice of Motion* (form FL-301) with references to *Request for Order* (form FL-300).

*Notice and Acknowledgment of Receipt* (form FL-117) was revised, effective July 1, 2013, to replace references to *Order to Show Cause* (form FL-300) and *Notice of Motion* (form FL-301) with *Request for Order* (form FL-300).

### **Rationale for Recommendation**

On June 26, 2013, the U.S. Supreme Court issued decisions in *United States v. Windsor*<sup>1</sup> striking down the federal Defense of Marriage Act and *Hollingsworth v. Perry*,<sup>2</sup> dismissing an appeal of an order that held that the ballot initiative known as Proposition 8 defining marriage as a union

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<sup>1</sup> 570 U.S. 12 (2013).

<sup>2</sup> 570 U.S. \_\_\_\_ (June 26, 2013, Docket No.12-144).

between a man and a woman was unconstitutional. Further, on July 7, 2014, Governor Edmund G. Brown, Jr. approved Senate Bill 1306 (Stats. 2014, ch. 82), which among other things, repealed the statutory provisions indicating that only a marriage between a man and a woman is valid or recognized in California. Thus, marriages between persons of the same sex are legal in California.

As previously noted, the Judicial Council adopted a separate petition (form FL-103) and response (form FL-123) for use by married persons of the same sex and by domestic partners to file an action in family court. The separate forms alerted the court that there might be special issues to consider regarding the tax consequences of an order of spousal support, or different treatment of pensions under the Defense of Marriage Act, or special concerns regarding custody orders if same-sex parents leave the state of California. However, given the recent changes in the law relating to same-sex marriages, these differences have limited relevance.<sup>3</sup> Thus, there does not appear to be a need for married persons of the same sex to use form FL-103 instead of form FL-100. Further, there does not appear to be a need to maintain forms FL-103 and FL-123 exclusively for use by domestic partners to file an action in family court.

#### **Consolidate *Petitions* and *Responses*; revoke forms**

In light of the changes to federal and state law relating to same-sex marriages, and to streamline procedures in family court, the Family and Juvenile Law Committee proposes, effective January 1, 2015, the use of one form for all petitions and one form for all responses filed in family court requesting dissolution, separation, or nullity of a marriage, domestic partnership, or both in one proceeding.

The committee also recommends revising forms FL-100 and FL-120 to incorporate additional substantive and technical changes suggested by courts and court users over the years outside of any particular comment period. The changes include reorganizing the forms under specific subject headings to make the petition and response easier for the parties to complete and easier for court clerks to read and process.

To this end, *Petition—Marriage* (form FL-100) is revised to include the necessary provisions of *Petition—Domestic Partnership/Marriage* (form FL-103) and *Response—Marriage* (form FL-120) is revised to incorporate items from *Response—Domestic Partnership/Marriage* (form FL-123). Forms FL-103 and FL-123 would then be revoked.

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<sup>3</sup> Domestic partnerships are still not recognized by the federal government. Therefore, in actions to dissolve a domestic partnership, there might be special issues to consider regarding the tax consequences of an order of domestic partner support, the different treatment of pensions under the Defense of Marriage Act, or special concerns regarding custody orders if same-sex parents leave the state of California.

Since the above changes require expanding forms FL-100 and FL-120 beyond the current two pages to three pages, the committee initially proposed incorporating into the petition and response the information that courts are required to convey to parties about the divorce process under rule 5.83 (Family centered case resolution) subdivision (g)(1)(A)–(E).<sup>4</sup> Specifically, the committee proposed that *Legal Steps for Divorce or Legal Separation* (form FL-107-INFO), be included as pages 3 and 4 of forms FL-100 and FL-103. The committee believed that including the information from FL-107-INFO on these forms would streamline the process for courts in complying with rule 5.83 by eliminating the need to produce a separate form. In addition, the committee believed that the change could also improve litigant education by placing on the forms information about the legal process as well as references to court-provided and other resources that could help resolve their case.

Assembly Bill 1847 (Stats. 2014, ch.144) amended several California Codes, including Family Code sections 2310–2312, effective January 1, 2015.<sup>5</sup> The bill changes the way in which a person with a mental disorder is referred to under California law. In terms of the Family Code, the reference to “incurable insanity” as a ground for divorce will be replaced with the term “permanent legal incapacity to make decisions.” The statutory change requires that item 5 on forms FL-100 and FL-120 be revised accordingly.

Due to the extensive revisions recommended to *Petition—Domestic Partnership/Marriage* (form FL-103) and *Response—Domestic Partnership/Marriage* (form FL-123), the specific changes are not shaded in the version of the forms included with this report.

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<sup>4</sup> (g) **Family centered case resolution information**

- (1) Upon the filing of first papers in dissolution, legal separation, nullity, or parentage actions the court must provide the filing party with the following:
  - (A) Written information summarizing the process of a case through disposition;
  - (B) A list of local resources that offer procedural assistance, legal advice or information, settlement opportunities, and domestic violence services;
  - (C) Instructions for keeping the court informed of the person's current address and phone number, and e-mail address;
  - (D) Information for self-represented parties about the opportunity to meet with court self-help center staff or a family law facilitator; and
  - (E) Information for litigants on how to request a status conference, or a family centered case resolution conference earlier than or in addition to, any status conference or family centered case resolution conferences scheduled by the court.

<sup>5</sup> The text of the bill may be found at:  
[http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201320140AB1847&search\\_keywords](http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB1847&search_keywords)



## **Revise rule and forms to reflect consolidated forms**

### *Rule 5.76 Domestic partnerships*

Revising rule 5.76 implements the committee's recommendations by deleting references to forms FL-103 and FL-123 and updating the content with information about dissolving a domestic partnership either through the superior court or through the California Secretary of State.

### *Legal Steps for Divorce or Legal Separation (form FL-107-INFO)*

The committee recommends revising this informational form to delete references to revoked forms (FL-103 and FL-123) and add other notices and procedures specific to domestic partnerships.

Revising *Summons (Family Law)* (form FL-110), *Proof of Service of Summons* (form FL-115), and *Notice and Acknowledgment of Receipt* (form FL-117) implements the committee's recommendations by deleting references to forms FL-103 and FL-123.

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

### **Comments**

This proposal circulated for comment as part of the spring 2014 invitation to comment cycle, from April 18 to June 18, 2014, to the standard mailing list for family and juvenile law proposals. Included on the list were appellate presiding justices, appellate court administrators, trial court presiding judges, trial court executive officers, judges, court administrators and clerks, attorneys, family law facilitators and self-help staff, social workers, probation officers, and other juvenile law professionals, and the National Center for Lesbian Rights. The proposal was also reviewed by the Trial Court Presiding Judges Advisory Committee/Court Executives Advisory Committee Joint Rules Working Group.

Sixteen individuals or organizations submitted comments on the proposal. Of these, 3 supported the proposal as circulated, 9 supported it with modifications, 3 did not indicate a position, but suggested additional changes to the forms, and 1 disagreed with the proposal. A chart with the full text of the comments received and the committee's responses is attached at pages 31-67.

The committee sought comment on whether forms FL-100 and FL-120 should be streamlined for use as multipurpose forms that incorporate actions for dissolution, legal separation, or nullity of a marriage or domestic partnerships, or both in one proceeding. The committee also asked if there would be any advantage to maintaining separate procedures for those who want to dissolve both a marriage and domestic partnership using forms FL-103 and FL-123, if there are any other changes that are important to make in response to the U.S. Supreme Court decisions striking down the Defense of Marriage Act, and if the changes would impact the courts.

Fifteen commentators agreed with the recommendation to combine form FL-100 with FL-103 as well as form FL-120 with FL-123 so that one *Petition* (form FL-100) and one *Response* (form FL-120) can be used by a petitioner or respondent in an action for dissolution, legal separation,

or nullity of a same-sex marriage, a different-sex marriage, a domestic partnership, or both a marriage and domestic partnership. None of the commentators expressed the opinion that there is an advantage to maintaining separate procedures. One commentator specifically stated that maintaining two separate sets of forms would only create confusion about the rights and responsibilities of same-sex spouses and unnecessarily stigmatize same-sex spouses.

### ***Petition (form FL-100) and Response (form FL-120)***

#### ***Expanding the forms.***

While some commentators agreed with the proposal to integrate *Legal Steps for Divorce or Legal Separation* (form FL-107-INFO) as pages 3 and 4 of the petition and response, several commentators urged the committee to keep the instruction sheet on a separate form to avoid a number of problems for courts. For example, some courts cited the potential for increased costs to copy, process, and store the expanded mandatory forms, as well as increased costs to scan them into the case management system, and print them should a judicial officer in an electronic environment request a copy for reference.

In addition, some commentators expressed that the 4-page petition and response would have a negative impact on litigants. Some commentators stated that the proposed page 4 was too busy or too dense and would be confusing for self-represented litigants to understand. Other commentators stated that the 4-page form would also increase the costs for persons requesting a copy from the court file.

Further, some courts objected to including basic information on a mandatory form because all other Judicial Council information forms are separate from the mandatory form that is filed with the court. Other courts also indicated that they distribute a similar handout, which they prefer to use to comply with rule 5.83 of the California Rules of Court instead of form FL-107-INFO because their version contains county-specific information about self-help resources.

In response to these comments, the committee agreed that neither the petition nor the response should be expanded to four pages to integrate the information sheet FL-107-INFO. However, consolidating forms FL-100 and FL-120 with forms FL-103 and FL-123 necessarily requires expanding the petition and response beyond the current two pages to three pages to cover categories particular to actions involving same-sex marriages and domestic partnerships (i.e., legal relationship, residence requirements, and statistical facts). The issue for the committee, then, became how to use the extra space on page 3 of the *Petition* and *Response*. As noted below, commentators provided a few ideas for the committee to consider about the content of the revised *Petition* and *Response*.

#### ***Content changes to the Petition and Response.***

Commentators suggested additional content for the petition and response:

- *Caption.* One commentator requested that the caption of forms FL-100 and FL-120 be revised to include a specific checkbox or more space for a party to note he or she is

pleading in the alternative for a nullity of domestic partnership or a dissolution of domestic partnership (so that the dissolution could be granted if the nullity is denied).

Although rule 5.60(b) does require that the request for alternative relief be noted in the petition; it does not require that the alternative relief be stated in the caption of the petition. The committee was concerned that the term “alternate relief” might be confusing for many litigants and suggested that such a request can be noted more completely in the “Other requests” section of the petition.

- *Child custody.* Two comments related to the child custody section of the petition and response. One court requested that the section regarding minor children not be removed from page 1 of these forms. The court stated that having this information on the face page creates ease and efficiency for court staff and judicial officers referencing the petition and response. For example, they rely on the first page to capture the names and date of birth of minor children in their case management systems. In response, the committee agreed to recommend that statistical information about minor children in the case remain on page 1, while the specific request for child custody and visitation (parenting time) be moved to page 2, along with all other requests being made in the forms.

Another commentator stated that it would be helpful if there were a check box for a party to specify if a party to the marriage or domestic partnership is pregnant with the other party’s child at the time the petition or response is filed. The committee agreed with this suggestion and recommends revising form FL-100 and FL-120 to include a new item for a party to list a child who is not yet born at the time the action is filed. This addition would make form FL-100 and FL-120 consistent with other Judicial Council forms like *Petition to Establish Parental Relationship* (form FL-200), which provide a check box to capture this information.

- *Child support.* One commentator suggested adding a check box option to allow a party to indicate that he or she is attaching an *Income and Expense Declaration* (form FL-150) and proposed guideline child support calculation. The commentator believed that the change would maximize notice to respondent of the proposed child support order and minimize post-default court filings. Instead of a specific check box, the committee recommends adding a check box under the child support item titled “Other (*specify*):” and providing fillable space for a party to use as he or she needs.
- *Notice of intent to amend petition.* A commentator suggested revising the petition (on page 1 under “Residence Requirements”) to include a new check box for a petitioner to provide notice to the respondent of his or her intent to amend the petition for legal separation and seek a divorce once a party in the case meets the residency requirements for such an action. Given the space limitations of this form due to its expanded use, the committee prefers not to recommend a specific item on form FL-100 for such a notice.

Instead, the committee recommends expanding the amount of fillable space under “Other Requests” for this purpose.

- *Property.* Three commentators requested more space for a party to list items of community and quasi-community property on the petition and response. One noted that the forms that circulated for comment had no blank space to list minimal community property items (cars, credit cards, bank accounts) typical for a self-represented litigant, but left ample space to list separate property. The other commentator noted that the lack of space can pose a notice problem if the attachment is not completed and there are issues involving real estate, or pensions, or other retirement accounts in a default situation. A third commentator requested that the “separate property” section of the forms include a check box similar to the one for community property that states that there is no separate property for the court to confirm.

In response, the committee recommends that the petition and response include two separate headings relating to property: one for community and quasi-community property and another for separate property. Further, the committee recommends expanding the amount of fillable space under each category of property to assist parties in listing such property. Providing additional fillable space in these two areas could assist parties and the courts by reducing the number of attachment required to be filed with these two forms. In addition, to be consistent with the community and quasi-community property heading on the forms, the committee recommends that a check box be included under the “Separate Property” item so that a party can indicate if there are no items of separate property to be confirmed by the court.

- *Notices about domestic partnerships.* Two commentators, the Executive Committee of the Family Law Section of the State Bar (FLEXCOM) and the National Center for Lesbian Rights (NCLR), requested that the petition and response be revised to include new notices relating to domestic partnerships. They noted that using the same form for dissolution of marriages and dissolution of domestic partnerships may send a message that the legal issues are the same when they are not.

Because marriages are federally recognized and domestic partnerships are not, “the tax consequences of interspousal transfers and inter-domestic partnership transfers are completely different. Among other issues, support calculations need to be done differently because support payments to a domestic partner are not deductible to the payor, and domestic partnership cases generally cannot use qualified domestic relations orders.”

FLEXCOM stated that they “support[] the combination of the two forms into one, as long as there is an admonishment on the form (preferably in bold font) that says something to the effect of: [¶] YOU ARE ADVISED THAT CALIFORNIA DOMESTIC PARTNERSHIPS ARE NOT RECOGNIZED AS MARRIAGES UNDER FEDERAL

LAW. THEREFORE THE FINANCIAL ISSUES THAT COME UP IN DISSOLUTIONS (FOR EXAMPLE TAXABILITY OF INTERSPOUSAL TRANSFERS, DEDUCTIBILITY OF SPOUSAL SUPPORT) MUST BE TREATED DIFFERENTLY.”

Similarly, NCLR recommended that a notice be included to state that “...couples who are only dissolving a domestic partnership (entered in California or another state) may face federal tax consequences because these relationships are not recognized by the IRS, and are encouraged to seek advice from an attorney.” In addition, “[s]pace permitting, [NCLR] also recommend[ed] inclusion of a note that same-sex and different-sex spouses are treated exactly the same under both California and federal law for all purposes.

The committee agrees with FLEXCOM and NCLR that parties should be provided with information about the differential tax treatment of domestic partnerships under federal law. Similar information currently appears in form FL-107-INFO and on the California Courts website. After considering the notices and other requested changes to the petition and response, the committee decided to refrain from including the specific notices on the forms and limit the notices on the petition and response to those required by statute to appear on these forms. The committee has revised form FL-107-INFO to incorporate many of these suggestions.

#### ***Legal Steps for Divorce or Legal Separation (form FL-107-INFO)***

As previously noted, many commentators preferred that form FL-107-INFO not be consolidated into the petition and response. The committee, agreeing with the rationale for maintaining information sheets separate from standard forms, no longer recommends that form FL-107-INFO be revoked. Instead, the committee recommends making several substantive and technical changes to the information sheet. The changes include deleting references to forms FL-103 and FL-123 and revising the section about same-sex marriage and domestic partnerships to highlight special issues for domestic partnerships.

In addition, the committee recommends revising the information on page 2 of this form to better describe the resources available to help parties resolve their family law case. For example, the committee recommends revising the section about Family Court Services to clarify that the court refers family court litigants to Family Court Services only when the parties have filed a *Request for Order* (form FL-300) seeking orders about child custody and visitation (parenting time). This change will help parties understand the prerequisites for a referral to this court resource.

The committee also recommends replacing the numbered web address links embedded throughout form FL-107-INFO with short, readable names that relate to the subject matter covered in the text. For example, instead of “Annulments: See <http://courts.ca.gov/1224.htm#tab8687> for information about annulments,” the web address would be changed to [courts.ca.gov/annulment](http://courts.ca.gov/annulment). This change will make the forms easier for users who cannot access active links in the form but who have to retype the URL to access the

information. This change will also make the form internally consistent since it already includes other short, readable web address names.

***Summons (Family Law) (form FL-110)***

A commentator noted that if forms FL-103 and FL-123 are revoked, then *Summons (Family Law)* (form FL-110) would need to be revised to delete these references. The committee agreed to recommend revising form FL-110 accordingly.

***Proof of Service of Summons (form FL-115)***

The committee recommends revising this form to delete references to forms FL-103 and FL-123. In addition, to conform to the revisions approved by the Judicial Council to *Summons – Family Law* (form FL-110), effective January 1, 2014, the committee recommends deleting item 4 on page 2 of form FL-115 and renumbering the subsequent items. In its report to the council dated October 1, 2013, the committee indicated that the notice on form FL-110, which is repeated in form FL-115, does not apply to family law actions.<sup>6</sup>

***Notice and Acknowledgment of Receipt (form FL-117)***

The committee recommends revising this form to delete references to forms FL-103 and FL-123. In addition, the committee recommends substantive and technical changes to the form to respond to public comment. A commentator, a legal document assistant, noted that “[a]t least 50 percent of the time, the date is left off, or put in the wrong place.” To avoid this problem, the commentator suggested “revers[ing] the place for signature and the date, as we read left to right, the signer would see the place to date the form after signing it on the left hand side of the page.” The committee considered the proposed revision, but decided to recommend another solution. The committee added item numbers to the places required to be completed on the form and added text to clearly specify which of those items are required to be completed by either the form’s sender or the recipient.

**Alternatives considered**

Before making a recommendation, the committee considered several versions of the petition and response developed by staff in response to public comments, as well as the potential impact each would have on the courts. The committee considered these options:

1. A four-page petition and response that integrated the information from form FL-107-INFO and included other suggestions for content changes from commentators;
2. A three-page petition and response that included only partial information from form FL-107-INFO about resources to help parties resolve their case;

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<sup>6</sup> The report titled Family Law: Revisions to Family Law Summons can be found at <http://www.courts.ca.gov/documents/jc-20131025-itemA19.pdf>

3. A three-page form that excluded any information from FL-107-INFO, and included notices regarding same-sex marriages and domestic partnerships suggested by FLEXCOM and the NCLR; and
4. A three-page petition and response that included only those notices required by statute and expanded the fillable space for parties to provide more complete answers under each item listed on the forms.

By recommending option 4, the committee refrained from adding a fourth page to the petition and response and allowed for flexibility for courts to use either form FL-107-INFO or a locally developed form to comply with the requirements of rule 5.83.

The committee also considered the request of some courts to delay implementation of the forms until July 1, 2015, instead of January 1, 2015. A few courts indicated in their comments that two months may not be sufficient time to implement the changes to the four-page version of the petition and response that circulated for comment. They stated that the proposed changes would impact court operations and would require more than two months to update and discontinue affected forms. By recommending a three-page form that does not integrate an information sheet, the committee believes that this will reduce the amount of work needed for courts to implement the changes by January 1, 2015.

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

The Family and Juvenile Law Advisory Committee recognizes that making changes to the two main forms required to file and respond to an action for dissolution, legal separation, or nullity of a marriage or domestic partnership (or both) will result in some costs to the courts. Courts will be required to update their case management and electronic (SmartForms) forms systems, update the form packets provided to parties by their self-help centers, provide training to court staff, and perhaps revise local rules that reference revoked forms FL-103 and FL-123. However, the changes will save court resources by consolidating forms and simplifying procedures involving marriages and domestic partnerships.

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

The committee's recommendations support the policies underlying Goal I, Access, Fairness, and Diversity, by creating one petition and one response for use by same-sex and different-sex marriages and domestic partnerships in actions for dissolution, legal separation, or nullity of a marriage or domestic partnership. Further, revising *Legal Steps for a Divorce or Legal Separation* (form FL-107-INFO) will give self-represented litigants better access to the courts by updating information about court resources and special issues in domestic partnership cases. The recommendations also support the policies of Goal III. B, Modernization of Management and Administration by adopting a streamlined practice for filings in family law cases involving marriages and domestic partnerships.

## **Attachments**

1. Cal. Rules of Court, rule 5.76, at page 14.
2. Revised forms FL-100, FL-107-INFO, FL-110, FL-115, FL-117, FL-120, at pages 15–27
3. Revoked forms FL-103 and FL-123, at pages 28–31
4. Chart of comments, at pages 32–68



ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):   TELEPHONE NO.: _____ FAX NO.: _____ E-MAIL ADDRESS: _____ ATTORNEY FOR (Name): _____	<b>FOR COURT USE ONLY</b>   <b>NOT APPROVED BY THE JUDICIAL COUNCIL</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER: RESPONDENT:	
<b>PETITION FOR</b> <input type="checkbox"/> <b>AMENDED</b> <input type="checkbox"/> <b>Dissolution (Divorce) of:</b> <input type="checkbox"/> Marriage <input type="checkbox"/> Domestic Partnership <input type="checkbox"/> <b>Legal Separation of:</b> <input type="checkbox"/> Marriage <input type="checkbox"/> Domestic Partnership <input type="checkbox"/> <b>Nullity of:</b> <input type="checkbox"/> Marriage <input type="checkbox"/> Domestic Partnership	CASE NUMBER:

1. **LEGAL RELATIONSHIP** (check all that apply):
  - a.  We are married.
  - b.  We are domestic partners and our domestic partnership was established in California.
  - c.  We are domestic partners and our domestic partnership was NOT established in California.
  
2. **RESIDENCE REQUIREMENTS** (check all that apply):
  - a.  Petitioner  Respondent has been a resident of this state for at least six months and of this county for at least three months immediately preceding the filing of this *Petition*. (For a divorce, at least one person in the legal relationship described in items 1a and 1c must comply with this requirement.)
  - b.  We are the same sex and were married in California but are not residents of California. Neither of us lives in a state or nation that will dissolve the marriage. This case is filed in the county in which we married.  
 Petitioner's residence (state or nation): \_\_\_\_\_ Respondent's residence (state or nation): \_\_\_\_\_
  - c.  Our domestic partnership was established in California. Neither of us has been a resident or have a domicile in California to dissolve our partnership here.
  
3. **STATISTICAL FACTS**
  - a.  (1) Date of marriage (specify): \_\_\_\_\_ (2) Date of separation (specify): \_\_\_\_\_  
 (3) Time from date of marriage to date of separation (specify): \_\_\_\_\_ Years \_\_\_\_\_ Months
  - b.  (1) Registration date of domestic partnership with the California Secretary of State or other state equivalent (specify below): \_\_\_\_\_  
 (2) Date of separation (specify): \_\_\_\_\_  
 (3) Time from date of registration of domestic partnership to date of separation (specify): \_\_\_\_\_ Years \_\_\_\_\_ Months
  
4. **MINOR CHILDREN** (children born before (or born or adopted during) the marriage or domestic partnership):
  - a.  There are no minor children.
  - b.  The minor children are:
 

<u>Child's name</u>	<u>Birthdate</u>	<u>Age</u>	<u>Sex</u>
(1) <input type="checkbox"/> continued on <a href="#">Attachment 4b</a> .			
(2) <input type="checkbox"/> a child who is not yet born.			
  - c. If there are minor children of Petitioner and Respondent, a completed *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)* (form [FL-105](#)) must be attached.
  - d.  Petitioner and Respondent signed a voluntary declaration of paternity. A copy  is  is not attached.

PETITIONER: RESPONDENT:	CASE NUMBER:
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**Petitioner requests that the court make the following orders:**

**5. LEGAL GROUNDS** (Family Code sections 2200–2210, 2310–2312)

- a.  Divorce or  Legal separation of the marriage or domestic partnership based on *(check one)*:
  - (1)  irreconcilable differences.
  - (2)  permanent legal incapacity to make decisions.
- b.  Nullity of void marriage or domestic partnership based on:
  - (1)  incest.
  - (2)  bigamy.
- c.  Nullity of voidable marriage or domestic partnership based on:
  - (1)  petitioner's age at time of registration of domestic partnership or marriage.
  - (2)  prior existing marriage or domestic partnership.
  - (3)  unsound mind.
  - (4)  fraud.
  - (5)  force.
  - (6)  physical incapacity.

**6. CHILD CUSTODY AND VISITATION (PARENTING TIME)**

- |  | Petitioner               | Respondent               | Joint                    | Other                    |
|--|--------------------------|--------------------------|--------------------------|--------------------------|
| a. Legal custody of children to.....   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Physical custody of children to.....  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Child visitation (parenting time) be granted to .....   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| As requested in: <input type="checkbox"/> form <a href="#">FL-311</a> <input type="checkbox"/> form <a href="#">FL-312</a> <input type="checkbox"/> form <a href="#">FL-341(C)</a> |                          |                          |                          |                          |
| <input type="checkbox"/> form <a href="#">FL-341(D)</a> <input type="checkbox"/> form <a href="#">FL-341(E)</a> <input type="checkbox"/> <a href="#">Attachment 6c(1)</a>          |                          |                          |                          |                          |
| d. <input type="checkbox"/> Determine the parentage of children born to Petitioner and Respondent before the marriage or domestic partnership.                                     |                          |                          |                          |                          |

**7. CHILD SUPPORT**

- a. If there are minor children born to or adopted by Petitioner and Respondent before or during this marriage or domestic partnership, the court will make orders for the support of the children upon request and submission of financial forms by the requesting party.
- b. An earnings assignment may be issued without further notice.
- c. Any party required to pay support must pay interest on overdue amounts at the "legal" rate, which is currently 10 percent.
- d.  Other *(specify)*:

**8. SPOUSAL OR DOMESTIC PARTNER SUPPORT**

- a.  Spousal or domestic partner support payable to  Petitioner  Respondent
- b.  Terminate (end) the court's ability to award support to  Petitioner  Respondent
- c.  Reserve for future determination the issue of support payable to  Petitioner  Respondent
- d.  Other *(specify)*:

**9. SEPARATE PROPERTY**

- a.  There are no such assets or debts that I know of to be confirmed by the court.
- b.  Confirm as separate property the assets and debts in  *Property Declaration* (form [FL-160](#))  Attachment 9b  
 the following list. Item Confirm to

PETITIONER: RESPONDENT:	CASE NUMBER:
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**10. COMMUNITY AND QUASI-COMMUNITY PROPERTY**

- a.  There are no such assets or debts that I know of to be divided by the court.
- b.  Determine rights to community and quasi-community assets and debts. All such assets and debts are listed
  - in *Property Declaration* (form [FL-160](#))       in [Attachment 10b](#).
  - as follows (*specify*):

**11. OTHER REQUESTS**

- a.  Attorney's fees and costs payable by  Petitioner     Respondent
- b.  Petitioner's former name be restored to (*specify*):
- c.  Other (*specify*):

Continued on [Attachment 11c](#).

**12. I HAVE READ THE RESTRAINING ORDERS ON THE BACK OF THE SUMMONS, AND I UNDERSTAND THAT THEY APPLY TO ME WHEN THIS PETITION IS FILED.**

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 PETITIONER)
Date: _____ (TYPE OR PRINT NAME)	▶	_____ (SIGNATURE OF ATTORNEY FOR PETITIONER)

**NOTICE:** You may redact (black out) social security numbers from any written material filed with the court in this case other than a form used to collect child, spousal or partner support.

**NOTICE—CANCELLATION OF RIGHTS:** Dissolution or legal separation may automatically cancel the rights of a domestic partner or spouse under the other domestic partner's or spouse's will, trust, retirement plan, power of attorney, pay-on-death bank account, survivorship rights to any property owned in joint tenancy, and any other similar thing. It does not automatically cancel the right of a domestic partner or spouse as beneficiary of the other partner's or spouse's life insurance policy. You should review these matters, as well as any credit cards, other credit accounts, insurance policies, retirement plans, and credit reports, to determine whether they should be changed or whether you should take any other actions. Some changes may require the agreement of your partner or spouse or a court order.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):   TELEPHONE NO.: _____ FAX NO.: _____ E-MAIL ADDRESS: _____ ATTORNEY FOR (Name): _____	<b>FOR COURT USE ONLY</b>           <b>NOT APPROVED BY THE JUDICIAL COUNCIL</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER: RESPONDENT:	
<b>RESPONSE</b> <input type="checkbox"/> <b>AND REQUEST FOR</b> <input type="checkbox"/> <b>AMENDED</b> <input type="checkbox"/> <b>Dissolution (Divorce) of:</b> <input type="checkbox"/> Marriage <input type="checkbox"/> Domestic Partnership <input type="checkbox"/> <b>Legal Separation of:</b> <input type="checkbox"/> Marriage <input type="checkbox"/> Domestic Partnership <input type="checkbox"/> <b>Nullity of:</b> <input type="checkbox"/> Marriage <input type="checkbox"/> Domestic Partnership	CASE NUMBER:

1. **LEGAL RELATIONSHIP** (check all that apply):
  - a.  We are married.
  - b.  We are domestic partners and our domestic partnership was established in California.
  - c.  We are domestic partners and our domestic partnership was NOT established in California.
  
2. **RESIDENCE REQUIREMENTS** (check all that apply):
  - a.  Petitioner  Respondent has been a resident of this state for at least six months and of this county for at least three months immediately preceding the filing of this *Petition*. (For a divorce, at least one person in the legal relationship described in items 1a and 1c must comply with this requirement.)
  - b.  We are the same sex and were married in California but are not residents of California. Neither of us lives in a state or nation that will dissolve the marriage. This case is filed in the county in which we married.  
 Petitioner's residence (state or nation): \_\_\_\_\_ Respondent's residence (state or nation): \_\_\_\_\_
  - c.  Our domestic partnership was established in California. Neither of us has been a resident or have a domicile in California to dissolve our partnership here.
  
3. **STATISTICAL FACTS**
  - a.  (1) Date of marriage (specify): \_\_\_\_\_ (2) Date of separation (specify): \_\_\_\_\_  
 (3) Time from date of marriage to date of separation (specify): \_\_\_\_\_ Years \_\_\_\_\_ Months
  - b.  (1) Registration date of domestic partnership with the California Secretary of State or other state equivalent (specify below): \_\_\_\_\_  
 (2) Date of separation (specify): \_\_\_\_\_  
 (3) Time from date of registration of domestic partnership to date of separation (specify): \_\_\_\_\_ Years \_\_\_\_\_ Months
  
4. **MINOR CHILDREN** (children born before (or born or adopted during) the marriage or domestic partnership):
  - a.  There are no minor children.
  - b.  The minor children are:
 

Child's name	Birthdate	Age	Sex

(1)  continued on [Attachment 4b](#).  
 (2)  a child who is not yet born.

  - c. If there are minor children of Petitioner and Respondent, a completed *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)* (form [FL-105](#)) must be attached.
  - d.  Petitioner and Respondent signed a voluntary declaration of paternity. A copy  is  is not attached.

PETITIONER: RESPONDENT:	CASE NUMBER:
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**Respondent requests that the court make the following orders:**

**5. LEGAL GROUNDS** (Family Code sections 2200–2210; 2310–2312)

- a.  **Respondent contends** that the parties never legally married or registered a domestic partnership.
- b.  **Respondent denies** the grounds set forth in item 5 of the petition.
- c.  **Respondent requests**
  - (1)  divorce     legal separation    of the marriage or domestic partnership based on
    - (a)  irreconcilable differences.    (b)  permanent legal incapacity to make decisions.
  - (2)  nullity of void marriage or domestic partnership based on
    - (a)  incest.    (b)  bigamy.
  - (3)  nullity of voidable marriage or domestic partnership based on
    - (a)  respondent's age at time of registration of domestic partnership or marriage.    (d)  fraud.
    - (b)  prior existing marriage or domestic partnership.    (e)  force.
    - (c)  unsound mind.    (f)  physical incapacity.

**6. CHILD CUSTODY AND VISITATION (PARENTING TIME)**

- |  | Petitioner               | Respondent               | Joint                    | Other                    |
|--|--------------------------|--------------------------|--------------------------|--------------------------|
| a. Legal custody of children to .....                    | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Physical custody of children to .....                 | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Child visitation (parenting time) be granted to ..... | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
- As requested in:  form [FL-311](#)     form [FL-312](#)     form [FL-341\(C\)](#)  
 form [FL-341\(D\)](#)     form [FL-341\(E\)](#)     [Attachment 6c\(1\)](#)
- d.  Determine the parentage of children born to Petitioner and Respondent before the marriage or domestic partnership.

**7. CHILD SUPPORT**

- a. If there are minor children born to or adopted by Petitioner and Respondent before or during this marriage or domestic partnership, the court will make orders for the support of the children upon request and submission of financial forms by the requesting party.
- b. An earnings assignment may be issued without further notice.
- c. Any party required to pay support must pay interest on overdue amounts at the "legal" rate, which is currently 10 percent.
- d.  Other (*specify*):

**8. SPOUSAL OR DOMESTIC PARTNER SUPPORT**

- a.  Spousal or domestic partner support payable to     Petitioner     Respondent
- b.  Terminate (end) the court's ability to award support to     Petitioner     Respondent
- c.  Reserve for future determination the issue of support payable to     Petitioner     Respondent
- d.  Other (*specify*):

**9. SEPARATE PROPERTY**

- a.  There are no such assets or debts that I know of to be confirmed by the court.
- b.  Confirm as separate property the assets and debts in     *Property Declaration* (form [FL-160](#))     Attachment 9b  
 the following list.    Item    Confirm to

PETITIONER: RESPONDENT:	CASE NUMBER:
----------------------------	--------------

**10. COMMUNITY AND QUASI-COMMUNITY PROPERTY**

- a.  There are no such assets or debts that I know of to be divided by the court.
- b.  Determine rights to community and quasi-community assets and debts. All such assets and debts are listed
  - in *Property Declaration* (form [FL-160](#))       in [Attachment 10b](#).
  - as follows (*specify*):

**11. OTHER REQUESTS**

- a.  Attorney's fees and costs payable by  Petitioner     Respondent
- b.  Respondent's former name be restored to (*specify*):
- c.  Other (*specify*):

Continued on [Attachment 11c](#).

**12. I HAVE READ THE RESTRAINING ORDERS ON THE BACK OF THE SUMMONS, AND I UNDERSTAND THAT THEY APPLY TO ME WHEN THIS PETITION IS FILED.**

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 RESPONDENT)
Date: _____ (TYPE OR PRINT NAME)	▶	_____ (SIGNATURE OF ATTORNEY FOR RESPONDENT)

**NOTICE:** You may redact (black out) social security numbers from any written material filed with the court in this case other than a form used to collect child, spousal or partner support.

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