



Judicial Council of California

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INVITATION TO COMMENT

SPR25-15

Title

Family Law: Rules and Forms to Determine Parental Relationship Based on Gestational Carrier Agreement

Proposed Rules, Forms, Standards, or Statutes

Adopt Cal. Rules of Court, rule 5.78; amend rules 5.2, 5.7, 5.16, 5.50, 5.52, and 5.96; repeal rule 5.51; adopt forms SUR-100, SUR-100(J), SUR-110, SUR-120, SUR-165, and SUR-230; approve forms SUR-050-INFO, SUR-113, SUR-115, SUR-117, and SUR-230(A); revise forms FL-190, FL-211, and FL-250

Proposed by

Family and Juvenile Law Advisory
Committee
Hon. Tari L. Cody, Cochair
Hon. Stephanie E. Hulsey, Cochair

Action Requested

Review and submit comments by May 23, 2025

Proposed Effective Date

July 1, 2026

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Executive Summary and Origin

The Family and Juvenile Law Advisory Committee proposes that the Judicial Council adopt six forms for mandatory use and approve five forms for optional use in a new form series for parties (intended parents) who conceive a child with a surrogate (a gestational carrier) under the terms of a gestational carrier agreement (also called “an assisted reproduction agreement for gestational carriers”) and then seek a judgment in family court determining a parental relationship under Family Code sections 7960–7962. The committee also proposes that the council adopt a new rule of court, amend several rules of court, repeal one rule, and revise three forms specific to gestational surrogacy cases. The proposal originates from judicial officers and attorneys who shared their ideas for uniform and streamlined rules and forms, specific to gestational surrogacy

This proposal has not been approved by the Judicial Council and is not intended to represent the views of the council, its Rules Committee, or its Legislation Committee. It is circulated for comment purposes only.

cases, that would increase efficiencies in processing these cases for the benefit of family court judges, court clerks, the parties, and their attorneys.

Background

Assisted reproduction

Assisted reproduction is conception by any means other than sexual intercourse.¹ It typically involves the use of technology to help increase the chance of conception and birth of a child and can include the use of donated genetic material (sperm, ova, or fertilized embryos) to conceive a child. Children conceived through assisted reproduction may be carried either by a person who intends to be a parent to the child (an “intended parent”) or by a surrogate.

Assisted reproduction often involves use of an “assisted reproduction agreement.” One type of agreement is a gestational carrier agreement used in surrogacy arrangements. There are also statutory agreements found in Family Code section 7613.5, in which the person who carries and gives birth to the child is the intended parent. The intended parent in statutory agreements may, but is not required, to use a statutory form to demonstrate their intent to be a legal parent of a child conceived in a manner described in section 7613.²

Surrogacy and surrogacy arrangements

Surrogacy is the process by which a woman (known as a surrogate or gestational carrier) carries and gives birth to a child for another person or persons (called the intended parent(s)).³ Family Code section 7960(f) identifies two types of surrogacy: (1) “traditional surrogacy,” in which a person carries an embryo that was formed with their own ova and donated semen, and (2) “gestational surrogacy,” in which a person who is not the intended parent agrees to gestate a genetically unrelated embryo pursuant to a gestational carrier agreement.

Section 7962 sets forth a specific process to be followed by parties to an “assisted reproduction agreement for gestational carriers” (referred to as a “gestational carrier agreement” in this proposal) to (1) establish a parent and child relationship between the intended parent or parents and the child conceived under the terms of that agreement and (2) rebut the presumptions of parentage of the gestational carrier and, if applicable, the gestational carrier’s spouse or domestic

¹ Fam. Code, § 7606(a).

² This proposal does not encompass cases involving statutory forms under section 7613.5. A party to an arrangement addressed by a statutory form for assisted reproduction would, instead, use the existing Judicial Council forms (the FL-200 series of forms) to ask for a judgment under the Uniform Parentage Act (UPA), including *Confidential Cover Sheet—Parentage Actions Involving Assisted Reproduction* (form FL-211).

³ Fam. Code, § 7960(f). A gestational carrier has no genetic relationship to the child or children because they do not provide any genetic material required to create the embryo or embryos used in the embryo transfer. (*Id.*, (f)(2).)

partner.⁴ The committee proposes to formalize the process described in section 7962 in California Rules of Court and Judicial Council forms.

Cases and statutes involving a gestational carrier agreement

In 2013, Family Code sections 7960–7962 (Link A) were enacted to codify a series of California cases which upheld the validity of surrogacy contracts involving disputes between the intended parents and the surrogate about legal parentage of the child conceived under the terms of the contract.⁵ As amended in 2016, Family Code section 7620 established the requirements for subject matter jurisdiction and venue for parties who seek a judgment determining a parental relationship in family court under the Uniform Parentage Act (UPA). In 2020, section 7962 was amended to provide the requirements for a gestational carrier agreement.

Current procedures to begin parentage action involving a gestational carrier agreement

Parties to a gestational carrier agreement are required to obtain a judgment in family court to establish that the intended parents named in the agreement are the legal parents of the child and that the gestational carrier and the spouse or domestic partner of the gestational carrier are not the legal parents.⁶

Currently there are no Judicial Council forms that address gestational surrogacy specifically. As a result, intended parents and gestational carriers must pursue a judgment of parentage using the existing family law forms to establish a parent and child relationship between the intended parent or parents and the child conceived under the terms of a gestational carrier agreement. To this end, one of the parties—usually but not always the intended parents—will commence an action in family court to determine a legal parental relationship by filing *Petition to Determine Parental Relationship* (form [FL-200](#)), which requires *Confidential Cover Sheet—Parentage Action Involving Assisted Reproduction* (form [FL-211](#)).

As reported to the committee by a group of attorneys who practice reproduction and fertility law and assisted reproduction technology law in this state and internationally, many petitions to determine parental relationship in cases of gestational surrogacy are uncontested because both sides want the same relief—a determination based on their written agreement that the intended parents are the child’s parents, and the gestational carrier and any spouse or partner are not. This often results in the parties working together. For example, it is common practice for the petitioner’s attorney to prepare the forms on behalf of the respondent or respondents for review and signature. It is also common practice for the petitioner to file the initial papers, the

⁴ The committee also proposes using “gestational carrier agreement” in the forms and rules of court instead of the statutory phrasing, an “assisted reproduction agreement for gestational carriers”.

⁵ *Johnson v. Calvert* (1993) 5 Cal.4th 84, *In re Marriage of Buzzanca* (1998) 61 Cal.App.4th 1410, *C.M. v. M.C.* (2017) 7 Cal.App.5th 1188, and a series of three companion cases before the California Supreme Court in 2005: *Elisa B. v. Superior Court* (2005) 37 Cal.4th 108, *K.M. v. E.G.* (2005) 37 Cal.4th 130, and *Kristine H. v. Lisa R.* (2005) 37 Cal.4th 156.

⁶ Fam. Code, § 7962(f)(2).

completed response to the petition, and all documents necessary on behalf of all parties to request that the court enter a judgment.

A new form series to increase efficiency in processing judgments

A new series of Judicial Council forms for use in cases involving gestational carrier agreements would facilitate processing a judgment in these cases. Having statewide forms for actions involving gestational carrier agreements under the UPA would create more uniformity, standardize processes statewide, and reduce delay in establishing parent and child relationships. This could result in:

- The timely entry of the intended parents’ names on the initial birth certificate as the child’s legal parents;
- Enabling the intended parents to independently direct the medical staff with respect to the child’s care after birth;
- Allowing the intended parents to add the child to their own health insurance, and in some cases obtain travel documents and travel with the child, including travel to their home country as anticipated; and
- Hospitals being able to register the live birth under Health and Safety Code section 102400 with the intended parents’ names on the birth certificate.⁷

The Proposal⁸

To align with current practices and ensure that the process for obtaining a parentage judgment in gestational surrogacy cases is accessible, efficient, and uniform throughout the state, the committee proposes adopting a new rule of court, amending five rules of court, repealing one rule of court.

Rules of court

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

Among other things, this rule includes and defines terms that are not found in the Family Code but are commonly used by parties, law practitioners, and court professionals. For example, the rule includes and defines terms such as “attorney,” “divorce,” “local rules,” and “parenting

⁷ Under Health and Safety Code section 102400, “Each live birth shall be registered with the local registrar of births and deaths for the district in which the birth occurred within 21 days following the date of the event.”

⁸ To help develop this proposal, the Family and Juvenile Law Advisory Committee (1) reviewed the few local rules and forms adopted by family courts in California relating to gestational carrier agreements; (2) In the 2022, rules cycle, sought public comment about whether it would be beneficial to family courts and litigants to create rules of court and forms specifically for cases involving assisted reproduction agreements (see report titled *Rules and Forms: Parentage Actions Under Assembly Bill 429* (SPR22-10, p. 3, at courts.ca.gov/documents/spr22-10.pdf); (3) reviewed a draft proposal for statewide forms developed by the Superior Court of Los Angeles County in collaboration with attorneys who practice this area of law; (4) developed the first draft of a proposal for statewide forms with a focus group that included judicial officers from several counties and attorneys who are educated in reproductive and fertility law and practice assisted-reproduction technology law in this state and internationally; (5) convened an internal working group of committee members to develop a proposal for the committee to consider; and (6) received feedback about the revised proposal from the focus group who tested the proposed new form series.

time.” Rule 5.2(b) would be amended to add the term “gestational carrier agreement” and specify that it refers to an assisted reproduction agreement for gestational carriers as defined in Family Code section 7606 and 7962.

Rule 5.7, Use of forms

Rule 5.7(a) would be amended to include the new form series for gestational surrogacy, which would be identified by the prefix “SUR” among the other form series (ADOPT, DV, EJ, and FL) adopted by the Judicial Council for use in family law proceedings.

Rule 5.16, Designation of parties

Rule 5.16(b)(5) describes those parties who may take part in a proceeding to determine parentage. The text of subdivision (b)(5) would be reformatted as a list of such persons and expanded to include the intended or natural parents of a child conceived through assisted reproduction and the gestational carrier (and the gestational carrier’s spouse or domestic partner, if applicable).

In addition, the committee proposes amending the rule to replace “the minor child” with “the child, as described in Family Code section 7635(a).” Even though the term “minor child” is used throughout the Family Code relating to actions for dissolution, legal separation, and nullity, the UPA specifically uses the term “child.” Section 7635(a) specifies that the child under 12 years of age may and a child 12 years of age or older must be made a party to the action, and if the child is a minor, then the child must be represented by a guardian ad litem. This change would make the rule more legally accurate.

Please note that this proposal only relates to rule 5.16(b). However, it also reflects amendments proposed to rule 5.16(a), which are part of an invitation to comment that is circulating concurrently in this cycle titled “Family Law: Joint Petition for Dissolution or Legal Separation (SPR25-21).” Comments about rule 5.16(a) should be submitted separately in response to that proposal.

Rule 5.50, Papers issued by the court

The proposal includes a new summons for the SUR form series. Therefore, rule 5.50, which lists the summons forms that must be issued by the court in family law proceedings, would be amended to include *Summons* (Gestational Carrier Agreement) (form SUR-110) for cases under the UPA that involve a gestational carrier agreement.

Please note that this proposal only relates to rule 5.50(a)(1)(E). However, it also reflects amendments proposed to rule 5.50(a)(1)(F), which are part of an invitation to comment that is circulating concurrently in this cycle titled “Family Law: Joint Petition for Dissolution or Legal Separation (SPR25-21).” Comments about the proposed amendments to rule 5.50(a)(1)(F) should be submitted separately in response to that proposal.

Rule 5.51, Confidential cover sheet for parentage actions or proceedings involving assisted reproduction; other requirements

This rule, which mandates the filing of a cover sheet to specify that an action is being filed under Family Code sections relating to assisted reproduction agreements, would be repealed and incorporated in its entirety into proposed new rule 5.78.

Rule 5.52, Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)

This rule, which mandates filing *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)* (form [FL-105/GC-120](#)) in all child custody, support, and parentage cases, would be amended to include that, in actions involving an assisted reproduction agreement, form FL-105/GC-120 must be filed only when child custody or visitation (parenting time), or both, are at issue. Using the term “assisted reproduction agreement” in the rule would cover all such cases—not only those involving a gestational carrier agreement.

Rule 5.78, Actions or proceedings to determine a parental relationship involving an assisted reproduction agreement

This proposed, new rule sets out the forms needed to file a joint petition or petition (and respond to a petition) to determine a parental relationship for cases involving the statutory forms for assisted reproduction, as well as traditional surrogacy and gestational surrogacy actions.

The rule incorporates the language in current rule 5.51 in its entirety about the confidentiality of these actions. It also reflects the existing collaborative practice in which a petitioner commences the action by filing and serving initial papers for the petitioner in the case or by completing all forms, declarations, and other documents for *all* parties to request entry of judgment.

Rule 5.96, Place and manner of filing

The proposed amendments to this rule are modeled after [rule 3.1302](#) of the California Rules of Court, which also addresses the place and manner of filing. Family Code section 7962 requires the gestational carrier agreement to be lodged with the court. The new subdivision in the rule would establish the procedures for handling material lodged physically or electronically with the clerk of the court after a determination is made. The committee believes that rule 5.96 needs to be amended to generally provide these procedures in family court because rule 3.1302 does not apply to causes arising under the Family Code, except to discovery proceedings in family law.⁹

Forms proposal

The committee proposes revising three mandatory forms in the family law series and creating a new forms series for gestational surrogacy cases, which will use the prefix “SUR.”

The proposal includes the forms needed to meet the filing and service requirements for gestational surrogacy cases that are uncontested, contested, or proceed by default. It includes a joint petition form, which can be used when all parties to the arrangement are in agreement, and

⁹ See Cal. Rules of Court, rules 3.1100, 3.1103.

a petition and response forms if the parties are not willing to sign a joint petition. The new form series also includes optional forms that parties file in support of a request to enter a judgment and an information sheet that describes several paths to obtain a judgment.

Formatting and party references

Each proposed new form would be specifically formatted to meet the needs of gestational surrogacy parentage cases. For example:

- Each form (except for the proposed information sheet, form SUR-050-INFO) would be marked “Confidential” because assisted reproduction cases are confidential cases under Family Code section 7643.5;
- The forms’ captions would include space to provide the names of multiple petitioners and respondents to account for cases in which there are more than two intended parents or the gestational carrier has a spouse or domestic partner;¹⁰
- Additional date and signature lines would be included for the parties and their attorneys; and
- Each form would use “(Gestational Carrier Agreement)” as a subtitle and state that a gestational carrier agreement is also called “assisted reproduction agreement for gestational carriers” in Family Code sections 7606 and 7962.

Proposed new forms

How to Ask for a Judgment—Gestational Carrier Agreement (*form SUR-050-INFO*)

This information sheet would serve as a resource for parties, attorneys, court clerks, and judicial officers. It lists the forms and documents required to be filed to commence an action in family court, as well as those required to ask for a judgment. The information sheet would include a list of resources to help connect parties to attorneys who specialize in assisted reproduction law and to free and low-cost legal help.

Petition to Determine Parental Relationship (*Gestational Carrier Agreement*) (*form SUR-100*)

This alternative form for mandatory use allows a party to petition the court to determine the parentage of a child or children conceived under the terms of a gestational carrier agreement if a joint petition (form SUR-100) cannot be filed.¹¹ It requires the petitioner to (1) specify the names, birthdates, and ages of the children (or the expected date of delivery of a child who is not

¹⁰ The spouse or domestic partner is a required party to the action or proceeding under Family Code section 7962. Among other presumptions noted in Family Code sections 7540 and 7611, a gestational carrier who is married or in a domestic partnership is presumed to be the child’s natural mother if the child is born during the marriage or domestic partnership or within 300 days after the marriage or domestic partnership is terminated by death, annulment, divorce, declaration of invalidity, or a judgment of separation entered by a court.

¹¹ The Judicial Council has adopted mandatory forms as alternative forms, one of which must be used in a proceeding. For example, rule 7.101 of the California Rules of Court lists forms used in probate proceedings that have been adopted as alternative mandatory forms. Forms SUR-100 and SUR-100(J) would be the first petitions adopted for alternative mandatory use in family law proceedings.

yet born), the anticipated place of birth, and the number of children expected to be born; (2) provide information relating to jurisdiction and venue; (3) identify statutory claims that the party wants to make in the case; (4) detail their request for specific orders; (5) state if they request other orders; and (6) date and sign the form.

Form SUR-100 also includes an item for the petitioner to declare that the gestational carrier agreement:

- Meets the requirements of section 7962 and thus supports the request that the court find that the intended parents are the parents of the child or children, and that the gestational carrier (and the gestational carrier's spouse or partner, if applicable) is not the parent of the child or children;
- Does not fully meet the requirements of section 7962 but, even so, the parties agree that parentage should be established in accordance with the agreement about legal parentage;
- Does not fully meet the requirements of section 7962 and thus a parental relationship should not be established according to the gestational carrier agreement; or
- Based on alternative reasons, should not be enforced and thus a parental relationship should not be established according to the gestational carrier agreement.

**Joint Petition to Determine Parental Relationship (*Gestational Carrier Agreement*)
(*form SUR-100(J)*)**

This form for alternative mandatory use permits parties to a gestational carrier agreement to jointly petition the court for a judgment under the UPA. Parties who are in agreement with the terms of their judgment would complete and sign the joint petition, attach a copy of their proposed judgment, lodge the gestational carrier agreement, file all declarations, and submit a judgment packet that includes *Judgment* (form [FL-250](#)), *Notice of Entry of Judgment* (form [FL-190](#)), and envelopes.

This joint petition process is patterned after the summary dissolution proceeding in dissolution of marriage or domestic partnership cases in which those parties who qualify for the proceeding complete one petition to request that the court enter a judgment. As in the summary dissolution proceeding, the court would not issue a summons with a joint petition. Further, the joint petition is a simplified form that incorporates several of the forms (listed in footnote 12) used to ask for a judgment. This form is intended to increase the overall efficiency in processing the parties' request for a judgment.

Summons—Gestational Carrier Agreement (*form SUR-110*)

Form SUR-110 for mandatory use is proposed as the summons for the new form series, mirroring *Summons* (form [FL-210](#)). This form includes the statutory content required for cases under the UPA. However, the summons references the proposed new petition (form SUR-100) and response (form SUR-120) and includes a reference in the footer to both rule 5.50 and

proposed new rule 5.78, which relate to assisted reproduction cases. The form’s proposed title is intended to distinguish the action from other actions under the UPA.

Notice of Lodging (*Gestational Carrier Agreement*) (form SUR-113)

Family Code section 7962(e) requires that a copy of the gestational carrier agreement be lodged with the court. Form SUR-113 is an optional form that would help parties comply with that requirement.

The proposed form provides a check box to specify that a copy (not the original) of the agreement is being lodged. Additional space is provided for a party to specify the title of other documents that are being lodged with the court. Finally, it includes a section to notify the parties about how the lodged documents will be handled after the determination of the case or proceeding.

Proof of Service of Summons (*Gestational Carrier Agreement*) (form SUR-115)

Rule 5.66 (Proof of service) provides that “[p]arties must file with the court a completed form to prove that the other party received the petition or complaint or response to petition or complaint.” (Cal. Rules of Court, rule 5.66(a).) The rule specifically identifies *Proof of Service of Summons* (form FL-115) but also provides that the proof of service “may be on a form approved by the Judicial Council or a document ... containing the same information required in ... form FL-115.” (*Id.*, rule 5.66(b)(1).)

Proposed form SUR-115 for optional use contains the same information required in form FL-115; however, it has been expanded to reflect the content of proposed rule 5.78, which acknowledges the common practice for serving the initial papers in these cases. The proposed form reflects the collaborative practice among attorneys in these cases in which a petitioner’s attorney completes all the paperwork for the petitioner *and* each respondent.

Proposed form SUR-115 identifies (in item 2) the initial forms in the SUR series that the petitioner or petitioner’s attorney would complete and file before serving the respondent. Beyond the summons and petition, the initial documents include the declarations required by Family Code section 7962 (declarations of the parties, the parties’ attorneys, and the fertility physician) and a notice of lodging of the assisted reproduction agreement. In addition, item 3 would be used by the petitioner to identify the forms and declarations, and other attachments prepared for each respondent and served along with the documents listed in item 2.

Notice and Acknowledgment of Receipt (*Gestational Carrier Agreement*) (form SUR-117)

This form for optional use is patterned after *Notice and Acknowledgment of Receipt* (form [FL-117](#)), which is used instead of a proof of service of summons form for cases in which the petitioner declares that the documents listed on the form were served by mail to the respondent. The respondent is required to complete part of the form to acknowledge receipt of each document by mail.

Response to Petition to Determine Parental Relationship (*Gestational Carrier Agreement*) (form SUR-120)

This proposed mandatory form allows respondents to indicate if they agree or disagree with the assertions in the petition about such matters as parentage and non-parentage, jurisdiction, venue, and whether the gestational carrier agreement complies with Family Code section 7962. If the parties are in agreement, but the respondent wishes to appear in the case and affirmatively respond to the claims and requests in the petition, the respondent may indicate their full agreement with the contents of the petition by checking item 2a, answering the question about primary language if applicable, and signing and dating the response. If the respondent disagrees with any of the assertions or claims in the petition, form SUR-120 allows the respondent to respond to each item in the petition, assert any claims, and seek any remedies available to the respondent under the Family Code relating to gestational carrier agreements.

Request to Enter Default (*Gestational Carrier Agreement*) (form SUR-165)

This proposed mandatory form would be filed by the petitioner to ask the court to issue a default judgment when the respondent has failed to enter a response to the petition within 30 days. As in the current family law parentage process, a default judgment could be entered as either (1) a “true” default (which describes cases in which no response is filed and there is no agreement with the respondent about a parental relationship) or (2) a “default with agreement” (which denotes that the parties have a separate stipulated agreement about a parental relationship that they will submit to the court despite the fact that the respondent did not file and serve a response to the petition).

Declaration for Default or Uncontested Judgment (*Gestational Carrier Agreement*) (form SUR-230)

To streamline the process of obtaining a judgment in gestational surrogacy cases, the committee proposes a single declaration form—based on the content of several forms in the current FL-200 series used to determine a parental relationship—for mandatory use, which would be used to ask that the court enter the judgment based on a respondent’s default or the agreement of the parties in an uncontested matter.¹² The new form would be titled *Declaration for Default or Uncontested Judgment (Gestational Carrier Agreement)* (form SUR-230).

Having one form that integrates the content of four forms would eliminate redundancy. For example, it would eliminate repeated requirements for parties to provide information about waiver of rights and party appearances. With respect to *Joint Petition to Determine Parental Relationship (Gestational Carrier Agreement)* (form SUR(J)), the relevant content of form SUR-230 would be incorporated into the form.

¹² Content from the following forms has been consolidated into the new form: *Appearance, Stipulations, and Waivers* (form FL-130); *Stipulation for Entry of Judgment Re: Determination of Parental Relationship* (form FL-240); *Advisement and Waiver of Rights Re: Determination of Parental Relationship* (form FL-235); and *Declaration for Default or Uncontested Judgment* (form FL-230).

Declaration and Conditional Waiver of Rights Under the Servicemembers Civil Relief Act (form SUR-230(A))

Finally, proposed form SUR-230(A) for optional use is based on form [FL-130\(A\)](#). Form SUR-230(A) would serve as the mandatory attachment to form SUR-230 if the respondent is a member of the military services of the United States of America, per item 1b of form SUR-230. The proposed form includes a cross-reference to form SUR-230 and has an additional signature line to accommodate cases in which both respondents are on active duty and want to permit the court to enter an uncontested judgment in the case.

Revised FL forms

The committee proposes that parties in assisted reproduction cases be required to complete the two current forms used in nonconfidential parentage proceedings, *Notice of Entry of Judgment* (form FL-190) and *Judgment* (form FL-250), rather than recreating these forms with the prefix “SUR.” And because form FL-250 is not a confidential form in assisted reproduction cases, the committee proposes revisions that would maintain the confidential nature of the proceeding. For example, no content on the forms would specify that the case involves an assisted reproduction agreement. This protection is particularly important for some international intended parents who return to their home country to determine a legal parental relationship once there.¹³

Notice of Entry of Judgment (form FL-190)

This form is used by court clerks to notify the parties and their attorneys that the court entered a judgment in the case. The caption of current form FL-190 would be revised to accommodate cases involving multiple parties. Items 1 through 8 would be reformatted to allow for more space at the bottom of the form to accommodate two additional mailing address boxes.

In addition, in response to requests from court professionals, the form would be updated to provide two separate fields for the effective date of a judgment of dissolution. The single field on the current form for “Effective date of termination of marital or domestic partnership status” does not accommodate situations in which a party has petitioned to dissolve both their marriage and domestic partnership in a single proceeding under Family Code section 299(e). To accommodate these situations, the revised form would include a field for “Effective date of termination of marital status” and another field for “Effective date of termination of domestic partnership status.”¹⁴

¹³ International laws on surrogacy are inconsistent, and some countries have banned all forms of surrogacy. More information on surrogacy laws is available at Surrogacy360, <https://surrogacy360.org/considering-surrogacy/current-law/>.

¹⁴ The Judicial Council implemented the requirements of Family Code section 299, effective January 1, 2005. Judicial Council of Cal., Advisory Com. Rep., *Family Law: Privacy Notices and Domestic Partnership Dissolution, Legal Separation, and Annulment Procedures* (Sept. 20, 2004).

Confidential Cover Sheet—Parentage Actions Involving Assisted Reproduction (*form FL-211*)

As mandated by Family Code section 7643.5, a party must use this form to identify that the party is initiating an action or proceeding involving assisted reproduction under Family Code sections 7613, 7630(f), or 7960–7962. The form would be revised to remove references to sections 7960–7962 and specify that the form is not used for cases involving gestational carrier agreements under sections 7960–7962.

Judgment (*form FL-250*)

Various changes are proposed to form FL-250. Its caption would be revised to provide space to identify multiple parties. Several items in the form would be changed for the parties to specify that there are multiple petitioners and multiple respondents in the case.

Item 2 would require the most restructuring. The content would be reorganized under new headings to make the form easier to read. Items 2a through 2c would provide information relating to the type of proceeding, as well as the date, department, room, and judicial officer's name. A new item 3 would include the list of all persons present at the hearing, if there was a hearing. For greater clarity, the form would include blank space to write each party's name. A new item 4 would organize the declarations for each party that are at items 2f and 2g in the current form.

In items 4a(2) and 4b(2) of the proposed revised form, the parties' acknowledgment that they signed *Advisement and Waiver of Rights Re: Determination of Parental Relationship* (form FL-235) would be expanded to include "or its equivalent." This change would cover parties in assisted reproduction cases who filed the simplified forms that include the advisement and waiver of rights, without requiring them to reveal the SUR form that they signed and filed with the court. The committee is proposing language that is currently used in *Appearance, Stipulations, and Waivers* (form [FL-130](#)), which provides, in item 2f, that "both parties have signed an *Advisement of Waivers or Rights Re: Determination of Parental Relationship* (form FL-235) or its equivalent."

The committee proposes formatting and other technical changes to the second page of the form to accommodate the needs of parentage actions involving gestational carrier agreements in the areas specifically highlighted.

Alternatives Considered

The committee considered the alternative of taking no action to adopt rules and forms for actions under the UPA involving gestational surrogacy but determined that courts, attorneys, and self-represented parties would benefit from a uniform statewide method of seeking a judgment in such cases that complies with the requirements of the Family Code. Without this action, existing resources for filing these cases would remain sparse in some counties and courts would not realize savings from efficiencies in case processing.

Discussions about forms to include in proposal

The committee considered whether it was possible to revise the current petition, response, and the other FL series forms to include the statutory requirements for cases involving a gestational carrier agreement; however, the committee concluded that it was not feasible.

UPA cases involving a gestational carrier agreement have their own jurisdiction, venue, and other requirements. Further, they are confidential proceedings under Family Code section 7643.5, with limited public access to the court file. Cases not involving an assisted reproduction agreement under the UPA, filed on or after January 1, 2023, are not confidential proceedings under Family Code section 7643.

The committee recognizes that UPA cases involving a gestational carrier agreement are significantly different from other cases under the UPA. Separating these case types into two distinct form series (FL and SUR)—except as relates to the use of forms FL-190 and FL-250, for the reasons previously indicated—would help avoid confusion about which forms to use and would respond to the needs of the parties, attorneys, and court professionals.

Discussions about a party's primary language

The committee deliberated about the items regarding primary language on the proposed petition (form SUR-100), joint petition (form SUR-100(J)), and response (form SUR-120). Courts in some counties include this content on local forms to help the judicial officer reviewing the judgment packet determine whether there may have been any barriers to the parties' comprehension of the forms they completed, and whether the parties received or should have received assistance from a registered interpreter or translator (or both) during the negotiation and execution of the judgment and other documents filed in the case. There is a concern that this information could potentially introduce bias into the proceedings. For this reason, the committee seeks specific input from the public on this question as it appears on the petition and response forms, in addition to the contents of the "Interpreter's Declaration" on form SUR-100(J) and form SUR-210.

Discussion about form FL-105/GC-120

The committee discussed whether *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)* (form FL-105/GC-120) was required to be filed with the joint petition, petition, and response to the petition in this proposal. In family law cases, the form is required to be filed when parties seek orders for child custody and visitation (parenting time).

The committee noted the issue of child custody does not arise in most gestational carrier cases. These cases are mostly filed during the surrogate's pregnancy with the intent of having a judgment of legal parentage (not child custody or visitation (parenting time)) entered before the child's birth. Therefore, these proceedings would not be considered "child custody proceedings" under section 3402(d) of the UCCJEA in the Family Code,¹⁵ and would require the parties to file

¹⁵ Under Family Code section 3402(d), a " 'child custody proceeding' ... [i]ncludes a proceeding for ... paternity ... in which the issue may appear."

form FL-105/GC-120. For this reason, the committee decided that parties would only need to file a UCCJEA form if child custody and visitation (parenting time) are identified as issues in either the petition or response. Thus, the committee proposes that rule 5.52, rule 5.78, and relevant forms reflect this decision by specifying that the UCCJEA form is not a required attachment to the joint petition or petition and response in actions to establish a parental relationship involving a gestational carrier agreement unless the initial filings indicate that child custody or visitation (parenting time) are at issue in the case.

Discussion about titles of rules and forms

The committee considered how to identify the forms in the new series to distinguish them for use in cases involving a gestational carrier agreement. Beyond the “SUR” identifier for the series, the committee considered whether to use “(Assisted Reproduction Agreement for Gestational Carriers)” or “(Gestational Carrier Agreement)” as a subtitle in the form titles and whether to use that same phrasing throughout the rules.

The committee considered that Family Code section 7962 uses the term “assisted reproduction agreement for gestational carriers.” The committee also considered input from subject matter experts that the term “gestational carrier agreement” (1) is the way in which these cases are commonly referred to by practitioners, court professionals, parties, and users of search engines; (2) would be a more efficient way to refer to an assisted reproduction agreement for gestational carriers across the rules and forms in the series; and (3) would likely not cause confusion, as it is readily understandable to the community of Californians who would use the forms. In addition, the committee considered that the forms would be translated into several languages. Therefore, it believed that the forms should be titled in a way that is succinct, easy to read, and would take less space on the page.

Finally, the committee considered Family Code section 211, which specifies that “[n]otwithstanding any other provision of law, the Judicial Council may provide by rule for the practice and procedure in proceedings under this code.” In light of this, the committee decided to propose circulating the rules and forms using “gestational carrier agreement” in place of the longer term used in Family Code section 7962. However, the committee also decided that each form would specifically indicate that “gestational carrier agreement” is also called “assisted reproduction agreement for gestational carriers” in Family Code sections 7606 and 7962.

Discussion about alternative mandatory forms

The committee considered numbering the joint petition as form SUR-100 and numbering the petition as form SUR-200 based on the belief that the joint petition would be used more frequently for the initial filing. However, because each form would be mandatory, the committee decided to designate them as alternative mandatory petitions and number them as forms SUR-100 and SUR-100(J). As such, each form would include a specific reference in the footer to the other. The committee also decided to include in each form a description of both alternative mandatory forms to help parties choose the appropriate form to file. The committee believes that using SUR-100 and SUR-100(J) would make it easier for parties, their attorneys, and court

professionals to understand that one of the two forms must be used to file the action to determine a parental relationship in a case that involves a gestational carrier.

Discussion about implementation date

The committee considered whether to propose a delay in implementing the proposal beyond the two months generally provided for implementing new Judicial Council forms. The committee considered that additional time would be beneficial for stakeholders to be trained in this specific area of law and become familiar with the new and amended rules as well as the new forms in the SUR series. It decided to propose that the rules and forms take effect on January 1, 2026, and ask for public comment about whether (and the reasons why) implementation should be delayed until July 1, 2026.

Fiscal and Operational Impacts

Courts would incur costs to implement the proposed changes. Court resources would be needed to train court employees, revise internal procedures, revise local rules and forms, and update case management systems to incorporate the rules and a completely new form series. The committee, though, believes that the initial costs for implementation would be offset by the savings achieved through more efficient case processing once the rules are implemented and the forms are in use.

Request for Specific Comments

In addition to comments on the proposal as a whole, the advisory committee is interested in comments from courts, stakeholders, subject matter experts, parties, and others on the following:

- Does the proposal appropriately address the stated purpose?
- Should the forms include questions requiring that parties disclose their primary language in the manner proposed? (*Please explain your answer.*)
- Should the forms take effect on January 1, 2026 (two months after the Judicial Council meeting)? Or should the implementation be delayed until July 1, 2026? (*Please explain your answer.*)

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

- Would the proposal provide cost savings? If so, please quantify.
- What would the implementation requirements be 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? Or should implementation be delayed until July 1, 2026?
- How well would this proposal work in courts of different sizes?

Attachments and Links

1. Cal. Rules of Court, rules 5.2, 5.7, 5.16, 5.50, 5.51, 5.52, 5.78, 5.96, at pages 17–24
2. Forms FL-190, FL-211, FL-250, SUR-050-INFO, SUR-100, SUR-100(J), SUR-110, SUR-113, SUR-115, SUR-117, SUR-120, SUR-165, SUR-230, SUR-230(A), at pages 25–54
3. Link A: Fam. Code, §§ 7960–7962,
https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=FAM&division=12.&title=&part=7.&chapter=&article=
4. Link B: Fam. Code, § 7643.5,
https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=FAM§ionNum=7643.5

Rule 5.78 of the California Rules of Court would be adopted; rules 5.2, 5.7, 5.16, 5.50, 5.52, and 5.96 would be amended; and rule 5.51 would be repealed, effective July 1, 2026, to read:

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

2
3 (a) * * *

4
5 (b) **Definitions and use of terms**

6
7 As used in this division, unless the context or subject matter otherwise requires, the
8 following definitions apply:

9
10 (1)–(11) * * *

11
12 (12) “Gestational carrier agreement” refers to an assisted reproduction agreement
13 for gestational carriers under Family Code sections 7606 and 7962.

14
15 **Rule 5.7. Use of forms**

16
17 (a) **Status of family law and domestic violence forms**

18
19 All forms adopted or approved by the Judicial Council for use in any proceeding
20 under the Family Code, ~~including any form in the FL, ADOPT, DV, and EJ, and~~ and
21 SUR series, ~~are~~ adopted as rules of court under the authority of Family Code
22 section 211; article VI, section 6 of the California Constitution; and other
23 applicable law.

24
25 (b)–(c) * * *

26
27 **Rule 5.16. Designation of parties**

28
29 (a) **Designation of parties**

30
31 (1) In cases filed under the Family Code, ~~the party starting the case is referred to~~
32 ~~as the "petitioner," and the other party is the "respondent."~~

33
34 (A) Except as otherwise specified herein, the party starting the case is
35 referred to as the "petitioner," and the other party is the "respondent."

36
37 (B) If the parties initiate the case by joint petition pursuant to Family Code
38 sections 2330 and 2331 or section 2400:

39
40 (i) The first joint petitioner is referred to as “petitioner 1” and the
41 second joint petitioner is referred to as “petitioner 2.” The first

1 joint petitioner may identify as the “petitioner” on judicial
2 council forms; the second joint petitioner may identify as the
3 “respondent” on judicial council forms.

4
5 (ii) If either party revokes the joint petition pursuant to Family Code
6 section 2342.5(b), the first petitioner will thereafter be referred to
7 as the “petitioner” and the second petitioner will thereafter be
8 referred to as the “respondent.”

9
10 (2) * * *

11
12 **(b) Parties to proceeding**

13
14 (1)–(4) * * *

15
16 (5) The only persons or agencies permitted to be parties to a family law
17 proceeding to ~~establish~~ determine parentage are the following: the presumed
18 ~~or putative parents of the minor child, the minor child, a third party who is~~
19 ~~joined in the case under rule 5.24, or a local child support agency that~~
20 ~~intervenes in the case.~~

21
22 (A) The presumed or putative parents of the child;

23
24 (B) The intended or natural parents of a child conceived through assisted
25 reproduction as defined in Family Code section 7613 and sections
26 7690–7692;

27
28 (C) The gestational carrier and the gestational carrier’s spouse or domestic
29 partner named in a gestational carrier agreement;

30
31 (D) The child, as described in Family Code section 7635(a);

32
33 (E) A third party who is joined in the case under rule 5.24; or

34
35 (F) A local child support agency that intervenes in the case.

36
37 **Rule 5.50. Papers issued by the court**

38
39 **(a) Issuing the summons; form**

40
41 If a summons is required to commence a family law case, the clerk of the court
42 must issue the summons using the same procedure for issuing a summons in civil
43 actions, generally.

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(1) The clerk of the court must:

- (A) Issue a *Summons (Family Law)* (form FL-110) for divorces, legal separations, or annulment cases involving married persons or domestic partnerships;
- (B) Issue a *Summons (Uniform Parentage—Petition for Custody and Support)* (form FL-210) for parentage or custody and support cases;
- (C) Issue a *Summons (UIFSA)* (form FL-510) when a party seeks to establish or enforce child support orders from other states; ~~and~~
- (D) Process a *Summons and Complaint or Supplemental Complaint Regarding Parental Obligations* (form FL-600) as specified in rule 5.325;
- (E) Issue *Summons—Gestational Carrier Agreement* (form SUR-110) for parentage cases involving a gestational carrier agreement; and
- (F) Issue *Joint Summons (Family Law)* (form FL-710) when parties file a joint petition for dissolution of marriage or domestic partnership or legal separation as specified in Family Code sections 2330 and 2331.

(2) * * *

(b) Automatic temporary family law restraining order in summons; handling by clerk

Under Family Code section 233, in proceedings for dissolution, legal separation, or nullity of a marriage or domestic partnership and in all parentage proceedings, the clerk of the court must issue a summons that includes automatic temporary (standard) restraining orders.

(1)–(2) * * *

(c) * * *

1 **Rule 5.51. Confidential cover sheet for parentage actions or proceedings involving**
2 **assisted reproduction; other requirements [Repealed]**

3
4 **(a) Application**

5
6 This rule applies to actions or proceedings filed with the court after January 1,
7 2023, involving assisted reproduction, in which the parties seek to determine a
8 parental relationship under Family Code section 7613 or 7630, or sections 7960–
9 7962.

10
11 **(b) Filing Requirement**

12
13 To comply with Family Code section 7643.5, for all actions in (a):

14
15 (1) Petitioner must complete a *Confidential Cover Sheet—Parentage Action*
16 *Involving Assisted Reproduction* (form FL-211) and attach it to the initial
17 papers being filed with the court; and

18
19 (2) The court clerk must maintain form FL-211, the initial papers, and all
20 subsequent papers—other than the final judgment—in a confidential court
21 file.

22
23 **Rule 5.52. Declaration under Uniform Child Custody Jurisdiction and Enforcement**
24 **Act (UCCJEA)**

25
26 **(a) Filing requirements; application**

27
28 (1) Petitioner and respondent must each complete, serve, and file a *Declaration*
29 *Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)*
30 (form FL-105/GC-120) if there are children of their relationship under the
31 age of 18 years.

32
33 (2) The form is a required attachment to the petition and response in actions for
34 divorce; or to establish parentage (that do not involve a gestational carrier
35 agreement); or actions for custody and support of minor children.

36
37 (3) The form is not a required attachment to the petition and response in actions
38 to establish a parental relationship involving a gestational carrier agreement
39 unless the petition or response specifies that child custody or visitation
40 (parenting time), or both, are at issue in the case.

41
42 **(b) * * ***

1 **Rule 5.78. Actions or proceedings to determine a parental relationship involving an**
2 **assisted reproduction agreement**

3
4 **(a) Authority**

5
6 This rule applies to actions or proceedings filed with the court involving an assisted
7 reproduction agreement as defined by Family Code section 7606(b), in which the
8 parties seek to determine a parental relationship under Family Code section 7613 or
9 7630(f), or sections 7960–7962.

10
11 **(b) Confidentiality**

12
13 Actions or proceedings to determine a parental relationship involving an assisted
14 reproduction agreement are confidential under the Uniform Parentage Act.

15
16 **(c) Actions involving statutory forms and traditional surrogacy**

17
18 (1) When parties use the assisted reproduction agreements found in Family Code
19 section 7613.5 (including those involving the disposition of embryos), they
20 may commence an action to seek a judgment determining a parental (and/or a
21 nonparental) relationship by using:

22
23 (A) *Confidential Cover Sheet—Parentage Action Involving Assisted*
24 *Reproduction* (form FL-211);

25
26 (B) *Summons (Parentage—Custody and Support)* (form FL-210);

27
28 (C) *Petition to Determine Parental Relationship (Uniform Parentage)* (form
29 FL-200);

30
31 (D) *Declaration Under Uniform Child Custody Jurisdiction and*
32 *Enforcement Act (UCCJEA)* (form FL-105), only if child custody or
33 visitation (parenting time), or both, are at issue in the case; and

34
35 (E) The FL series of forms required for all subsequent filings in actions
36 under the Uniform Parentage Act.

37
38 (2) For matters involving traditional surrogacy, as defined by Family Code
39 section 7960(f)(1), parties must follow the same procedures in (c)(1) to seek a
40 judgment to determine a parental (or nonparental) relationship in family
41 court.

1 **(d) Actions involving a gestational carrier agreement**

2
3 (1) Parties to a gestational carrier agreement must commence an action in family
4 court to seek a judgment determining a parental (or nonparental) relationship
5 to a child born or expected to be born by using either:

6
7 (A) Petition to Determine Parental Relationship (Gestational Carrier
8 Agreement) (form SUR-100); or

9
10 (B) Joint Petition to Determine Parental Relationship (Gestational Carrier
11 Agreement) (form SUR-100(J)).

12
13 (2) Petitioner may:

14
15 (A) Complete and file with the court all of the forms and documents
16 required of all parties to initiate the case and request entry of judgment.

17
18 (B) File the forms and documents for all parties at one time, but is not
19 required to do so.

20
21 (3) As required by Family Code section 7962:

22
23 (A) The declarations of the parties to the gestational carrier agreement, the
24 declarations of the separate, independent licensed attorneys, and the
25 declaration of the physician must be filed with the clerk of the court;
26 and

27
28 (B) A true and correct copy of the gestational carrier agreement must be
29 lodged with the clerk of the court.

30
31 (4) Respondent must use *Response to Petition to Determine Parental*
32 *Relationship (Gestational Carrier Agreement) (form SUR-120) if respondent*
33 wants to take action in response to *Petition to Determine Parental*
34 *Relationship (Gestational Carrier Agreement) (form SUR-100).*

35
36 **(e) Issuance of judgment**

37
38 (1) In all assisted reproduction parentage proceedings, a judgment:

39
40 (A) Must be issued on *Judgment (Uniform Parentage—Custody and*
41 *Support) (form FL-250); and*

1 (B) Need not reference that the case involves a gestational carrier
2 agreement.

3
4 (2) The court must mail *Notice of Entry of Judgment* (form FL-190) to the parties
5 or their attorneys, if the parties are represented, as specified in the Clerk’s
6 Certificate of Mailing.

7
8 **(f) Confidentiality in all actions to determine a parental relationship involving an**
9 **assisted reproduction agreement**

10
11 Other than the final judgment, the court clerk must maintain the following in a
12 confidential court file subject only to access under Family Code section 7643.5:

13
14 (1) *Confidential Cover Sheet—Parentage Action Involving Assisted*
15 *Reproduction* (form FL-211);

16
17 (2) *Petition to Determine Parental Relationship (Gestational Carrier Agreement)*
18 (form SUR-100);

19
20 (3) *Joint Petition to Determine Parental Relationship (Gestational Carrier*
21 *Agreement)* (form SUR-100(J)); and

22
23 (4) All subsequent papers filed in the case.
24

25
26 **Rule 5.96. Place and manner of filing**

27
28 **(a) Papers filed in clerk’s office**

29
30 All papers relating to a request for order proceeding must be filed in the clerk’s
31 office, unless otherwise provided by local rule or court order.
32

33 **(b)–(c)** * * *

34
35 **(d) Requirements for and maintenance of lodged materials**

36
37 (1) Materials lodged physically with the court clerk must be accompanied by a
38 self-addressed envelope with sufficient postage for mailing the material if the
39 party requests that the clerk return the materials lodged physically. If a self-
40 addressed, stamped envelope does not accompany materials lodged
41 physically, the clerk may destroy the lodged materials after determination of
42 the matter and after notice to the party who lodged the materials.
43

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

PARTY WITHOUT ATTORNEY or ATTORNEY STATE BAR NO.: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR (name):	<p style="text-align: center;"><i>FOR COURT USE ONLY</i></p> <p style="font-size: 1.2em; font-weight: bold;">Draft</p> <p style="font-size: 1.2em; font-weight: bold;">Not Approved by the Judicial Council</p> <p style="font-size: 1.2em; font-weight: bold;">v 2/24/2024</p>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER: RESPONDENT:	
NOTICE OF ENTRY OF JUDGMENT	
CASE NUMBER:	

You are notified that the following judgment was entered on (date):

- | | | |
|--|---|---|
| 1. <input type="checkbox"/> Dissolution | 4. <input type="checkbox"/> Dissolution—status only | 7. <input type="checkbox"/> Dissolution—reserving jurisdiction over termination of marital status or domestic partnership |
| 2. <input type="checkbox"/> Legal separation | 5. <input type="checkbox"/> Parent-child relationship | |
| 3. <input type="checkbox"/> Nullity | 6. <input type="checkbox"/> Judgment on reserved issues | 8. <input type="checkbox"/> Other (specify): |

Date: _____ Clerk, by _____, Deputy

—NOTICE TO ATTORNEY OR RECORD OR PARTY WITHOUT ATTORNEY—

Under Code of Civil Procedure section 1952, if no appeal is filed, the court may order the exhibits destroyed or otherwise disposed of after 60 days from the expiration of the appeal time.

STATEMENTS IN THIS BOX APPLY ONLY TO JUDGMENT OF DISSOLUTION

Effective date of termination of marital status (specify):

Effective date of termination of domestic partnership status (specify):

WARNING: Neither party may remarry or enter into a new domestic partnership until the effective date of the termination of marital or domestic partnership status, as shown in this box.

CLERK'S CERTIFICATE OF MAILING

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

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

Date: _____ Clerk, by _____, Deputy

Name and address of petitioner or attorney	Name and address of respondent or attorney
Name and address of petitioner or attorney	Name and address of respondent or attorney

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: TELEPHONE NO.: EMAIL ADDRESS: ATTORNEY FOR (name):	STATE BAR NUMBER: STATE: ZIP CODE: FAX NO.:	FOR COURT USE ONLY Draft Not Approved by the Judicial Council v 4/01/25
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:		
PETITIONER: RESPONDENT:		
CONFIDENTIAL COVER SHEET— PARENTAGE ACTION INVOLVING ASSISTED REPRODUCTION		CASE NUMBER:

TO THE COURT CLERK: The papers filed with this *Confidential Cover Sheet* and all subsequent papers filed in the case—other than the final judgment—must be maintained in a confidential court file.

INSTRUCTIONS
Petitioner must <ol style="list-style-type: none"> a. not file this form if the parties have a gestational carrier agreement (also called an "assisted reproduction agreement for gestational carriers" in Family Code sections 7906 and 7962). For cases involving a gestational carrier agreement, read <i>How to Ask for a Judgment—Gestational Carrier Agreement</i> (form SUR-050-INFO) b. complete items 1 and 2 to identify the matter as an action or proceeding to determine a parental relationship involving assisted reproduction under Family Code section 7613 or 7630(f). c. sign and date the form; and d. present the completed form as the cover sheet to the initial documents that are filed with the court clerk.

LIMITATIONS ON INSPECTION AND COPYING OF RECORDS
All papers and records, other than the final judgment, pertaining to the action or proceeding are confidential. They are subject to inspection and copying only by <ol style="list-style-type: none"> a. the parties to the action or their attorneys; b. agents acting on a written authorization from the parties to the action; c. agents acting on a written authorization of the attorneys for the parties (Note: The agent's written authorization must state that the attorney obtained the consent of the party before authorizing the agent to inspect and copy the permanent record); d. any local child support agency, as defined in Family Code section 17000(h), for purposes of establishing parentage and enforcing child support orders; and e. all others by court order for good cause shown.

1. This action or proceeding to determine a parental relationship involves assisted reproduction under Family Code section [7613](#) or [7630\(f\)](#).
2. The following documents are being filed with this cover sheet (*specify*):
 - a. *Petition to Determine Parental Relationship* (form FL-200)
 - b. Other (*specify below*):

Date: _____
 (TYPE OR PRINT NAME)

 (SIGNATURE OF PETITIONER OR PETITIONER'S ATTORNEY)

PARTY WITHOUT ATTORNEY or ATTORNEY STATE BAR NO.: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR (name):	<p style="text-align: center;">FOR COURT USE ONLY</p> <p style="text-align: center;">Draft</p> <p style="text-align: center;">Not approved by the Judicial Council</p> <p style="text-align: center;">v 2/24/2025</p>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER: RESPONDENT:	
JUDGMENT	CASE NUMBER:

1. This judgment contains personal conduct restraining orders modifies existing restraining orders.
- a. The restraining orders are contained in item(s) of the attachment.
 - b. The restraining orders expire on (date):
 - c. A CLETS form must be attached.

2. This matter proceeded as follows:
- a. Default or uncontested By declaration Contested
 - b. Date: Dept.: Room:
 - c. Judicial officer (name): Temporary judge

3. Present at the proceeding, if applicable:
- a. Petitioner (name): Attorney (name):
 - b. Petitioner (name): Attorney (name):
 - c. Respondent (name): Attorney (name):
 - d. Respondent (name): Attorney (name):
 - e. Other parties or attorneys present (specify):

4. Party declarations
- a. **Petitioner** **Petitioners**
- (1) appeared without counsel and was (or were) advised of relevant rights.
 - (2) signed *Advisement and Waiver of Rights Re: Determination of Parental Relationship* (form FL-235) or its equivalent.
 - (3) signed a voluntary declaration of parentage or paternity.
 - (4) declares (or declare) that there is a prior judgment of parentage in a family support, juvenile, or adoption court case.
- b. **Respondent** **Respondents**
- (1) appeared without counsel and was (or were) advised of relevant rights.
 - (2) signed *Advisement and Waiver of Rights Re: Determination of Parental Relationship* (form FL-235) or its equivalent.
 - (3) signed a voluntary declaration of parentage or paternity.
 - (4) declares (or declare) that there is a prior judgment of parentage in a family support, juvenile, or adoption court case.
- c. Other declarations
- (1) Petitioner is respondent's spouse or domestic partner, and no other action is pending.
 - (2) Respondent is petitioner's spouse or domestic partner, and no other action is pending.

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

5. PARENTAL RELATIONSHIP

a. Name or names (*specify*):

is the parent (or are the parents) of:

Child's name

Date of birth

a child (or children) not yet born

Number of unborn children, if known:

Expected date of delivery:

Expected place of birth:

b. Name or names (*specify*):

is not the parent (or are not the parents) of the child or children: listed in 5a. not yet born.

6. CHILD CUSTODY ORDERS

Child custody and visitation are as specified in one or more of the attached forms:

- a. *Child Custody and Visitation (Parenting Time) Order Attachment* (form FL-341)
- b. *Stipulation and Order for Custody and/or Visitation (Parenting Time)* (form FL-355)
- c. Other (*specify*):

7. CHILD SUPPORT ORDERS

a. Child support is as stated in one or more of the attached forms:

- (1) *Child Support Information and Order Attachment* (form FL-342)
- (2) *Stipulation to Establish or Modify Child Support and Order* (form FL-350)
- (3) Other (*specify*):

b. All parties must complete and file with the court *Child Support Case Registry Form* (form FL-191) within 10 days of the date of this judgment. Thereafter, the parents must notify the court of any change in the information submitted, within 10 days of the change.

c. The form *Notice of Rights and Responsibilities Regarding Child Support* (form FL-192) is attached.

8. THE COURT FURTHER ORDERS

a. The names of the children are changed to (*specify*):

b. The birth certificates must be amended to conform to this court order by

- (1) adding the following parent's name:
- (2) changing the names of the children, as specified in item 8a.

c. Attorney's fees and costs are as stated in the attached *Attorney's Fees and Costs Order Attachment* (form FL-346).

d. Reasonable expenses of pregnancy and birth are as stated in the attachment.

e. Other (*specify*):

f. Continued on Attachment 8f.

9. Number of pages attached: _____

Date:

(TYPE OR PRINT NAME)



JUDICIAL OFFICER

SUR-050-INFO How to Ask for a Judgment—Gestational Carrier Agreement

This form lists the documents that a court may require to request a judgment determining a parental relationship based on a gestational carrier agreement (also called an "assisted reproduction agreement for gestational carriers" in Family Code sections 7606 and 7962). For information about how to start your case, visit the online Self-Help Guide to the California Courts at courts.ca.gov/placeholderURL.

The forms that you need to finalize the case will depend on how the case was started, whether the other party filed a response, and if the parties have an agreement about the judgment.

You may use this form to understand what forms you need to:

- ❗ ① Request a judgment by filing *Joint Petition to Determine Parental Relationship* (Gestational Carrier Agreement) (form SUR-100(J)); or
- ❗ ② Finalize your case after *Summons* (form SUR-110) and *Petition to Determine Parental Relationship* (Gestational Carrier Agreement) (form SUR-100) have been filed and served, a copy of the gestational carrier agreement has been lodged, the declarations mandated by statute have been filed, and the other party or parties:
 - a. Did not file a response after 30 days of being served with the petition;
 - b. Did not file a response after 30 days of being served with the petition because you have a written agreement with the other party or parties establishing a parental relationship;
 - c. Filed a response or made an appearance, and there is a written agreement establishing a parental relationship; or
 - d. Filed a response and there is no agreement establishing a parental relationship.



- ❗ For each type of proceeding ① through ⑤, you must provide the court clerk envelopes of sufficient size and with sufficient postage to mail the *Judgment* and *Notice of Entry of Judgment* to the parties. One stamped envelope you provide is for the court clerk to mail the documents to the intended parents (unless they are represented by two separate attorneys) and another envelope is for the court clerk to mail the documents to the gestational carrier and, if applicable, the gestational carrier's spouse or domestic partner (unless they are represented by two separate attorneys).

① JOINT PETITION PROCESS

- a. *Joint Petition to Determine Parental Relationship* (Gestational Carrier Agreement) (form [SUR-100\(J\)](#)).
- b. Lodge with the court clerk a true and correct copy of the gestational carrier agreement. If applicable, lodge the English translation of the agreement (*Notice of Lodging* (form [SUR-113](#)) may be used for this purpose).
- c. File the following declarations with the clerk of the court, as required by Family Code section 7962:
 - (1) Declaration of each intended parent (individually or jointly).
 - (2) Declaration of the gestational carrier.
 - (3) Declaration of the gestational carrier's spouse or domestic partner, if applicable.
 - (4) Declaration of the attorney for the intended parent or parents.
 - (5) Declaration of the attorney for the gestational carrier and the gestational carrier's spouse or domestic partner.
 - (6) Declaration of the fertility physician.
- d. *Judgment* (form [FL-250](#)), any attachments, and copies.
- e. *Notice of Entry of Judgment* (form [FL-190](#)) and copies.

2 **DEFAULT PROCESS**

(No *Response to Petition* was filed and served. The parties **do not** have a written agreement about the legal parental relationship. The gestational carrier agreement was lodged with the clerk of the court and the mandated declarations listed in item ①c were filed with the clerk of the court.)

- a. *Proof of Service of Summons* (form [SUR-115](#)) or other proof of service.
- b. *Request to Enter Default* (form [SUR-165](#)).
- c. *Declaration for Default or Uncontested Judgment* (form [SUR-230](#)).
- d. *Judgment* (form [FL-250](#)), any attachments, and copies.
- e. *Notice of Entry of Judgment* (form [FL-190](#)) and copies.

3 **DEFAULT WITH AGREEMENT PROCESS**

(No *Response to Petition* was filed and served. The parties have a written agreement about the legal parental relationship. The gestational carrier agreement was lodged with the clerk of the court, and the mandated declarations listed in item ①c were filed with the clerk of the court.)

- a. *Proof of Service of Summons* (form [SUR-115](#)) or other proof of service.
- b. *Request to Enter Default* (form [SUR-165](#)).
- c. *Declaration for Default or Uncontested Judgment* (form [SUR-230](#))
 - (For members of the U.S. military entering active duty): *Declaration and Conditional Waiver of Rights Under the Servicemembers Civil Relief Act* (form [SUR-230\(A\)](#)).
 - Attach written agreement signed by the parties and their attorneys, if applicable. Respondent's signature must be notarized.
- d. *Judgment* (form [FL-250](#)), any attachments, and copies.
- e. *Notice of Entry of Judgment* (form [FL-190](#)) and copies.

4 **UNCONTESTED PROCESS**

(*Response to Petition* was filed and served (or respondent made an appearance). The parties have a written agreement about the legal parental relationship. The gestational carrier agreement was lodged with the clerk of the court, and the mandated declarations listed in item ①c were filed with the clerk of the court.)

- a. *Proof of Service of Summons* (form [SUR-115](#)) or other proof of service.
- b. *Declaration for Default or Uncontested Judgment* (form [SUR-165](#)).
 - Attach written agreement signed by the parties and their attorneys, if applicable.
- c. *Judgment* (form [FL-250](#)), any attachments, and copies.
- d. *Notice of Entry of Judgment* (form [FL-190](#)) and copies.



5 CONTESTED CASE

(*Response to Petition* was filed and served. Parties do not agree about the parental relationship.)

If there is no agreement about who is (or is not) a child's parent, the case is contested. The parties will need to ask the court to make a decision about the legal relationship between the parties and the child or children.

a. Genetic testing.

In cases involving a gestational carrier agreement, the court can order genetic testing to resolve a dispute about whether the child was conceived through assisted reproduction (Family Code section 7551(b)(1)(B)). To ask the court to order genetic testing, you can:

- (1) File *Request for Order* (form [FL-300](#)) and [ask the court](#) to order the testing allowed by law.
- (2) If you and the other person agree to the limited genetic testing, write up your agreement and submit it to the judge to make a court order.

b. Ask for a trial.

If genetic testing does not answer who are the child's legal parents, then you can ask for a trial. Each court has its own process for how to set a case for trial. When you get a trial date, the court may set other court dates and give you tasks to complete, like file a trial brief.

Talk to your [Self-Help Center](#) or an [attorney](#) to learn more about how to ask for and prepare for trial.

c. Judgment.

After genetic testing or after a trial, you will need to complete the final paperwork (a judgment) and submit it to the judge to sign. A party must prepare *Judgment* (form [FL-250](#)) and *Notice of Entry of Judgment* (form [FL-190](#)) and submit them as described on page 1 of this form.

6 Will there be a hearing?

- It is possible that parties may finalize their case and get a judgment without ever going court.
- Even if the parties file a joint petition, the judge may, but is not required to, set a hearing for the parties to answer questions before a decision is made about the judgment.
- The parties may also decide to request a hearing if they cannot agree on an important issue in the case.

To learn about how to ask for a hearing, read *Information Sheet for Request for Order* (form [FL-300-INFO](#)).

7 What if I have questions or need help?

This form provides only basic information about assisted reproduction parentage agreements. If you have questions or need help:

- Find an attorney who specializes in assisted reproduction technology law and fertility law through the Academy of California Adoption-ART Lawyers at www.acal.org/member-directory/.
- Find an attorney through your local bar association, the State Bar of California at www.calbar.ca.gov, or the Lawyer Referral Service at 1-866-442-2529.
- For free and low-cost legal help (if you qualify), go to www.lawhelpca.org.
- Contact your court's Family Law Facilitator or Self-Help Center for information and assistance, and referrals to local legal services providers. Go to courts.ca.gov/selfhelp-courtresources.htm.
- Find step-by-step instructions about how to start and finalize a parentage case on the California Courts Self-Help Guide at selfhelp.courts.ca.gov/parentage.

PARTY WITHOUT ATTORNEY OR ATTORNEY STATE BAR NUMBER: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR (name):	FOR COURT USE ONLY DRAFT Not Approved by the Judicial Council v. 2/24/2025
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER: RESPONDENT:	
PETITION TO DETERMINE PARENTAL RELATIONSHIP (Gestational Carrier Agreement)	CASE NUMBER:

Use this petition form to ask the court to determine a parental relationship when there is a written gestational carrier agreement (also called an "assisted reproduction agreement for gestational carriers" in Family Code sections 7606 and 7962). Read *How to Ask for a Judgment—Gestational Carrier Agreement* (form [SUR-050-INFO](#)) for more information about this and other forms you need to complete this process. For more information, go to [courts.ca.gov/placeholder for URL](https://courts.ca.gov/placeholder-for-URL).

Note: You may use *Joint Petition to Determine Parental Relationship (Gestational Carrier Agreement)* (form [SUR-100](#)), instead of this form, if all parties to the gestational carrier agreement agree that:

- The gestational carrier agreement meets the requirements of Family Code section 7962;
- The intended parents named in the agreement should be determined to be the parents of the child or children; and
- They are willing to sign the same petition.

TO THE COURT CLERK: The papers filed with this petition and all subsequent papers filed in the case—other than the final judgment—must be maintained in a confidential court file.

LIMITATIONS ON INSPECTION AND COPYING OF RECORDS

All papers and records, other than the final judgment, pertaining to the action or proceeding are confidential. They are subject to inspection and copying only by

- a. the parties to the action or their attorneys;
- b. agents acting on a written authorization from the parties to the action;
- c. agents acting on a written authorization of the attorneys for the parties
(Note: The agent's written authorization must state that the attorney obtained the consent of the party before authorizing the agent to inspect and copy the permanent record);
- d. any local child support agency, as defined in Family Code section 17000(h), for purposes of determining parentage and enforcing child support orders; and
- e. all others by court order for good cause shown.

1. Petitioner and respondent executed a gestational carrier agreement, as follows:

- a. Petitioner is or petitioners are: the intended parent or parents.
 the gestational carrier and/or the gestational carrier's spouse or domestic partner.
- b. Respondent is or respondents are: the intended parent or parents.
 the gestational carrier and/or the gestational carrier's spouse or domestic partner.

The gestational carrier agreement must be lodged with the court. You may use *Notice of Lodging* (form [SUR-113](#)) for this purpose.

PETITIONER: RESPONDENT:	CASE NUMBER:
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2. Petitioner claims or petitioners claim (select a, b, or c.)

- a. The gestational carrier agreement meets all of the following requirements of Family Code section 7962, and it should be enforced:
 - (1) The agreement includes the date or dates of execution.
 - (2) The agreement includes the identity of the person or persons from whom gametes originated, or if donated gametes were used, specifies whether the donated gamete or gametes were eggs, sperm, embryos, or all three.
 - (3) The agreement includes the identity of the intended parent or parents.
 - (4) The agreement includes disclosure regarding how the intended parents will cover the medical expenses of the gestational carrier and of the newborn or newborns. The disclosure includes a review of health-care policy provisions related to coverage for surrogate pregnancy, including any possible liability of the gestational carrier, third-party liability liens or other insurance coverage, and any notice requirements that could affect coverage or liability of the gestational carrier.
 - (5) Before executing the written agreement, both parties were represented by separate independent licensed attorneys of their choosing.
 - (6) All party signatures on the agreement have been notarized or witnessed by an equivalent method of affirmation.
 - (7) The agreement was fully executed before the parties underwent the embryo transfer procedure or commenced injectable medication in preparation for an embryo transfer for assisted reproduction purposes.

- b. The gestational carrier agreement meets all the requirements of Family Code section 7962, but it should *not* be enforced. *(If you checked item 2b, you must attach a declaration that specifies why the court should not enforce the terms of the gestational carrier agreement. Attached Declaration (form [MC-031](#)) may be used for this purpose.)*

- c. The gestational carrier agreement does not meet all of the requirements of Family Code section 7962, but it should still be enforced. *(If you checked item 2c, you must (1) attach a declaration to identify the specific statutory requirement or requirements that the gestational carrier fails to meet (Attached Declaration (form [MC-031](#)) may be used for this purpose), and (2) submit sufficient proof to show that the gestational carrier agreement establishes the parental relationship of the intended parents and rebuts the presumption of a parental relationship of the gestational carrier even though the requirement is not met.)*

3. The child or children conceived under the terms of the gestational carrier agreement:

- a. has not (or have not) yet been born
 Number of unborn children, if known:
 Expected date of delivery:
 Expected place of birth:

- b. has (or have) been born

<u>Full Name</u>	<u>Date of Birth</u>	<u>Place of Birth</u>
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4. Jurisdiction

The court has jurisdiction under Family Code section 7620(b) because *(check all that apply)*:

- a. one or more of the parties to the gestational carrier agreement lives in this state. The parties are *(specify each name)*:

- b. one or more of the parties lived in this state when the gestational carrier agreement was executed. The parties are *(specify each name)*:

- c. the medical procedures leading to conception, including in vitro fertilization or embryo transfer, or both, were carried out in this state.

- d. the child or children *(select one)* was (or were) born is (or are) anticipated to be born in this state.

PETITIONER: RESPONDENT:	CASE NUMBER:
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5. Venue

The action is brought in this county because *(you must check one or more to file in this county; check all that apply)*:

- a. the child (or children) *(select one)* was (or were) born is (or are) anticipated to be born in this county.
- b. the intended parent or parents live in this county.
- c. the gestational carrier lives in this county.
- d. the gestational carrier agreement was executed in this county.
- e. the medical procedures under the gestational carrier agreement were performed in this county.
- f. a parent is deceased and proceedings for administration of the estate have been or could be started in this county *(specify name of parent)*:

6. Each petitioner asks that the court make the determinations indicated below

- a. Petitioner is or petitioners are
 - the legal parent or parents of the child or children listed in item 3.
 - not** the legal parent or parents of the child or children listed in item 3.
- b. Respondent is or respondents are
 - the legal parent or parents of the child or children listed in item 3.
 - not** the legal parent or parents of the child or children listed in item 3.
- c. Other *(specify)*:

Note: If the other court orders you request are about child custody and visitation (parenting time), you must fill out and attach *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)* (form [FL-105/GC-120](#)).

7. Petitioner's or petitioners' primary language is not English

- a. The primary language of each petitioner is *(specify)*:
- b. Did petitioner or petitioners receive the assistance of a translator or interpreter, or both, in their primary language with the petition? Yes No
- c. Do all petitioners fully understand the documents written in English that were signed and are being filed with the court in support of this petition? Yes No

8. I have read the restraining order on page 2 of *Summons* (form [SUR-110](#)) and I understand that it applies to me when this Petition is filed and that it applies to each respondent when it is served on them.

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)

Date:

 (TYPE OR PRINT NAME)

▶ _____
 (SIGNATURE OF PETITIONER)

▶ _____
 (SIGNATURE OF PETITIONER)

INTENDED PARENT OR PARENTS: GESTATIONAL CARRIER: GESTATIONAL CARRIER'S SPOUSE OR DOMESTIC PARTNER:	CASE NUMBER:
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We jointly petition for an uncontested judgment determining parental relationship and declare that all the following conditions exist on the date that this joint petition is filed with the court:

1. The child or children conceived under the terms of a gestational carrier agreement:

- a. has not (or have not) yet been born
 Number of unborn children, if known:
 Expected date of delivery:
 Expected place of birth:

- b. has (or have) been born

Full Name

Date of Birth

Place of Birth

2. Gestational carrier agreement. Petitioners jointly claim:

- a. The gestational carrier agreement meets all of the following requirements of Family Code section 7962, and it should be enforced:
- (1) The agreement includes the date or dates of execution.
 - (2) The agreement includes the identity of person or persons from whom gametes originated, or if donated gametes were used, specifies whether the donated gamete or gametes were eggs, sperm, embryos, or all three.
 - (3) The agreement includes the identity of the intended parent or parents.
 - (4) The agreement includes a disclosure regarding how the intended parents will cover the medical expenses of the gestational carrier and of the newborn or newborns. The disclosure includes a review of health-care policy provisions related to coverage for surrogate pregnancy, including any possible liability of the gestational carrier, third-party liability liens or other insurance coverage, and any notice requirements that could affect coverage or liability of the gestational carrier.
 - (5) Before executing the written agreement, both parties were represented by separate independent licensed attorneys of their choosing.
 - (6) All party signatures on the agreement have been notarized or witnessed by an equivalent method of affirmation.
 - (7) The agreement was fully executed before the parties underwent the embryo transfer procedure or commenced injectable medication in preparation for an embryo transfer for assisted reproduction purposes.
- b. The gestational carrier agreement does not meet all of the requirements of Family Code section 7962, but it should still be enforced.
(If you checked item 2b, you must (1) attach a declaration to identify the specific statutory requirement or requirements that the gestational carrier fails to meet (Attached Declaration (form [MC-031](#)) may be used for this purpose), and (2) submit sufficient proof to show that the gestational carrier agreement establishes the parental relationship of the intended parents and rebuts the presumption of a parental relationship of the gestational carrier even though the requirement is not met.)
- c. The gestational carrier agreement is being lodged with the court in support of this joint petition. *(Note: Notice of Lodging (form [SUR-113](#)) may be used for this purpose.)*

3. Request to determine parental relationship

- a. The intended parent wants (or the intended parents want) to be determined to be the parent (or parents) of the child or children listed in item 1.
- b. The gestational carrier wants (and their spouse or domestic partner, if applicable, wants to be determined *not to be* a parent of the child or children listed in item 1.

INTENDED PARENT OR PARENTS: GESTATIONAL CARRIER: GESTATIONAL CARRIER'S SPOUSE OR DOMESTIC PARTNER:	CASE NUMBER:
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4. Jurisdiction

The court has jurisdiction under Family Code section 7620(b) because (*check all that apply*):

- a. one or more of the parties to the gestational carrier agreement lives in this state. The parties are (*specify each name*):
- b. one or more of the parties lived in this state when the gestational carrier agreement was executed. The parties are (*specify each name*):
- c. the medical procedures leading to conception, including in vitro fertilization or embryo transfer, or both, were carried out in this state.
- d. the child or children (*select one*) was (or were) born is (or are) anticipated to be born in this state.

5. Venue

The action is brought in this county because (*you must check one or more to file in this county; check all that apply*):

- a. the child (or children) (*select one*) was (or were) born is (or are) anticipated to be born in this county.
- b. the intended parent or parents live in this county.
- c. the gestational carrier lives in this county.
- d. the gestational carrier agreement was executed in this county.
- e. the medical procedures under the gestational carrier agreement were performed in this county.
- f. a parent is deceased and proceedings for administration of the estate have been or could be started in this county.
(*Specify name of parent*):

6. Judgment of parental relationship

- a. We ask the court to approve the proposed *Judgment* (form FL-250) that is attached to this joint petition, and in which:
- (1) Each intended parent is identified as the (*specify*): petitioner or petitioners. respondent or respondents.
- (2) The gestational carrier and spouse or domestic partner is (or are) identified as the (*specify*):
 petitioner or petitioners. respondent or respondents.
- b. With this joint petition, we are also submitting the original and copies of the proposed *Judgment* (form FL-250) and *Notice of Entry of Judgment* (form FL-190) for the court to sign, along with postage prepaid (stamped) envelopes. (*Note: Unless the parties are represented by two separate attorneys, one stamped envelope must be submitted to the court clerk for mailing to the intended parents and one stamped envelope must be submitted for the court clerk to mail to the gestational carrier and, if applicable, the gestational carrier's spouse or domestic partner.*)
- c. We will keep the court and each other informed of any change of mailing address or phone number occurring before the court enters a judgment in the case using the *Notice of Change of Address or Other Contact Information* (form [MC-040](#)).

7. Waiver of Rights

- a. Each of us, individually, understands all of the following rights:
- (1) *Legal representation*. I have the right to be represented by an attorney of my own choice at my own expense. If I cannot afford an attorney, I can contact the attorney referral service of the local bar association or the family law facilitator for assistance.
- (2) *Trial and appeal*. I have a right to have a judge decide if I am the parent of the children named in this action. I also understand that I have the right to a notice of trial, a statement of decision, a motion for a new trial, and the right to appeal.
- (3) *Confront and cross-examine witnesses*. In a trial, I have the right to confront and cross-examine the witnesses against me and to present evidence and witnesses in my own defense.
- (4) *Genetic testing*. Under Family Code section 7551(b)(1)(B), genetic testing may be ordered to resolve a dispute about whether the child was conceived through assisted reproduction.
- b. Each intended parent further understands all of the following obligations:
- (1) *Obligations*. If I admit that I am the parent of the children in this action then those children will be my children for legal purposes. I will also have the duty to contribute to the support of the children named in this action; this duty of support will continue for each child until the obligation is terminated by law.
- (2) *Criminal nonsupport*. If I willfully fail to support the child or children, criminal proceedings may be initiated against me.
- c. Each party agrees to all of the following:
- (1) I have read and understand *Judgment* (form FL-250) and the waiver of rights.

INTENDED PARENT OR PARENTS: GESTATIONAL CARRIER: GESTATIONAL CARRIER'S SPOUSE OR DOMESTIC PARTNER:	CASE NUMBER:
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- (2) If I am represented by an attorney, my attorney has read and explained to me the contents of any and all stipulations, recitals, and waivers, and I acknowledge that I understand them.
- (3) I give up the rights that apply to me (except the right to an attorney, if I have an attorney) and freely agree that a judgment may be entered in accordance with the parties' agreements.
- (4) That none of the waivers or agreements included in the judgment will apply unless the court approves the judgment or incorporates the stipulation for judgment determining parental rights.

8. **Agreements and requests about party appearances and the proceeding** (*choose all that apply*):

- a. By filing this form, I make a general appearance in this case.
- b. This cause may be decided as an uncontested matter without notice.
- c. If I were to appear in court and were sworn, I would testify to the truth of the facts in this joint petition.
- d. I waive the right to notice of trial, a statement of decision, a motion for new trial, and the right to appeal.
- e. I agree that this joint petition may be decided by a commissioner sitting as a temporary judge who may determine whether to grant this request or require my appearance.
- f. None of these agreements or waivers will apply unless the court approves *Judgment* (form FL-150).
- g. I request that proof will be by this declaration and that I will not appear before the court unless I am ordered by the court to appear.
- h. I request that the court issue a judgment forthwith and without further evidence under Family Code section 7962(f)(2).

9. **Other** (*specify below*): [Attachment 9](#).

- 10. English is not the primary language of one or more parties.
 - a. Specify the name and primary language of each party who was assisted by a translator, interpreter, or both.
 - b. Each party whose primary language is not English was assisted by a translator or interpreter, or both, in their primary language with this joint petition and *Judgment* (form FL-250) and all attachments, and fully understands the documents written in English that were signed and are being filed and submitted with the court in support of this joint petition.

11. Number of pages attached: _____

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

Date: _____


 (SIGNATURE OF INTENDED PARENT OR PARENTS)

Date: _____


 (SIGNATURE OF INTENDED PARENT OR PARENTS)

Date: _____


 (SIGNATURE OF GESTATIONAL CARRIER)

Date: _____


 (SIGNATURE OF GESTATIONAL CARRIER'S SPOUSE OR DOMESTIC PARTNER)

INTERPRETER'S DECLARATION

I certify under penalty of perjury under the laws of the State of California that

- 1. I have, to the best of my ability, interpreted or translated this *Joint Petition* and *Judgment* (form FL-250) for each person listed in item 10a in that person's primary language.
- 2. Each person listed in item 10a stated to me that they understood the contents of this *Joint Petition* and *Judgment* (form FL-250) before signing them.

Date: _____

 (TYPE OR PRINT NAME)



 (SIGNATURE OF INTERPRETER)

SUMMONS—Gestational Carrier Agreement

CITACIÓN—Acuerdo de portadora gestacional

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

NOTICE TO RESPONDENT (Name):

AVISO AL DEMANDADO (Nombre):

DRAFT

**NOT APPROVED BY THE
JUDICIAL COUNCIL**

v. 4/07/2025

You have been sued. Read the information below and on the next page.
Lo han demandado. Lea la información a continuación y en la página siguiente.

Petitioner's name:

El nombre del demandante:

CASE NUMBER: (Número de caso)

<p>A "gestational carrier agreement" is also called an "assisted reproduction agreement for gestational carriers" in Family Code sections 7606 and 7962.</p>	<p>Un <<acuerdo de portadora gestacional>> también se llama <<un acuerdo de reproducción asistida para portadoras gestacionales>> en las secciones 7606 y 7962 del Código de Familia.</p>
<p>You have 30 calendar days after this <i>Summons</i> and <i>Petition</i> (form SUR-100) are served on you to file a <i>Response</i> (form SUR-120) at the court and have a copy served on the petitioner. A letter, phone call, or court appearance will not protect you.</p>	<p>Tiene 30 días calendario después de haber recibido la entrega legal de esta Citación y Petición (formulario SUR-100) para presentar una Respuesta (formulario SUR-120) ante la corte y efectuar la entrega legal de una copia al demandante. Una carta o llamada telefónica o una audiencia de la corte no basta para protegerlo.</p>
<p>If you do not file your <i>Response</i> on time, the court may make orders affecting your right to custody of your children. You may also be ordered to pay child support and attorney fees and costs.</p>	<p>Si no presenta su Respuesta a tiempo, la corte puede hacer órdenes que afecten la custodia de sus hijos. La corte también le puede ordenar que pague manutención de los hijos, y honorarios y costos legales.</p>
<p>For legal advice, contact an attorney immediately. Get help finding an attorney at the Self-Help Guide to the California Courts (courts.ca.gov/selfhelp), at the California Legal Services website (www.lawhelpca.org), or by contacting your local bar association.</p>	<p>Para asesoramiento legal, póngase en contacto de inmediato con un abogado. Puede obtener información para encontrar un abogado en la Guía de Ayuda de las Cortes de California (sucorte.ca.gov), en el sitio web de los Servicios Legales de California (www.lawhelpca.org/es), o poniéndose en contacto con el colegio de abogados de su condado.</p>
<p>NOTICE: The restraining order on page 2 remains in effect against each parent until the petition is dismissed, a judgment is entered, or the court makes further orders. This order is enforceable anywhere in California by any law enforcement officer who has received or seen a copy of it.</p>	<p>AVISO: La orden de protección que aparece en la página 2 continuará en vigencia en cuanto a cada parte hasta que se emita un fallo final, se despidan la petición o la corte haga otras órdenes. Cualquier agencia del orden público que haya recibido o visto una copia de esta orden puede hacerla cumplir en cualquier lugar de California.</p>
<p>FEE WAIVER: If you cannot pay the filing fee, ask the clerk for a fee waiver form. The court may order you to pay back all or part of the fees and costs that the court waived for you or the other party.</p>	<p>EXENCIÓN DE CUOTAS: Si no puede pagar la cuota de presentación, pida al secretario un formulario de exención de cuotas. La corte puede ordenar que usted pague, ya sea en parte o por completo, las cuotas y costos de la corte previamente exentos a petición de usted o de la otra parte.</p>

[SEAL]

1. The name and address of the court are: (El nombre y dirección de la corte son:)

2. The name, address, and telephone number of petitioner's attorney, or petitioner without an attorney, are: (El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante si no tiene abogado, son:)

Date (Fecha): _____ Clerk, by (Secretario, por) _____, Deputy (Asistente)

STANDARD RESTRAINING ORDER
(Gestational Carrier Agreement)

ORDEN DE RESTRICCIÓN ESTÁNDAR
(Acuerdo de Portadora Gestacional)

Starting immediately, you and every other party are restrained from removing from the state, or applying for a passport for, the minor child or children for whom this action seeks to establish a parent-child relationship or a custody order without the prior written consent of every other party or an order of the court.

This restraining order takes effect against the petitioner when the petitioner files the petition and against the respondent when the respondent is personally served with the *Summons* and *Petition* OR when the respondent waives and accepts service.

This restraining order remains in effect until the judgment is entered, the petition is dismissed, or the court makes other orders.

This order is enforceable anywhere in California by any law enforcement officer who has received or seen a copy of it.

En forma inmediata, usted y cada otra parte tienen prohibido llevarse del estado a los hijos menores para quienes esta acción judicial procura establecer una relación entre hijos y padres o una orden de custodia, ni pueden solicitar un pasaporte para los mismos, sin el consentimiento previo por escrito de cada otra parte o sin una orden de la corte.

Esta orden de restricción entrará en vigencia para el demandante una vez presentada la petición, y para el demandado una vez que éste reciba la entrega legal en persona de la Citación y Petición, o una vez que renuncie a su derecho a la entrega legal y acepte la entrega de los dos documentos legales.

Esta orden de restricción continuará en vigencia hasta que se emita un fallo final, se despida la petición o la corte haga otras órdenes.

Cualquier agencia del orden público que haya recibido o visto una copia de esta orden puede hacerla cumplir en cualquier lugar de California.

NOTICE—ACCESS TO AFFORDABLE HEALTH

INSURANCE Do you or someone in your household need affordable health insurance? If so, you should apply for Covered California. Covered California can help reduce the cost you pay toward high-quality, affordable health care. For more information, visit www.coveredca.com. Or call Covered California at 1-800-300-1506.

AVISO—ACCESO A SEGURO DE SALUD MÁS

ECONÓMICO ¿Necesita seguro de salud a un costo asequible, ya sea para usted o alguien en su hogar? Si es así, puede solicitar cobertura con Covered California. Covered California puede ayudar a reducir lo que tiene que pagar por seguro de salud asequible y de alta calidad. Para obtener más información, visite www.coveredca.com. O llame a Covered California al 1-800-300-0213.

PETITIONER: RESPONDENT:	CASE NUMBER:
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4. Address where each respondent was served:

Name and address:
 Name and address:

5. I served each respondent by the following means (check the appropriate boxes):

a. **Personal service** (Code Civ. Proc., § 415.10). I personally delivered the copies on
 Name: (date and time):
 Name: (date and time):

b. **Substituted service.** On (date and time): I left the copies with or in the presence of
 (name): who is (title or relationship to respondent):
 (name): who is (title or relationship to respondent):

(1) **(Business)** a person at least 18 years of age who was apparently in charge at the office or usual place of business of each respondent. I informed the person of the general nature of the papers.

(2) **(Home)** a competent member of the household (at least 18 years of age) at the home of each respondent. I informed the person of the general nature of the papers.

I thereafter mailed additional copies (by first class, postage prepaid) to each respondent at the place where the copies were left (Code Civ. Proc., § 415.20b) on (date):

A **declaration of diligence** is attached, stating the actions taken to first attempt personal service.

c. **Mail and acknowledgment service.** I mailed the copies to each respondent, addressed as shown in item 2, by first-class mail, postage prepaid, on (date): from (city):

(1) with two copies of the *Notice and Acknowledgment of Receipt* (form [SUR-117](#)) and a postage-paid return envelope addressed to me. (Code Civ. Proc., § 415.30.)

(2) to an address outside California (by registered or certified mail with return receipt requested). **(Attach signed return receipt or other evidence of actual delivery to the respondent.)** (Code Civ. Proc., §§ 415.40, 417.20.)

6. **Person who served papers**

Name:
 Address:

Telephone number:

This person is

a. exempt from registration under Business and Professions Code section 22350(b).

b. not a registered California process server.

c. a registered California process server: an employee. an independent contractor.

(1) Registration no.:

(2) County:

(3) **The fee** for service was (specify): \$

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

—or—

8. **I am a California sheriff, marshal, or constable**, and I certify that the foregoing is true and correct.

Date:

 (NAME OF PERSON WHO SERVED PAPERS)

 (SIGNATURE OF PERSON WHO SERVED PAPERS)

PETITIONER: RESPONDENT:	CASE NUMBER:
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5. I agree that I also received the following blank forms:
 forms prepared by petitioner's attorney to be reviewed and signed:
 a. *Response to Petition to Determine Parental Relationship (Gestational Carrier Agreement)* (form SUR-120)
 b. *Other (specify):*

6. Recipient signed this acknowledgment on *(specify date)*:

(TYPE OR PRINT NAME OF PERSON ACKNOWLEDGING RECEIPT)



(SIGNATURE OF PERSON ACKNOWLEDGING RECEIPT)

7. Recipient signed this acknowledgment on *(specify date)*:

(TYPE OR PRINT NAME OF PERSON ACKNOWLEDGING RECEIPT)



(SIGNATURE OF PERSON ACKNOWLEDGING RECEIPT)

PARTY WITHOUT ATTORNEY OR ATTORNEY STATE BAR NUMBER: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR (name):	<p style="text-align: center;"><i>FOR COURT USE ONLY</i></p> <p>DRAFT</p> <p>Not Approved by the Judicial Council</p> <p>v. 2/24/2025</p>	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:		
PETITIONER: RESPONDENT:		
<p style="text-align: center;">RESPONSE TO PETITION TO DETERMINE PARENTAL RELATIONSHIP (Gestational Carrier Agreement)</p>		CASE NUMBER:

Use this form to respond to *Petition to Determine Parental Relationship (Gestational Carrier Agreement)* (form SUR-100) when there is a written gestational carrier agreement (also called an "assisted reproduction agreement for gestational carriers" in Family Code sections 7606 and 7962). For more information, go to courts.ca.gov/URL_Placeholder.

1. **The respondent (or each respondent)** (select a or b):
 - a. agrees with all claims and requests in the petition.
(If you checked 1a, skip to item 7 and check the box, if it applies. Then sign and date this form on page 3.)
 - b. disagrees with one or more claims in the petition.
(If you checked 1b, indicate the items you agree and disagree with below. Follow the instructions to provide more information on the items you disagree with.)

2. **Claims about the gestational carrier agreement**
 - a. I agree with all the claims in item 2 of the petition.
 - b. I disagree with some or all of the claims in item 2 of the petition and make the following claims (select (1), (2), or (3)):
 - (1) The gestational carrier agreement meets all of the requirements of Family Code section 7962, and it should be enforced.
 - (2) The gestational carrier agreement meets all of the requirements of Family Code section 7962, but it should *not* be enforced.
(If you checked item 2b(2), you must attach a declaration that specifies why the court should not enforce the terms of the gestational carrier agreement. Attached Declaration (form MC-031) may be used for this purpose.)
 - (3) The gestational carrier agreement does not meet all of the requirements of Family Code section 7962, but it should still be enforced.
(If you checked item 2b(3), you must (1) attach a declaration to identify the specific statutory requirement or requirements that the gestational carrier fails to meet (Attached Declaration (form MC-031) may be used for this purpose), and (2) submit sufficient proof to show that the gestational carrier agreement establishes the parental relationship of the intended parents and rebuts the presumption of a parental relationship of the gestational carrier even though the requirement is not met.)

3. **The child or children** conceived under the terms of a gestational carrier agreement.
 - a. I agree with the information in item 3 of the petition.
 - b. I disagree with some or all of the information in item 3 of the petition and provide the following information:
The following child or children who was (or were) conceived based on a gestational carrier agreement:
 - (1) has not (or have not) yet been born
 Number of unborn children, if known:
 Expected date of delivery:
 Expected place of birth:

PETITIONER: RESPONDENT:	CASE NUMBER:
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3. b. (2) has (or have) been born

<u>Full Name</u>	<u>Date of Birth</u>	<u>Place of Birth</u>
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4. Jurisdiction

- a. The court has jurisdiction under Family Code section 7620, as stated in the petition.
- b. The court does not have jurisdiction under Family Code section 7620 because all of the following apply:
 - (1) the medical procedures leading to conception, including in vitro fertilization or embryo transfer, or both, were not carried out in this state;
 - (2) none of the parties to the gestational carrier agreement lives in this state;
 - (3) none of the parties lived in this state when the gestational carrier agreement was executed; and
 - (4) the child or children (*select one*) was (or were) not born is (or are) not anticipated to be born in this state.
- c. Other (*specify*):

5. Venue

- a. Venue for this case is proper in the county where the petition was filed under Family Code section 7620.
- b. Venue is not proper in the county where the petition was filed because all of the following apply:
 - (1) the child or children (*select one*) was (or were) not born is (or are) not anticipated to be born in this county;
 - (2) the intended parent does not (or the intended parents do not) live in this county;
 - (3) the gestational carrier does not live in this county;
 - (4) the gestational carrier agreement was not executed in this county;
 - (5) the medical procedures under the assisted reproduction agreement were not performed in this county; and
 - (6) no proceedings for administration of the estate of a deceased parent have been or could be started in this county.
- c. Other (*specify*):

6. Response to request for court determination regarding parental relationship



- a. I agree with the requests in item 6 of the petition.
- b. I disagree with some or all of the claims in item 6 of the petition, and request that the court make the following determinations:
 - (1) Petitioner is or petitioners are
 - the legal parent or parents of the child or children listed in item 3b(2).
 - not** the legal parent or parents of the child or children listed in item 3b(2).
 - (2) Respondent is or respondents are
 - the legal parent or parents of the child or children listed in item 3b(2).
 - not** the legal parent or parents of the child or children listed in item 3b(2).
 - (3) Other (*specify*):

Note: If the other court orders you request are about child custody and visitation (parenting time), you must fill out and attach *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)* (form [FL-105/GC-120](#)).

PETITIONER: RESPONDENT:	CASE NUMBER:
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7. **Respondent's or respondents' primary language is not English**
- a. The primary language of each respondent is (*specify*):
 - b. Did respondent or respondents receive the assistance of a translator or interpreter, or both, in their primary language with this response? Yes No
 - c. Does each respondent fully understand the documents written in English that were signed and are being filed with the court in support of their response to the petition? Yes No
8. I have read the restraining order on the back of the *Summons* (form [SUR-110](#)) and I understand that it applies to me.

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 RESPONDENT)

PARTY WITHOUT ATTORNEY OR ATTORNEY STATE BAR NUMBER: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR (name):	<p style="text-align: center;"><i>FOR COURT USE ONLY</i></p> <p style="text-align: center;">DRAFT</p> <p style="text-align: center;">NOT APPROVED BY THE JUDICIAL COUNCIL</p> <p style="text-align: center;">v. 04/01/25</p>	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:		
PETITIONER: RESPONDENT:		
REQUEST TO ENTER DEFAULT (Gestational Carrier Agreement)		CASE NUMBER:

1. **TO THE COURT CLERK:** Please enter the default of the respondent who has failed to respond to the *Petition to Determine Parental Relationship (Gestational Carrier Agreement)* (form SUR-100). A gestational carrier agreement is also called an "assisted reproduction agreement for gestational carriers" in Family Code sections 7606 and 7962.

Date:

(TYPE OR PRINT NAME)	▶	(SIGNATURE OF [ATTORNEY FOR] PETITIONER)
(TYPE OR PRINT NAME)	▶	(SIGNATURE OF [ATTORNEY FOR] PETITIONER)

2. Declaration

- a. No mailing is required because service was by publication or posting and the address of the respondent remains unknown.
- b. A copy of this *Request to Enter Default*, including any attachments and an envelope with sufficient postage, was provided to the court clerk, with the envelope addressed as follows (*address of the respondent's attorney or, if none, the respondent's last known address*):
- c. I understand that *Request to Enter for Default* must be filed for each respondent who has failed to respond to the petition.

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

Date:

(TYPE OR PRINT NAME)	▶	(SIGNATURE OF DECLARANT)
(TYPE OR PRINT NAME)	▶	(SIGNATURE OF DECLARANT)

FOR COURT USE ONLY
<input type="checkbox"/> <i>Request to Enter Default</i> mailed to the respondent or the respondent's attorney on (date): _____
<input type="checkbox"/> Default entered as requested on (date): _____
<input type="checkbox"/> Default not entered. Reason: _____
Clerk, by _____, Deputy

PETITIONER: RESPONDENT:	CASE NUMBER:
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3. Memorandum of costs

- a. Costs and disbursements are waived.
- b. Costs and disbursements are listed as follows:
 - (1) Clerk’s fees \$
 - (2) Process server’s fees \$
 - (3) Other (*specify*): \$
 - \$
 - \$
 - \$
 - TOTAL \$
- c. I am the attorney, agent, or party who claims these costs. To the best of my knowledge and belief, the foregoing items of cost are correct and have been necessarily incurred in this cause or proceeding.

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

Date: _____

(TYPE OR PRINT NAME)
(SIGNATURE OF DECLARANT)

4. Declaration of nonmilitary status (required for a judgment)

The respondent is not in the military service of the United States as defined by either the Servicemembers Civil Relief Act (see 50 U.S.C. § 3911(2)) or California Military and Veterans Code sections 400 and 402(f).

I know that the respondent is not in the U.S. military service because (*check all that apply*):

- a. the search results that I received from scra.dmdc.osd.mil/ say the respondent is not in the U.S. military service.
- b. I am in regular communication with the respondent and know that they are not in the U.S. military service.
- c. I recently contacted the respondent, and they told me that they are not in the U.S. military service.
- d. I know that the respondent was discharged from U.S. military service on or about (*date*):
- e. the respondent is not eligible to serve in the U.S. military because they are incarcerated (in jail or prison).
- f. Other (*specify*):

Note

- U.S. military status can be checked online at scra.dmdc.osd.mil/.*
- If the respondent is in the military service, or their military status is unknown, the respondent is entitled to certain rights and protections under federal and state law before a default judgment can be entered.
- For more information, see selfhelp.courts.ca.gov/military-defaults.

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

Date: _____

(TYPE OR PRINT NAME)
(SIGNATURE OF DECLARANT)

For your protection and privacy, please press the Clear This Form button after you have printed the form.

Print this form

Save this form

Clear this form

PARTY WITHOUT ATTORNEY OR ATTORNEY STATE BAR NUMBER: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR (name):	<p style="text-align: center;"><i>FOR COURT USE ONLY</i></p> <p style="text-align: center;">DRAFT</p> <p style="text-align: center;">NOT APPROVED BY THE JUDICIAL COUNCIL</p> <p style="text-align: center;">v. 4/07/2025</p>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER: RESPONDENT:	
DECLARATION FOR DEFAULT OR UNCONTESTED JUDGMENT (Gestational Carrier Agreement)	CASE NUMBER:

I declare that if I were to appear in court and were sworn, I would testify to the truth of the facts in this declaration. Further, I request that proof will be by this declaration and that I will not appear before the court unless I am ordered by the court to appear.

1. Declaration about appearance by each respondent

- a. Respondent did not appear in the case. The default of each respondent was entered or is being requested.
- b. Respondent (specify name): _____ declares (you must choose one):
 - (1) By filing this form, I make a general appearance.
 - (2) I have previously made a general appearance.
 - (3) I am a member of the military services of the United States of America. I have completed and attached to this form *Declaration and Conditional Waiver of Rights Under the Servicemembers Civil Relief Act* (form SUR-230(A)).
- c. Respondent (specify name): _____ declares (you must choose one):
 - (1) By filing this form, I make a general appearance.
 - (2) I have previously made a general appearance.
 - (3) I am a member of the military services of the United States of America. I have completed and attached to this form *Declaration and Conditional Waiver of Rights Under the Servicemembers Civil Relief Act* (form SUR-230(A)).

2. Declarations about the petition, response, and lodging of gestational carrier agreement

- a. Each petitioner declares that all the information in *Petition to Determine Parental Relationship* (Gestational Carrier Agreement) (form SUR-100) is true and correct.
- b. Each respondent declares that all the information in *Response to Petition to Determine Parental Relationship* (Gestational Carrier Agreement) (form SUR-120) is true and correct.
- c. A copy of the fully executed gestational carrier agreement (also called an "assisted reproduction agreement for gestational carriers" in Family Code sections 7606 and 7962) was lodged with the clerk of the court. In addition, the declarations by Family Code section 7962 were filed with the clerk of the court.

3. Declarations about the parental relationship

a. Name or names (specify):

is the parent (or are the parents) of:

Child's name

Date of birth

PETITIONER: RESPONDENT:	CASE NUMBER:
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3. a. a child (or children) not yet born. Number of unborn children, if known:
 Expected date of delivery:
 Expected place of birth:

b. Name or names (*specify*):

is not the parent (or are not the parents) of the child or children listed in item 3a. not yet born.

4. Declarations and agreements about determination of parental relationship

Each party:

- a. Declares that the parties have an agreement about the legal parental relationship of the child or children (conceived under the terms of a gestational carrier agreement) that is set forth in the proposed *Judgment* (form FL-250).
- b. Agrees that the legal parental relationship of the child or children should be ordered as set forth in the proposed *Judgment* (form FL-250).
- c. Asks the court to approve the proposed *Judgment* (form FL-250) that is attached to this *Declaration for Default or Uncontested Judgment*.
- d. Declares that the original and copies of the proposed *Judgment* (form FL-250) and *Notice of Entry of Judgment* (form FL-190) are also being submitted for the court to sign, along with the postage prepaid (stamped) envelopes. One stamped envelope is provided for each party in this case.
- e. Agrees to keep the court and each other informed of any change of mailing address or phone number occurring before the court enters a judgment in the case using the *Notice of Change of Address or Other Contact Information* (form [MC-040](#)).

5. Advisement and waiver of rights as to determination of parental relationship

a. I understand all of the following rights:

- (1) *Legal representation*. I have the right to be represented by an attorney of my own choice at my own expense. If I cannot afford an attorney, I can contact an attorney referral service of the local bar association or the family law facilitator for assistance.
- (2) *Trial and appeal*. I have a right to have a judge decide if I am the parent of the children named in this action. I also understand that I have the right to a notice of trial, a statement of decision, a motion for a new trial, and the right to appeal.
- (3) *Confront and cross-examine witnesses*. In a trial, I have the right to confront and cross-examine the witnesses against me and to present evidence and witnesses in my own defense.
- (4) *Genetic testing*. Under Family Code section 7551(b)(1)(B), genetic testing may be ordered if there is a dispute about whether the child was conceived through assisted reproduction.

b. Each intended parent further understands all of the following obligations:

- (1) *Obligations*. If I admit that I am the parent of the children in this action then those children will be my children for legal purposes. I will also have the duty to contribute to the support of the children named in this action; this duty of support will continue for each child until the obligation is terminated by law.
- (2) *Criminal nonsupport*. If I willfully fail to support the child or children, criminal proceedings may be initiated against me.

c. Understanding

- (1) I have read and understand the contents of this *Declaration for Default or Uncontested Judgment*, including the advisement and waiver of rights as to a determination of parental relationship.
- (2) If I am represented by an attorney, my attorney has read and explained to me the contents of this *Declaration for Default or Uncontested Judgment* and the proposed *Judgment* (form FL-250) and I acknowledge that I understand them.
- (3) I give up the rights that apply to me (except the right to an attorney, if I have an attorney) and freely agree that the court may enter the proposed *Judgment* (form FL-250).
- (4) I understand that none of the waivers or recitals in this *Declaration for Default or Uncontested Judgment* and *Judgment* (form FL-250) will apply unless the court approves the judgment.

PETITIONER: RESPONDENT:	CASE NUMBER:
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6. **Agreements about the proceeding and requests** (choose all that apply):
- a. In this *Declaration for Default or Uncontested Judgment*, I am not seeking any relief not requested in the petition.
 - b. This cause may be decided as an uncontested matter without notice.
 - c. I waive the right to notice of trial, a statement of decision, and a motion for new trial.
 - d. I agree that this matter may be decided by a commissioner sitting as a temporary judge who may determine whether to grant this request or require my appearance.
 - e. None of these agreements or waivers will apply unless the court approves *Judgment* (form FL-250).
 - f. I request that the court issue a judgment forthwith and without further evidence under Family Code section 7962(f)(2).

7. Other (specify): [Attachment 7.](#)

8. Number of pages attached: _____

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

Date:

 (TYPE OR PRINT NAME OF EACH PETITIONER)



 (SIGNATURE OF EACH PETITIONER)

Date:

 (TYPE OR PRINT NAME OF ATTORNEY FOR EACH PETITIONER)



 (SIGNATURE OF ATTORNEY FOR EACH PETITIONER)



STOP SIGNING HERE if a *Response* (form SUR-120) was *not* filed AND *no* person is using this form to make a general appearance in the case.

Date:

 (TYPE OR PRINT NAME OF EACH RESPONDENT)



 (SIGNATURE OF EACH RESPONDENT)

Date:

 (TYPE OR PRINT NAME OF ATTORNEY FOR EACH RESPONDENT)



 (SIGNATURE OF ATTORNEY FOR EACH RESPONDENT)

INTERPRETER'S DECLARATION

I certify under penalty of perjury under the laws of the State of California that:

1. I have, to the best of my ability, interpreted or translated this *Declaration for Default or Uncontested Judgment* and *Judgment* (form FL-250) for (specify name or names below):

in the primary language of each party (specify):

2. Each person listed above stated to me that they understood the contents of this *Declaration for Default or Uncontested Judgment* and *Judgment* (form FL-250) before signing them.

Date:

 (TYPE OR PRINT NAME)



 (SIGNATURE OF INTERPRETER)

PETITIONER:	CASE NUMBER:
RESPONDENT:	

DECLARATION AND CONDITIONAL WAIVER OF RIGHTS UNDER THE SERVICEMEMBERS CIVIL RELIEF ACT
Attachment to *Declaration for Default or Uncontested Judgment* (form SUR-230)

Notice to Servicemember

The Servicemembers Civil Relief Act (50 U.S.C. §§ 3901–4043) is a federal law that provides protections for military members when they enter active duty. You may obtain a copy of the act from the public law library or from the website of the United States Department of Justice at www.justice.gov.

By signing this conditional waiver and attaching it to *Declaration for Default or Uncontested Judgment* (form SUR-230), I declare that I am entitled to the benefits of the Servicemembers Civil Relief Act (SCRA).

1. To permit the court to decide this cause as an uncontested matter and enter a judgment that incorporates the terms of the written agreement made between the petitioner and me (a copy of which is attached to this form), I make a knowing, intelligent, and voluntary conditional waiver of the right to seek to set aside a default judgment entered against me in this matter, as provided by section 3918 of the SCRA.
2. This waiver is conditioned as follows:
 - a. The waiver applies only to a default judgment that incorporates the terms and conditions of the written agreement between the petitioner and me that is titled
 - Judgment* (form FL-250)
 - other (*specify*):
 - b. The court must enter a judgment that incorporates only the terms and conditions of the above written agreement without any change; and
 - c. Should the court enter a judgment that changes the above written agreement in any way, then I do not waive any of my rights under the SCRA, including my right to seek to set aside the judgment at any time.
3. This conditional waiver was executed during or after a period of military service.

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 RESPONDENT)

Attention: Clerk of the Court
By law, a servicemember must not be charged a fee to file *Declaration for Default or Uncontested Judgment* (form SUR-230).