



Judicial Council of California

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courts.ca.gov/policy-administration/invitations-comment

INVITATION TO COMMENT

SPR26-09

Title

Civil Practice and Procedure: Revisions to Military Forms

Action Requested

Review and submit comments by May 18, 2026, to invitations@jud.ca.gov

Proposed Rules, Forms, Standards, or Statutes

Revise forms MIL-010, MIL-015, MIL-020

Proposed Effective Date

January 1, 2027

Proposed by

Civil and Small Claims Advisory Committee
Hon. Samantha P. Jessner, Chair

Contact

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Executive Summary and Origin

Those in active-duty military service may ask a court to temporarily relieve them from financial obligations under Military and Veterans Code section 409.3 if their active duty materially affects their ability to pay such obligations. The Civil and Small Claims Advisory Committee proposes revising forms MIL-010, MIL-015, and MIL-020 to reflect amendments to section 409.3.

Background

Military and Veterans Code section 409.3 has been amended several times since it was enacted in 2002.

[Senate Bill 720](#) (Stats. 2013, ch. 220) (see [Link A](#)) amended the portions of section 409.3 that apply to deferral and repayment of loans to buy real estate and added conditions under which a deferred loan may become due and payable immediately. SB 720 became effective January 1, 2014.

[Assembly Bill 3212](#) (Stats. 2018, ch. 555) (see [Link B](#)) amended the definitions of “service member” and “military service.”¹ Previously, section 409.3 applied only to members of the National Guard and reservists of the United States Military Reserve. Now, section 409.3 applies to all members of the militia (as defined in Military and Veterans Code section 120) and all

¹ Mil. & Vet. Code, § 400.

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 It is circulated for comment purposes only.

members of active or reserve components of any branch of the U.S. military. AB 3212 became effective January 1, 2019.

[Senate Bill 1311](#) (Stats. 2022, ch. 620) (see [Link C](#)) prohibits lenders from charging interest on a financial obligation deferred under section 409.3. SB 1311 also clarified the conditions under which a deferred loan to buy real estate may become due and payable immediately. SB 1311 became effective January 1, 2023. Form MIL-020 was revised in 2023 to implement SB 1311 by deleting language regarding the interest rate for deferred obligations.²

The Proposal

The Civil and Small Claims Advisory Committee proposes revising forms MIL-010, MIL-015, and MIL-020 to implement SB 720, AB 3212, and SB 1311 and improve clarity and readability. The committee also proposes revising the caption at the top of these forms. The proposed caption is in title case instead of all caps, which improves readability and allows the font size to be increased for almost all caption elements. Additionally, the first line of text reads “Party Without Attorney or Attorney” instead of “Attorney or Party Without Attorney” to emphasize that parties without attorneys must fill in the caption.

Form MIL-010

The committee proposes the following revisions to *Notice of Petition and Petition for Relief From Financial Obligations During Military Service* (form MIL-010):

- Revise the instructions at the top of the form to explain that the petitioner must complete and file form MIL-015 with their petition, more clearly explain the service deadline, and instruct petitioners to use a separate petition for each financial obligation they wish to defer.
- Revise item 3 to reflect the amendments made by AB 3212 to the definitions of “service member” and “military service.”
- Clarify the meaning of item 3c by changing “is within six months of having completed” to “completed . . . no more than six months ago.” Section 409.3 states that service members may file petitions “at any time during their most current period of military service or within six months thereafter.” The language currently used in item 3c could be misread to mean that the service member is currently in active-duty service that will end in no more than six months, rather than that the active-duty service has already ended.
- Revise item 4 to use plain language to describe the term “financial obligation or liability” and the types of obligations to which section 409.3 applies.

² Judicial Council of Cal., Advisory Com. Rep., *Rules and Forms: Order on Petition for Relief From Financial Obligations During Military Service* (June 23, 2023), <https://jcc.legistar.com/LegislationDetail.aspx?ID=6232824&GUID=7BB7B69A-6410-482A-B773-1302AE17C589>.

- Revise item 6 to state that the petitioner’s military service “significantly affects” their ability to pay the obligation. Section 409.3 uses the phrase “materially affects,” but some petitioners may be unfamiliar with that terminology.
- Revise item 6 to reflect amendments made by SB 720 and SB 1311 to the statutory requirements for deferral and repayment of loans to buy real estate, as well as to reflect the statutory requirements for repayment of other deferred obligations. Currently, this item discusses the deferral period for these obligations but does not mention the statute’s repayment requirements.
- Add item 6d, which asks the court to defer the petitioner’s obligation to pay income tax until six months after their release from active service. This item implements Military and Veterans Code section 409.6, which allows for the deferral of income tax payments if the person’s military service materially impairs their ability to pay. Form MIL-020 currently has an item allowing the court to order deferral of income tax payments, but there is no corresponding item on the petition. The committee requests specific comments on whether this item should be added to form MIL-010, since the provisions in section 409.3 regarding the timing and filing of the petition do not apply to section 409.6. The committee notes that there is currently no other form that can be used to ask for deferral of income tax payments under section 409.6.
- Add a proof of service page. Under rule 3.1372 of the California Rules of Court, form MIL-010 must be served “in the manner of a summons,” but due to upcoming changes in the law regarding service of summons and the rule and form changes the committee will be proposing to address those changes in law, *Proof of Service of Summons* (form POS-010) cannot be used for form MIL-010.³
- Revise other items to use plain language or clarify their meaning.

The committee considered revising form MIL-010 to allow petitioners to seek deferral of multiple obligations in the same petition but determined that doing so could create privacy concerns for petitioners, unnecessarily delay cases, and create confusion for courts and parties. The petitioner must attach documents regarding the obligation (e.g., mortgage statements, loan statements, or tax bills) to their declaration (form MIL-015), which must also be served on the respondent. Thus, if the petition addressed multiple obligations, the petitioner would have to serve documents associated with one obligation, including any private or confidential information in those documents, on a respondent associated with a different obligation. Proceedings could be unnecessarily delayed if petitioners do not properly serve all respondents,

³ As of January 1, 2027, Code of Civil Procedure section 417.10 will require proof of service of a civil summons to include a photo of the location of service, and form POS-010 will be revised to implement that change in law. The committee has proposed amending rule 3.1372 to exempt form MIL-010 from this photo requirement. (*Civil Practice and Procedure: Rules and Forms to Implement Changes in Law Regarding Civil Summons* (SPR26-08), courts.ca.gov/policy-administration/invitations-comment.)

and it might be difficult for courts to clearly convey to the parties which obligations were subject to which orders if the ordered relief differed for several obligations.

Form MIL-015

The committee proposes the following revisions to *Declaration in Support of Petition for Relief From Financial Obligations During Military Service* (form MIL-015):

- Revise item 2 to reflect the amendments made by AB 3212 to the definitions of “service member” and “military service.”
- Clarify the meaning of item 2c by changing “is within six months of having completed” to “completed . . . no more than six months ago.”
- Revise other items to use plain language and provide additional instructions.

Form MIL-020

The committee proposes the following revisions to *Order on Petition for Relief From Financial Obligations During Military Service* (form MIL-020):

- Revise item 2 to reflect the amendments made by AB 3212 to the definitions of “service member” and “military service.”
- Clarify the meaning of item 2c by changing “is within six months of having completed” to “completed . . . no more than six months ago.”
- Revise item 6c to reflect amendments made by SB 720 and SB 1311 to the statutory requirements for deferral and repayment of loans to buy real estate.
- Revise item 6d to reflect the statutory requirements for repayment of other deferred obligations.
- Revise item 6e to clarify that it applies to deferrals ordered in 6b, 6c, and 6d only, but not to 6f. Deferrals of income tax under Military and Veterans Code section 409.6 have separate restrictions on interest and penalties, which are listed in item 6f.
- Revise other items to clarify their meaning.

Alternatives Considered

The committee did not consider the alternative of taking no action because revisions are needed to ensure the forms comply with the law. To the extent the form revisions were not required by the terms of the applicable statutes, the committee considered taking no action but ultimately determined the changes were warranted in light of the benefits they would provide to the courts and court users.

Fiscal and Operational Impacts

The revised forms may require training of court staff and judicial officers and changes to computerized case management systems.

Request for Specific Comments

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

- Does the proposal appropriately address the stated purpose?
- Should item 6d, regarding deferral of income tax payments under Military and Veterans Code section 409.6, be added to form MIL-010 even though the provisions in section 409.3 regarding the timing and filing of the petition do not apply to section 409.6?

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?
- How well would this proposal work in courts of different sizes?

Attachments and Links

1. Forms MIL-010, MIL-015, and MIL-020, at pages 6–13
2. Link A: Senate Bill 720,
https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201320140SB720
3. Link B: Assembly Bill 3212,
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB3212
4. Link C: Senate Bill 1311,
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220SB1311

Party Without Attorney or Attorney Name: Firm Name: Street Address: City: State: Zip Code: Telephone No.: Fax No.: Email Address: Attorney for (<i>name</i>):	State Bar Number: 	FOR COURT USE ONLY DRAFT 03/18/2026 NOT APPROVED BY COUNCIL
Superior Court of California, County of: Street Address: Mailing Address: City and Zip Code: Branch Name:		
Petitioner/Plaintiff: Respondent/Defendant:		
NOTICE OF PETITION AND PETITION FOR RELIEF FROM FINANCIAL OBLIGATIONS DURING MILITARY SERVICE		Case Number:
Instructions for completing this form: <ul style="list-style-type: none"> You must complete <i>Declaration in Support of Petition for Relief From Financial Obligations During Military Service</i> (form MIL-015) and file it with this petition. You must serve the respondent with completed copies of forms MIL-010 and MIL-015, plus all supporting documents, at least 10 days before the hearing date listed in item 2. If you want to ask the court to defer (postpone) more than one financial obligation, you must complete a separate petition and declaration for each financial obligation. The court cannot charge you filing fees or court costs for this petition. (Mil. & Vet. Code, §§ 409.3, 409.14.) 		

- TO (*name of respondent*):
- A hearing on this petition will be held as follows (*this item will be completed by the court; hearing must be set within 25 days of the filing of this petition*):

Name and address of court if different from above:



→ Date:
Dept.:

Time:
Room:

NOTICE TO RESPONDENT

If you want to respond to this petition, your response must be filed with the court and served on the petitioner no later than **five** days before the date of the hearing in item 2. (Mil. & Vet. Code, § 409.3(b).)

- Petitioner is or was a member of the state militia (the National Guard, State Guard, Naval Militia, or unorganized militia) or a member of an active or reserve component of the United States military (the Army, Navy, Air Force, Marine Corps, Space Force, or Coast Guard) (Mil. & Vet. Code, §§ 120, 400) and (*check one*):
 - has been called or ordered into full-time active duty service.
 - is currently in full-time active duty service.
 - completed full-time active duty in the state or federal armed services no more than six months ago.
(For members of the state militia, "full-time active duty service" means full-time active state service or full-time active federal service under Military and Veterans Code section 143 or 146. For members of the United States military, "full-time active duty service" means full-time active duty for more than 7 days in any 14-day period. (Mil. & Vet. Code, § 400.)
- Petitioner owes a debt or must make payments (such as a mortgage; credit card bill; student loan, vehicle loan, or other loan; or a tax or assessment) to respondent. The debt is (*check one*):
 - a loan to buy real estate that is secured by a mortgage (or similar legal document) or paid off in installments. Petitioner took out this loan before they started the military service checked in item 3.
 - a debt or agreement to make payments that is **not** for buying real estate. Petitioner took on this debt or made this agreement before they started the military service checked in item 3.
 - a tax or assessment due before or during the military service checked in item 3.

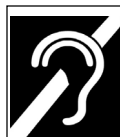


Petitioner/Plaintiff: Respondent/Defendant:	Case Number:
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5. The debt in item 4 is not an obligation to pay child support. (Any request to modify a support order must be made on Notice of Activation of Military Service and Deployment and Request to Modify a Support Order (form FL-398).)
6. The military service checked in item 3 significantly affects petitioner's ability to pay the debt, make the payments, or pay the tax identified in item 4. Petitioner asks the court to (check all that apply):
- a. postpone petitioner's obligation to make payments until after the end of the military service checked in item 3.
 - b. (do not check this item unless you checked item 4a) extend the time to pay the loan by adding the length of the military service checked in item 3 to the amount of time remaining on the loan. During the time remaining on the loan (including the extension), petitioner will make payments in equal installments at the same interest rate stated in the original agreement.
 - c. (do not check this item unless you checked item 4b or 4c) postpone petitioner's obligation to make payments for the same length of time as the military service checked in item 3. This postponement will start on the date the military service checked in 3 ends (or on the date this petition is filed, if the petition is filed after the service has ended.) During this postponement period, petitioner will pay the principal that was due and any interest that accumulated before this postponement period started. These payments will be made in equal installments during the postponement period, at the agreed interest rate for payments that are made on time.
 - d. postpone petitioner's obligation to pay income tax until six months after petitioner is released from active military service. (Mil & Vet. Code, § 409.6.)
7. The facts that support petitioner's responses on this form are provided in *Declaration in Support of Petition for Relief From Financial Obligations During Military Service* (form MIL-015), which petitioner has filed with this petition.

Date:

 Type or Print Name


 Signature of Petitioner or Petitioner's Attorney
**Request for Accommodations**

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the hearing. Contact the clerk's office or go to courts.ca.gov/forms for *Disability Accommodation Request* (form MC-410). (Civ. Code, § 54.8.)



PROOF OF SERVICE

MIL-010

(Use separate proof of service for each person served.)

1. I served *Notice of Petition and Petition for Relief From Financial Obligations During Military Service* (form MIL-010), *Declaration in Support of Petition for Relief From Financial Obligations During Military Service* (form MIL-015), and all attachments as follows:
 - a. on respondent (*name*):
 - b. by serving (*check one*): respondent other person (*name and title or relationship to respondent*):

2. Address where the respondent was served:

3. I served the respondent (*complete a, b, c, d, or e*)
 - a. **by personal service** (Code Civ. Proc., § 415.10). I personally delivered the documents to the respondent or a person authorized to receive service of process for the respondent on (*date*): _____ at (*time*): _____
 - b. **by substituted service**. On (*date*): _____ at (*time*): _____
I left the documents with or in the presence of (*name and title or relationship to respondent*): _____
 - (1) (**business**) a person at least 18 years of age apparently in charge at the office or usual place of business of the respondent. I informed them of the general nature of the papers. (Code Civ. Proc., § 415.20(a).)
 - (2) (**home**) a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the respondent. I informed them of the general nature of the papers. (Code Civ. Proc., § 415.20(b).)
 - (3) (**physical address unknown**) a person at least 18 years of age apparently in charge at the usual mailing address of the respondent, other than a United States Postal Service post office box. I informed them of the general nature of the papers. (Code Civ. Proc., § 415.20.)
 - (4) I thereafter mailed (by USPS first-class mail, Priority mail with tracking, or Certified Mail with return receipt requested, with postage prepaid) copies of the documents to the respondent at the place where the copies were left (Code Civ. Proc., § 415.20). I mailed the documents:
on (*date*): _____ from (*city*): _____ or a declaration of mailing is attached.
 - (5) **I attach a declaration of diligence** stating actions taken first to attempt personal service.
 - c. **by mail and acknowledgment of receipt of service** (Code Civ. Proc., § 415.30). I mailed the documents to the respondent at the address in item 2, by first-class mail, postage prepaid, requiring a return receipt.
 - (1) on (*date*): _____ (*Attach completed Notice and Acknowledgment of Receipt.*)
 - (2) from (*city*): _____
 - d. **by certified or registered mail service** (Code Civ. Proc., § 415.40). I mailed the documents to respondent at an address outside California, by first-class mail, postage prepaid, with return receipt requested. (*Attach completed return receipt.*)
 - e. other means (*specify code section*): _____
 Additional page is attached.

4. The "Notice to the Person Served" was completed as follows:
 - a. as an individual.
 - b. as the person sued under the fictitious name of (*specify*): _____
 - c. on behalf of (*specify*): _____
under CCP 416.10 (corporation). CCP 416.60 (minor). other (*specify*): _____
 CCP 416.20 (defunct corporation). CCP 416.70 (conservatee).
 CCP 416.40 (association or partnership). CCP 416.90 (individual).

5. At the time of service, I was at least 18 years of age and not a party to this action.
6. Fee for service: \$ _____
7. Person serving:
 - a. California sheriff, marshal, or constable
 - b. Registered California process server
 - c. Employee or independent contractor of a registered California process server
 - d. Not a registered California process server
 - e. Exempt from registration under Business and Professions Code section 22350(b)
 - f. Name, address, and telephone number and, if applicable, county of registration and number: _____

Check one: **I declare** under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
 I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date: _____



Type or Print Name of Person Who Served Papers
Signature of Person Who Served Papers

Petitioner/Plaintiff: Respondent/Defendant:	Case Number:
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6. The financial obligation or liability from which I am seeking relief is *(identify and describe in detail the debt you owe, the agreement to make payments, or the tax or assessment that you identified in item 4 on form MIL-010, including the date you took on the debt, made the agreement, or the tax or assessment was due):*

Check here if there is not enough space for your answer. Put your complete answer on an attached sheet of paper, and write "Attachment 6" for a title. You may use form MC-025 for this purpose.

7. I have attached the following documents as evidence of the financial obligation or liability identified in item 6: *(Attach a copy of a mortgage statement, loan statement, bill, tax bill, or other evidence of the debt, agreement, or tax you described in item 6, and write "Exhibit B" at the top of the first page of each document you attach. List the attached documents below.)*

8. The following facts show why the military service checked in item 2 significantly affects my ability to pay the debt, make the payments, or pay the tax identified in item 6 *(describe):*

Check here if there is not enough space for your answer. Put your complete answer on an attached sheet of paper, and write "Attachment 8" for a title. You may use form MC-025 for this purpose.



Petitioner/Plaintiff: Respondent/Defendant:	Case Number:
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9. I have attached copies of documents that support the facts in my answer to item 8.
(Write "Exhibit C" at the top of the first page of each document you attach and list each document below):

10. Number of pages attached to this form:

I declare under penalty of perjury under the laws of the State of California that the information I have provided on this form and all attachments is true and correct.

Date:

Type or Print Name



Signature of Declarant

Party Without Attorney or Attorney Name: Firm Name: Street Address: City: State: Zip Code: Telephone No.: Fax No.: Email Address: Attorney for (<i>name</i>):	<p style="text-align: center;"><i>FOR COURT USE ONLY</i></p> <p style="text-align: center;">DRAFT 03/18/2026 NOT APPROVED BY COUNCIL</p>
Superior Court of California, County of: Street Address: Mailing Address: City and Zip Code: Branch Name:	
Petitioner/Plaintiff: Respondent/Defendant:	
ORDER ON PETITION FOR RELIEF FROM FINANCIAL OBLIGATIONS DURING MILITARY SERVICE	Case Number:

1. The **petition** was considered
- a. at a hearing on (*date*): _____ in Department: _____ of the **court named above**.
- b. The following **people** were present at the hearing:
- (1) Petitioner/Plaintiff (3) Petitioner/Plaintiff's attorney (*name*): _____
- (2) Respondent/Defendant (4) Respondent/Defendant's attorney (*name*): _____
- (5) **No one** appeared.

THE COURT FINDS

2. a. Petitioner is or was a **member of the state militia (the National Guard, State Guard, Naval Militia, or unorganized militia) or a member of an active or reserve component of the United States military (the Army, Navy, Air Force, Marine Corps, Space Force, or Coast Guard) (Mil. & Vet. Code, §§ 120, 400) and (*check one*):**
- (1) has been called or ordered into full-time active duty service.
- (2) is currently in full-time active duty service.
- (3) **completed full-time active duty service no more than six months ago.**
- b. none of the above apply to petitioner.
3. Petitioner's most current period of **military service, identified in item 2, (*check one*)** has has not materially impacted **petitioner's ability to pay to respondent a financial obligation or liability that was incurred before the effective date of the orders for the military service.**
4. Other findings (*if any*): _____

THE COURT ORDERS

5. The petition for relief is **denied**.
6. The petition for relief is **granted** as follows (*check all that apply*):
- a. **The relief applies to the following financial obligation (identify financial obligation by creditor, loan number, property address, or other identifying information):**



Petitioner/Plaintiff: Respondent/Defendant:	Case Number:
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6. Petitioner's obligation to **make payments on the obligation in item 6a** is deferred during their current military service.
- (1) **Deferral** begins on *(date of beginning of active military service)*:
 - (2) **Deferral** ends on *(date of release from active military service)*:
 If petitioner is released from active military service before this end date, petitioner must **immediately notify** respondent of the date of their release and must **begin making payments** on the first day of the month **after their** release.
- c. *(Applies only to loans to buy real estate that are secured by a mortgage (or similar instrument) or paid in installments.)*
 The obligations of the loan in item 6a are deferred. The maturity date of the loan is extended by *(length of petitioner's most recent military service)*:
 Before the maturity date, petitioner will make payments in equal installments at the same interest rate stated in the original agreement. The balance of the loan will become due immediately if (1) the property is sold, (2) an event occurs that allows the lender to demand full payment under the agreement (other than deferment of payments authorized by this order), or (3) another loan secured by the property is taken out (other than a loan to maintain or protect the property) and doing so triggers full payment under the terms of the original agreement.
- d. *(Does **not** apply to loans to buy real estate that are secured by a mortgage (or similar instrument) or paid in installments.)*
 Petitioner's obligation to make payments on the obligation in item 6a is deferred.
- (1) **Deferral** begins on *(date)*:
(date of release from active military service, or date the petition was filed, if the petition was filed after the service ended)
 - (2) The deferral lasts for *(length of petitioner's most recent military service)*:
 - (3) During this deferral period, petitioner will pay the principal that was due and any interest that accumulated before this deferral period started. These payments will be made in equal installments during the deferral period at the agreed interest rate for payments that are made on time.
- e. If item 6b, 6c, or 6d is checked, respondent may not do any of the following while the obligation is deferred:
- (1) charge or accumulate interest on the obligation.
 - (2) impose fines, penalties, or late charges for failing to comply with the terms and conditions of the obligation, including penalties on the nonpayment of principal or interest, so long as petitioner is complying with the terms of the deferral.
 - (3) begin or continue proceedings to attach or foreclose on property securing the obligation.
 - (4) exercise any remedies for petitioner's failure to comply with the terms of the financial obligation.
- f. **Petitioner's** obligation to pay income tax is deferred until six months after **petitioner is released** from active military service. (Mil & Vet. Code, § 409.6.)
- (1) Current expected release date:
 - (2) **Deferral** ends on *(date)*:
 If petitioner is released from active military service before this end date, petitioner must **immediately notify** respondent of the date of **their** release and must **begin making payments** on the first day of the **sixth** month **after the date of their** release.
 - (3) **Between the date of this order and the end date of the deferral**, interest **cannot** accrue on the tax amount and penalties cannot be imposed for nonpayment of taxes.
7. Other orders *(if any)*:

Date:

 Judicial Officer