28TH ANNUAL

FAMILY LAW UPDATE

Thursday, April 23, 2026

8:30am – 8:55am	**Breakfast/ Meet and Greet**
8:55am - 9am	**Kick off with welcome** *Presented by Commissioner Robert Brodnik*
9am– 9:30am	**Judicial Officers' Top Ten** *Presented by Commissioner Robert Brodnik*
9:30am – 10:45am	**Evidence Training** *Presented by Judge Kelly Babineau*
10:45am – 11am	**Morning Break**
11am- 12pm	**Improving the Justice System by Reducing Implicit Bias** *Presented by Steven McFarlane*
12pm – 12:30pm	**Lunch**
12:30pm – 2:30pm	**2025 Case Law Review** *Presented by Judge Kelly Babineau and Commissioner Robert Brodnik*
2:30pm – 2:45pm	**Afternoon Break**
2:45pm – 4pm	**Statutes, Rules, and Forms** *Presented by Maralee Nelder and Commissioner Robert Brodnik*

- WIFI: Esterly Hall
- Password: Esterly15

Judicial Officer's Top 10!

JO's Top 10

- 1. **Be Civil!**
  - "In family law proceedings an attorney should seek to reduce emotional tension and trauma and encourage the parties and attorneys to interact in a cooperative atmosphere, and keep the best interest of the children in mind." (Cal. Attorney Guidelines for Civility and Professionalism)
  - "Zeal and vigor in the representation of clients are commendable. So are civility, courtesy, and cooperation. They are not mutually exclusive." (In re Marriage of Davenport (2011)194 Cal.App.4th 1507)

JO's Top 10

- 2. **Ex Parte requests should warrant an emergency**
- Applications for ex parte orders are presented to the judicial officer assigned to the case. The JO will set the hearing if granted. (Local Rule 5.01(B)).
  - Please use this process only when there is an emergency.
    - (Cal. Fam Code 3064)

JO's Top 10

- 3. **Please keep law and motion hearing to 15 minutes.** (Local Rule 5.03(H))
  - If you need more time, please let the Judicial Officer know at the beginning of calendar.

JO's Top 10

- 4. **Please provide your Xspouse calculations when requests are made for child support or temporary spousal support.**

- See Local Rule 5.03(C).
  - Also, if a deviation is requested, please remember that factual basis for deviation must be requested in pleadings.

JO's Top 10

- 5. **Please meet and confer before your scheduled law and motion hearing.**
  - See Local Rule 5.03(B)
    - Irrespective of other meet and confer requirements (Local Rule 5.09[B]), the parties and/or attorney are to meet and confer fifteen (15) minutes prior to the call of the calendar in a final effort to resolve or clarify issues. This requirement does not apply to requests to orders of protection brought under the Domestic Violence Prevention Act or where a party is a protected person pursuant to an Order of Protection against the other party.

JO's Top 10

- 6. **Please be on time.**
  - See Local Rule 5.03(A). The calendar for each session must begin promptly at the appointed time. If there is no appearance when the calendar is first called, the matter may be ordered off the calendar. If one side (the attorney and/or the party) appears when the calendar is first called, and the other side (the attorney and/or the party) does not appear when the calendar is first called, the matter may be heard as uncontested.
  - We will be accommodating of other appearances in other Departments but please check in with staff and opposing counsel.

JO's Top 10

- 7. **If appearing remotely, please do so from a proper location with working equipment.**
  - See Local Rule 1.05(H)
    - All persons participating remotely must be in a private, quiet location, without disruptions or distractions. Participants may not appear from a moving vehicle or from bed. Participants' cameras must be positioned to ensure their face is fully visible.

(continued)

- See Amended section (I) (Effective July 2025)
  - Persons who are not appearing in a proper location, as determined by the judicial officer, will be required to move to an appropriate location or sign off of the remote appearance and return at the date and time specified by the court.
  - Note regarding professional decorum on appearing remotely.

JO's Top 10

- 8. **Please provide copies of exhibits to the opposing side prior to your trial or evidentiary hearing.**
  - Unless utilizing for impeachment, please follow Local Rule 5.03(R)
    - Except for documents that impeach the truthfulness of a party or witness, a party shall provide a copy of each document to be offered to the court before any hearing or trial to all counsel and self-represented parties not less than seven days before the evidentiary hearing or trial. Parties shall bring to the court three copies of any document to be offered at the hearing or trial. Parties shall also be prepared to provide to the court at the hearing or trial copies of all pleadings, proofs of service and earlier orders relied upon or sought to be modified.
  - See Handout!

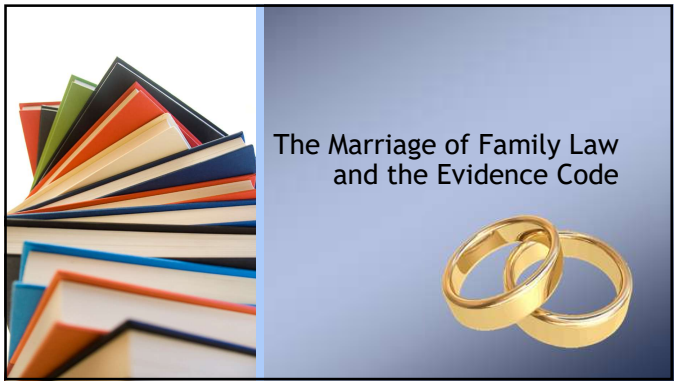
JO's Top 10

- 9. **Please remember both sides must provide complete Income and Expense Declarations (FL-150) for any request for financial relief.**
  - See Local Rule 5.03(F)
    - Must be served with the moving pleading.
    - To the extent necessary shall be augmented, filed and served within five (5) court days of the hearing

JO's Top 10

- 10. **No Speaking Objections**.
  - When raising an objection, simply state the basis of the objection. If additional context is needed, the Court will inquire.

- FYI, Certificates of Attendance will be emailed to you once we receive confirmation from the State Bar.



Is the Evidence Code Important in Family Law?



EVIDENCE CODE V. FAMILY LAW

- *Elkins v Superior Court* (2007) 41 Cal.4th 1337, at 1354
  - *"Although some informality and flexibility have been accepted in marital dissolution proceedings, such proceedings are governed by the same statutory rules of evidence and procedure that apply in other civil actions…"*

Ex Parte Hearings



Request for Order / RFO

- Motion / Notice of Motion
- Must have sufficient facts to inform the other side
- No points and authorities required

FL§ 217 Hearing

HEARSAY
EV §1200



IS IT HEARSAY?

EXAMPLES OF HEARSAY EXCEPTIONS

- Admissions (Ev 1220)
  - Evidence of a statement is not inadmissible when offered against the declarant in an action that the declarant is a party
- Prior Consistent Statement (Ev 1236)
  - Prior statement is not hearsay if consistent with testimony at hearing and offered in compliance with Ev 791
- Prior Inconsistent Statement (Ev 1235) – classic impeachment
- Spontaneous Statements (EV 1240)
- Past recollection recorded (Ev 1237) – specific requirements!
- Statements of mental state (Ev 1250)
- Declarations against interest (Ev 1230)

HOW TO MOVE ITEMS INTO EVIDENCE

- Stipulations
  - Tell the court of any stipulations before the hearing starts
  - PUT THE STIPULATIONS IN WRITING BEFORE THE HEARING / TRIAL STARTS
- Through the witness
  - Show the other side
  - Show the witness
  - Lay a foundation
- Don't forget to ask to move it into evidence
- Judicial notice (Ev 450-460)

Refreshing Recollection v. Impeachment

- 2 very different things
- RR: to remind person of prior statement to have them testify in court to the actual statement
- Impeachment: to prove they are not credible

Refreshing Recollection



Impeachment

- Prior inconsistent statement
  - Confirm the statement in court
  - Lay the foundation of the prior statement
    - To police
    - To your investigator
    - To 911 person
  - Affirm either their recollection was better then or they were telling the truth
  - Confront with the prior statement





Improving the Justice System by Reducing Implicit Bias

April 23, 2026 – MCLE Presentation

2026 Nevada County Family Law Update

Presenter: Steven McFarlane

Why are we here?

California law requires all attorneys to participate in MCLE training on implicit bias and the promotion of bias-reducing strategies. Business and Professions Code Section 6070.5; Cal. State Bar Rule 2.72(B)(2)

The stated legislative purpose is to avoid "unintended biases regarding race, ethnicity, gender identity, sexual orientation, socioeconomic status, or other characteristics undermine confidence in the legal system" and to "ameliorate bias-based injustice in the courtroom." AB 242, Sec. 1 (2019).

What are "Bias" and "Implicit Bias"

"Bias" has many legal definitions in California depending on the context. In enacting required bias training, the California legislature defined "implicit bias" as "positive or negative associations that affect [all persons'] beliefs, attitudes, and actions towards other people." AB 242 (1)(a)(1) (2019).

Not very helpful.

CACI 113 defines bias as "a tendency to favor or disfavor a person or group of people" and implicit or unconscious biases as those "affect[ing] how we perceive others and how we make decisions, without our being aware of the effect of these biases on those decisions."

A more practical definition might be that implicit biases are those that we have but do not necessarily recognize.

Formation of Implicit Bias



Everyone has implicit biases. Ideas are assumed or ingrained based on our lived experiences, and on our individual cultural or social factors. Legal norms and procedures may institutionalize bias.



Psychological research suggests this is also one way our brains function efficiently. We quickly categorize and assign meaning based on generalizations that are familiar to us. By themselves, these generalizations are not necessarily good or bad.



We may not even comprehend or recognize assumptions that do not directly affect us.



Our implicit biases can result in injustice if they result in unfair behavior.

Manifestations of Implicit Bias

The California Legislature/State Bar specifically refer to certain manifestations of unintended or implicit bias based on race, ethnicity, gender identity, sexual orientation, socioeconomic status, or "other characteristics."

What "other characteristics" might result in implicit bias?

Manifestations of Implicit Bias

Age
Sex
Education
Marital or parental status
Mental capacity
Disability status
Criminal history
Geography/living arrangements



Eliminating Implicit Bias Matters

As lawyers we are advocates but also officers of the court and swore to uphold the law. We should (and presumably all do!) care about "Justice."

Justice require fairness, impartiality, honesty, and equality.

What does “implicit bias in the legal profession” look like?

According to AI-generated slop, it looks like this:


SEAL OF THE STATE OF

Examples of Implicit Bias in Legal Practice

- Treatment of clients, witnesses, opposing counsel, judicial officers
- Factual determinations/assumptions about credibility
- Jury selection
- Outcome seeking

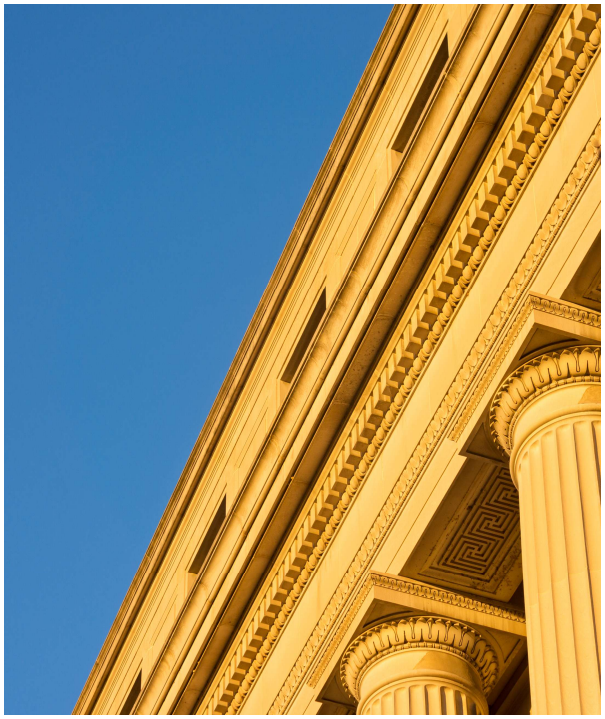
Avoiding bias in the practice of law can…

Make us better lawyers.

Allow us to better serve our clients.

Expand our client base.

Make the legal system more efficient and just.



Criticisms

- Resistance to the concept of implicit bias
- Focus on attorney advocacy
- Performative compliance/virtue signaling
- Forced opinions/constitutional concerns

Confronting and Reducing Implicit Bias

Psychological research tells us that bias training by itself is generally not effective in actually decreasing participants' biases.

"At best, it is well-intentioned, but has only a minor, short-term impact on [participants'] attitudes and behavior. At worst, it can backfire by reinforcing group stereotypes or even increasing inequalities between groups."

Stephens, Rivera, Townsend: "What Works to Increase Diversity? A Multi-Level Approach" (2020) (literature review).

Confronting and Reducing Implicit Bias

A more effective way to reduce implicit bias is by changing policies and practices that guide how individuals or organizations function. *Id.*

Change your behavior, not just your thoughts.

Some Practical Ways to Reduce Implicit Bias

Intergroup contact: participating and interacting with people who are members of an outgroup.

→

Interview or take clients/cases outside your "norm."

→

Engage in community or pro bono activities.

Some Practical Ways to Reduce Implicit Bias

Countering stereotypes: being presented with or imagining in detail someone who is a member of an outgroup and acts in a way that is inconsistent with a stereotype of their group.



Learn about or interact with people who defy or contradict stereotypes.

Some Practical Ways to Reduce Implicit Bias

Perspective-taking: actively considering others' psychological experiences.

→

Research finds that "perspective taking can combat automatic expressions of racial biases without simultaneously decreasing sensitivity to ongoing racial disparities."

→

Take an empathetic approach in professional interactions.

Some Practical Ways to Reduce Implicit Bias

Implement policies and procedures: create and use consistent and objective mechanisms.

→

Create/review client intake procedures and use structured checklists.

→

Carefully draw conclusions and double-check judgments and opinions.

2025 Case Law Update

Child Support

Mamer v. Weingarten (2025) 108 Cal.App.5th 169

- Unmarried couple agrees to undergo IVF and share cost. Plan was to raise the child together.
  - Expense for IVF procedure was $55,635.
- After child was born, Mamer filed a petition to determine parental relationship.
- Weingarten filed an RFO seeking reimbursement for half of the IVF expense.

Mamer v. Weingarten (2025) 108 Cal.App.5th 169

- Trial Court denied the RFO citing FC 7637 indicating no authority for reimbursement before parentage action was filed.

- Weingarten appealed.

Mamer v. Weingarten (2025) 108 Cal.App.5th 169

- Appellate Court reversed.
  - Trial Court's interpretation could permit fathers to escape pregnancy expenses.
- "Family Code section 7637 authorizes a court to direct a parent to pay expenses of pregnancy, including IVF costs, that were incurred before the parentage action was filed"
- This order is discretionary, and the Appellate Court gives us a test:

Mamer v. Weingarten (2025) 108 Cal.App.5th 169

- Weingarten test:
  - 1. Consider the policy of the UPA that both parents contribute to the support of their child
  - 2. The parents' incomes or earning capacities,
  - 3. Their agreement concerning payment of the IVF costs,
  - 4. The reasonableness of those costs,
  - 5. Any other factors relevant to the reimbursement request.

Spousal Support

In re Marriage of Adeyeye and Adebukola (2025) 112 Cal. App. 5th 119

- Adeyeye is an American citizen who marries Adebukola, a Nigerian citizen.
- Adeyeya signed a I-864 affidavit indicating that he would support Adebukola as a sponsor at 125% of the federal poverty guideline.
- Thereafter, Adeyeye files for divorce and Adebukola files an RFO for temp spousal support.

In re Marriage of Adeyeye and Adebukola (2025) 112 Cal. App. 5th 119

- Adeyeye argues that he is not obligated to provide support since Adebukola is employed making more than the federal poverty guideline.
- Trial Court disagrees and orders support at $1,569 per month which is 125% of poverty guideline. Trial Court indicated that "work, in and of itself, [cannot] negate the obligation under I-864"
- Adeyeye appealed.

In re Marriage of Adeyeye and Adebukola (2025) 112 Cal. App. 5th 119

- Appellate Court reverses
- An I-864 affidavit is a legally binding contract enforceable by the sponsored immigrant in state or federal court. (In re Marriage of Kumar, supra, 13 Cal.App.5th at p. 1075, 220 Cal.Rptr.3d 863.) By signing an I-864 affidavit, "the **sponsor agrees to provide support to maintain the sponsored alien at an annual income that is not less than 125 percent of the Federal poverty line** during the period in which the affidavit is enforceable." (8 U.S.C. § 1183a(a)(1)(A).)

In re Marriage of Adeyeye and Adebukola (2025) 112 Cal. App. 5th 119

- The I-864 affidavit states Adeyeye had to provide "any support necessary to maintain" Faramaye "at an income that is at least 125 percent of the Federal Poverty Guidelines ...." **It does not impose an unconditional obligation to pay 125 percent of the federal poverty guidelines.**
- Adeyeye is required to pay the difference, if any, between Faramaye's income and 125 percent of the federal poverty guidelines

Custody and Visitation

In re Marriage of J.G & K.G (2025) 110 Cal.App.5th 1214

- In 2021, the Court made a finding of domestic violence after a bench trial. Court found father committed DV against Mother.

- Parties nonetheless agreed to joint legal custody despite FC 3044. The trial Court adopted the agreement and made no findings regarding 3044.

In re Marriage of J.G & K.G (2025) 110 Cal.App.5th 1214

- 2 years later…
- Mom files RFO seeking sole legal custody
  - Mom argues 3044 presumption applies
- Dad argues he has had joint legal custody for 2 years per their agreement

In re Marriage of J.G & K.G (2025) 110 Cal.App.5th 1214

- 2023 Court acknowledges 3044 applied but found it had been rebutted by agreement of the parties.
- Court denies request for sole legal custody.
- Court made no specific findings under 3044

- Mom appeals.

In re Marriage of J.G & K.G (2025) 110 Cal.App.5th 1214

- Appellate Court reversed
- Trial court errored in finding 3044 had been rebutted and failing to state the reasons for such rebuttal.
- Here, presumption must be overcome before a grant of joint custody can be awarded.
  - It did not matter that 2 years had passed
  - It did not matter that the parties had stipulated

In re Marriage of J.G & K.G (2025) 110 Cal.App.5th 1214

- If the Court is going to find the presumption has been overcome if must state the basis in writing or on the record.

- Take away
  - In stipulated agreements where there is a finding of DV, be sure to clarify the basis for the presumption being rebutted

In Re M.V. (2025) 109 Cal.App.5th 486

- 4 year old minor M.V was removed from parents custody after law enforcement discovered child pornography images, to include images of M.V, in parents possession.
- Reunification services occurred, but ultimately, parental rights were terminated.
- Parents appealed and the case was remanded for a bonding study

In Re M.V. (2025) 109 Cal.App.5th 486

- On remand, a expert was appointed to conduct a bonding study.
- After conducting study, expert opined that terminating parental rights would have negative impact on M.V.

In Re M.V. (2025) 109 Cal.App.5th 486

- After hearing, Court terminated parental rights, giving little weight to expert's report.
- Parents appealed. Arguing in part that the trial Court should have given greater weight to expert's opinion.

In Re M.V. (2025) 109 Cal.App.5th 486

- Appellate Court affirmed.

- While "The California Supreme Court has urged juvenile courts to consider ordering bonding studies where requested and appropriate, because "expert psychologists who have observed the child and parent and can synthesize others' observations will be an important source of information about the psychological importance of the relationship for the child."

In Re M.V. (2025) 109 Cal.App.5th 486

- The court, however, "is not required to accept ... expert opinion at face value" and it may deviate from expert witness recommendations "instead of acting as a 'mere rubber-stamp' for what the expert thinks best."

- Here, evidence indicated expert relied on studies, not facts, which the Court was free to consider in determining what weight, if any, to give to the report.

In Re M.V. (2025) 109 Cal.App.5th 486

- A note on Professional Responsibility.
- Mother's Counsel comments related to the trial Court went *too far*.
  - "Mother's appellate briefing is little more than a screed against the juvenile court, imbuing almost its every word or action with a malevolent intent that is not supported by the record. Mother's appellate counsel postulates a moustache-twirling villain of a juvenile court that "prejudged the permanency with a focus on adoption, never entertaining another permanent plan,"



In Re M.V. (2025) 109 Cal.App.5th 486

- These overheated accusations “cannot be fairly characterized as acts of zealous advocacy”
- When made without evidentiary support, accusations that a judicial officer intentionally refused to follow and apply the law constitute reportable misconduct.
- Additionally, Mother's appellate counsel's language is unprofessional and intemperate. Attorneys have a duty to “maintain the respect due to the courts of justice and judicial officers.” (Bus. & Prof. Code, § 6068, subd. (b).)

In Re M.V. (2025) 109 Cal.App.5th 486

- "This kind of over-the-top, anything-goes, devil-take-the-hindmost rhetoric has to stop. If you think the court is wrong, don't hesitate to say so. Explain the error. Analyze the cases the court relied upon and delineate its mistake. Do so forcefully. Do so con brio; do so with zeal, with passion. We in the appellate courts will respect your efforts and understand your ardor.... But don't expect to get anywhere—except the reported decisions—with jeremiads."

Miles v. Gerstein (2025) 110 Cal.App.5th 88

- Miles and Gerstein are neighbors. They entered into an oral agreement for Miles to act as a surrogate. In exchange, Gerstein would cover all expenses and provide a $5,000 trip to Europe.

- After birth, Miles has some interaction with the child but Gerstein raised the child.

Miles v. Gerstein (2025) 110 Cal.App.5th 88

- During Covid, the interactions lessened.
- When child turned 7, Miles filed a petition to determine parental relations.

Miles v. Gerstein (2025) 110 Cal.App.5th 88

- Trial Court determined that there was a valid contract for traditional surrogacy and entered judgment for Gerstein.

- Miles appealed.

Miles v. Gerstein (2025) 110 Cal.App.5th 88

- Appellate Court affirmed

- Held that FC 7960 does not require traditional surrogacy agreements to be in writing.
- Miles also argued she was a parent under FC7610
  - Appellate Court disagreed. Here parties reached agreement before birth which would control and conduct was consistent with agreement.

Pham v. Superior Court (2025) 117 Cal. App. 5th 115

- Pham and Kon are in the process of divorcing.
- Pham files motion to have the embryos the parties have stored with an IVF provider, destroyed.
- Kon objects and wants the embryos provided to her.
- Trial Court awards embryos to Kon per the IVF contract and Pham appeals.

Pham v. Superior Court (2025) 117 Cal. App. 5th 115

- Appeal court affirms
  - The IVF contract was clear and unambiguous, the contract offered option to have the embryos discarded upon legal separation or divorce but the parties chose to instead to have the embryos "made available to the partner of he/she wishes"
  - Court adopted the contractual approach here. If the contract is enforceable, then it controls.

In Re Marriage of R.K & G.K (2005) 113 Cal.App.5th 14

- Parties agreed in MSA that father would have sole legal and physical custody of Daughter.
- At time of MSA mother was in mental health crisis.
- After MSA father unilaterally moved child to different county without approval of Court or mother.

In Re Marriage of R.K & G.K (2005) 113 Cal.App.5th 14

- Mother later filed an RFO seeking joint physical custody.
- Court held a multi-day hearing on the request and issued a tentative decision granting mother sole physical custody.
- Father did not object to tentative, which was later adopted as a Judgment.

In Re Marriage of R.K & G.K (2005) 113 Cal.App.5th 14

- Father appealed, arguing denial of due process because
  - 1. Mother sought Joint physical custody, not sole.
  - 2. Hearing did not constitute a move away (since child would be relocating back with mother in original county)
  - 3. Court failed to address effect of separation from other kids in home.

In Re Marriage of R.K & G.K (2005) 113 Cal.App.5th 14

- Appellate Court affirmed
  - If Father believed his due process rights were violated he needed to raise that objection. Here he didn't!
    - "Constitutional issues not raised in earlier civil proceedings are waived on appeal"
    - "Even if appellant was "surprised" by the trial court's tentative ruling, it put him on adequate notice and he could have raised his due process contentions in the trial court by simply objecting to the sole custody ruling in some manner."

In Re Marriage of R.K & G.K (2005) 113 Cal.App.5th 14

- This was not a "move-away", it was a move back!
- Father, not mother, committed a move away without Court order. No denial of Due Process buy requiring the child to move back

In Re Marriage of R.K & G.K (2005) 113 Cal.App.5th 14

- No error in not considering "siblings"
  - Here, siblings in father's home were stepsiblings
  - "[A] family law court may enter an order which has the effect of separating **siblings** only when compelling circumstances dictate that such separation is in the children's best interest."
  - 'Sibling' means a person related to the identified child by blood, adoption, or affinity through a common legal or biological parent" (Welf. & Inst, Sec. 16002(g))
  - Since children in home were not "siblings" no error in not considering them in ruling.

Balandran v. Balandran (2025) 113 Cal.App.5th 858

- Grandparent visitation case
- Father died of Covid in 2021.
- Prior to and after death, mother permitted mostly constant visitation with decedent's parents (paternal grandparents)
- In 2022, paternal grandparents file petition for regular visitation pursuant to FC 3102.
- Trial Court grants petition an awards weekly visitation.
- Mother appeals.

Balandran v. Balandran (2025) 113 Cal.App.5th 858

- Appellate Court reversed.

- Court found that mother had been permitting voluntary visitation and there was no indication that would end. Accordingly, the record failed to establish by clear and convincing evidence that the current visitation schedule was detrimental to the children.

Balandran v. Balandran (2025) 113 Cal.App.5th 858

- Mother was entitled to presumption that her decisions regarding grandparent visitation were in children's best interests since she was fit parent who allowed paternal grandparents to visit.

- Burden is on grandparents to show visitation is in the best interest of the children.

Adoption of X.D (2005) 114 Cal. App. 5th 812

- Jessica and Raymon are in a tumultuous relationship.
- Raymon has a lengthy criminal history as well as a history of abuse again Jessica, to include choking her while she is pregnant with their first child Ray Jr.
- Jessica becomes pregnant with their second child, X.D., and Raymon assaults her and threatens to kill her and X.D.

Adoption of X.D (2005) 114 Cal. App. 5th 812

- She flees to a domestic violence shelter and eventually tells Raymon that she miscarried.
- Jessica placed X.D. up for adoption and X.D. was placed with prospective adoptive parents Cliff and Rebecca

Adoption of X.D (2005) 114 Cal. App. 5th 812

- Cliff and Rebecca seek to have adoption approved, and notice is provided to Raymond seeking to have his parental rights terminated.
- Court found Raymon to be a Kelsey S. father, whose rights cannot be terminated absent a showing he was unfit.
- Cliff, Rebecca and Jessica appealed.

Adoption of X.D (2005) 114 Cal. App. 5th 812

- Appellate Court reversed
- Exclusion of exhibit – Evidence issue
  - Appellants argued that the trial court errored in not admitting picture of text message sent from Raymon to his sister, Rubye, who latter shared message with Jessica (Raymon → Rubye → Jessica)
    - Text included threats to kill Jessica and X.D.
  - Appellate Court held message was authenticated by other evidence corroborating it came from Raymon.
  - Statements from Raymon were admissible as admissions of a party opponent (Raymon → Rubye) and as state of mind of Jessica (Rubye → Jessica).

Adoption of X.D (2005) 114 Cal. App. 5th 812

- No substantial evidence Raymon was Kelsey S. Father
  - "To satisfy Kelsey S. criteria, a child's biological father must show **first**, that he promptly stepped forward to assume full parental responsibilities for his child's well-being; **second**, the child's mother or some third party thwarted his efforts to assume his parental responsibilities; and **third**, a willingness to assume full custody of the child."
  - Here – no promptness. Raymon did nothing regarding X.D for 14 months
  - No commitment to parental responsibilities – He threatened to kill both Jessica and X.D.

Adoption of X.D (2005) 114 Cal. App. 5th 812

- Not in best interest of X.D
  - A catch all provision
    - Where a natural father does not have presumed father status under section 7611 or a constitutional right to block an adoption under Kelsey S., "the child can be adopted without his consent, and his parental rights can be terminated, **unless the court determines it is in the child's best interest for him to retain his parental rights**"
  - Here, no evidence to support it was in X.D.'s best interest for Raymon to retain his parental rights.

County of Los Angeles v. Lugo (2025) 116 Cal. App. 5th 206

- In 2015, Henry Lugo and Antoinette have daughter, T.L. Lugo was present and signed VDOP.
- In 2023, County of LA files child support action and bases parentage on VDOP.
- Lugo files answer denying parentage.
  - Lugo had discovered that he was not the father through DNA testing
- Trial Court sets child support based on VDOP and orders Lugo to pay $584 per month.

County of Los Angeles v. Lugo (2025) 116 Cal. App. 5th 206

- 5 months and 8 days after child support order is entered, Lugo files request to set aside the VDOP.
- Trial Court denies request as untimely since 2 years had elapsed since VDOP was signed.
- Lugo appeals

County of Los Angeles v. Lugo (2025) 116 Cal. App. 5th 206

- Court of appeal reversed.
- Based on change in law, if a VDOP was filed before January 1, 2020, a request to set aside the VDOP may be timely filed within the time permitted by former Family Code section 7575, subdivision (c)(1). Specifically, the request is timely if filed within a reasonable time, ***not exceeding six months, after a court makes an initial order for custody, visitation, or child support*** based on the VDOP.
- Here, support order triggered 6 month timeline.

In re Marriage of M.P. and M.C. (2025) 115 Cal. App. 5th 1096

- Wife files for dissolution and DVRO from husband.
- Parties have 4 year old daughter, S.R.
- At DVRO hearing, wife claims K.R. (wife's daughter from another relationship) told her of sexual abuse by Husband.

In re Marriage of M.P. and M.C. (2025) 115 Cal. App. 5th 1096

- Court permits testimony and also takes judicial notice of fact husband had pending criminal charges.

- Court grants DVRO and orders sole legal and physical custody to mother with limited supervised visits of S.R. because S.R. spoke only Spanish and Court was concerned monitor would not understand communications between S.R. and Husband

In re Marriage of M.P. and M.C. (2025) 115 Cal. App. 5th 1096

- Appellate Court affirmed in part and reversed in part
- Statements by K.R. – Evidence Issue
  - Statements by K.R. were admissible under child dependency hearsay exemption.
    - "in DVPA restraining order hearings involving the sexual abuse of a minor, otherwise reliable out-of-court statements made by that minor should not be categorically excluded simply because the statements do not fit into traditional yet narrow categories of hearsay exceptions"
  - Judicial notice of allegations was error
    - Criminal charges are not substantial evidence of abuse
    - Here, not error.

In re Marriage of M.P. and M.C. (2025) 115 Cal. App. 5th 1096

- Limiting supervision was abuse of discretion
  - "If the court orders supervised visitation, it is to be conducted with either a nonprofessional monitor or a professional monitor. (Fam. Code, § 3200.5, subd. (b).) A professional monitor must "[b]e able to speak the language of the party being supervised and of the child, or the [monitor] must provide a neutral interpreter over 18 years of age who is able to do so." (Id., subd. (e)(8).)"
  - It was error to craft order based on concern monitor would not be able to understand communication. By law, they are required to speak chosen language.

Houser v. Superior Court (2025) 116 Cal. App. 5th 1182

- A contempt proceeding regarding violations of Court orders
- Houser and Larsen are parents of 17 year old Xander
- Houser lives in Nevada City and has primary physical custody, Larsen lives in Orange County and has visitation one weekend per month.

Houser v. Superior Court (2025) 116 Cal. App. 5th 1182

- Larsen files an OSC alleging that Houser is signing Xander up for activities during her parenting time thereby depriving her of visitation and got him braces without consent.

- Court finds Houser guilty and he appeals.

Houser v. Superior Court (2025) 116 Cal. App. 5th 1182

- Appellate Court reverses
- Houser did not violation order by signing Xander up for sports.
  - Order prohibited him from scheduling events during custody time. Here, events were scheduled by coaches so he did not violate order.
    - Also, when Larsen objected, he withdraw Xander from events.
- Houser did not violate order by getting Xander braces.
  - When parties share joint legal custody, a party can have unilateral decision making unless the order specifies the circumstances when consent of both parents is required.


TRAIL
BLAZERS
BLAZERS

Vergara v. Ouse (2025) 116 Cal. App. 5th 1238

- Vergara and Snyder have two children together.
- In 2016, Vergara takes the children to Chile and refuses to return them, until Snyder obtains an order.
- Once back in the US, the trial Court orders supervised visitation with a licensed therapist, Karen Ouse.
- Ouse ultimately suspends the visitation, until Vergara admits to kidnapping the children and the impact it has had on them.

Vergara v. Ouse (2025) 116 Cal. App. 5th 1238

- Vergara sues Ouse for Intention Infliction of Emotional Distress.
- Ouse claims qualified immunity and trial Court grants summary judgment in favor of Ouse.
- Vergara appeals.

Vergara v. Ouse (2025) 116 Cal. App. 5th 1238

- Appellate court affirms,
  - Of those protected by qualified judicial immunity, are, "individuals "who serve functions integral to the judicial process and act as arms of the court."
  - "Ouse was performing a judicial function using judicially delegated authority, and therefore she should enjoy the same immunity that a judge performing that function would."

Community Property

In re Marriage of Freeman (2025) 110 Cal. App. 5th 406

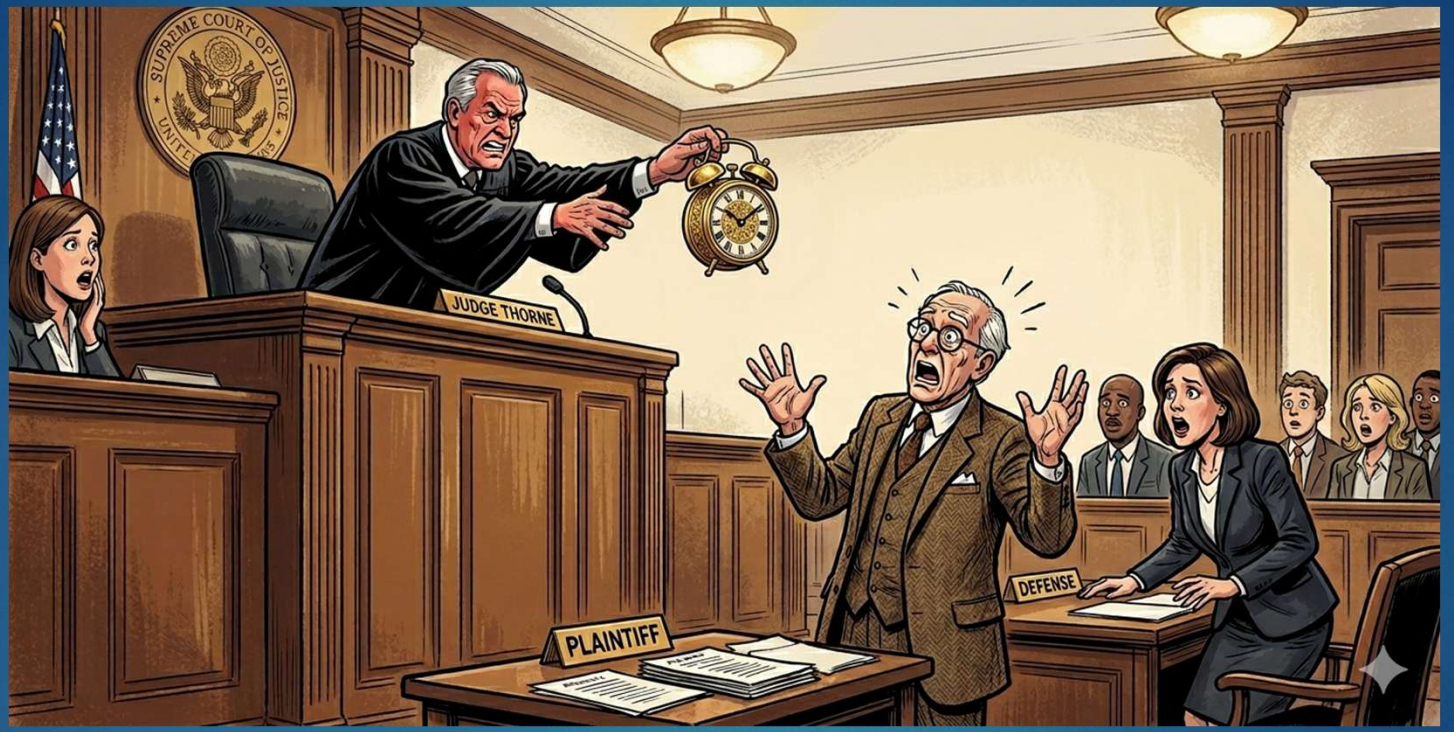
- Hub and Rod are domestic partners who married in 2008 and filed for dissolution in 2020.
- Hub had real property he had purchased prior to relationship in 1992.
- At trial, court valued property around 2.1 million and found community had a 60.2 percent interest.
- Hub appealed.

In re Marriage of Freeman (2025) 110 Cal. App. 5th 406

- Appellate Court affirms,
  - Value of property should be at time of trial (FC 2552)
  - "Percentage interest is found by dividing the amount by which community property payments reduced the principal by the purchase price."

In re Marriage of Freeman (2025) 110 Cal. App. 5th 406

- A note on Due Process
  - At trial parties agreed to equally split time on last day of trial.
  - Hub contends that Rod used more time than was allotted, thereby limiting Hub's ability to cross examine.
- Since Hub failed to object, he forfeited this argument on appeal.
- Hub additionally tries to argue it was trial court's job to step in when Rod went long
- Appellate Court – Not the trial Court's job to manage the parties absent an objection.


SUPREME COURT OF JUSTICE
JUDGE THORNE
PLAINTIFF
DEFENSE

Domestic Violence Restraining Orders

Marriage of A.M. & R.Y. (2025) 110 Cal. App. 5th 1115

- Former Wife files DVTRO for herself and daughter and seeks temporary order prohibiting contact from husband.
- Parties had just reached a Marital Settlement Agreement in their divorce around time of filing.
- Former wife indicates psychological, emotional, verbal abuse and coercive control.
- Trial Court denies the TRO, and sets matter for hearing.
- A.M. appeals the denial of the TRO

Marriage of A.M. & R.Y. (2025) 110 Cal. App. 5th 1115

- Appellate Court reverses.
  - "a trial court has discretion to deny a DVTRO to a petitioner who has made a prima facie showing of past abuse if it reasonably concludes based on the totality of circumstances that a DVTRO is not necessary to protect the petitioner or others for whom the petitioner is seeking protection from further acts of abuse pending the noticed hearing.
  - **If this is the reason for the court's decision, however, it must be affirmatively stated in the order denying the DVTRO**
  - Here, the Trial Court failed to properly state its reasons for denying the temporary order.

K.T. v. E.S. (2025) 109 Cal.App.5th 1114

- K.T. and E.S have three children together.
- K.T. files a DVRO against E.S. for abuse.
  - The abuse is extensive to include, Rape, physical abuse, emotion abuse and human trafficking.
  - Additionally, E.S. also abused the children.
- Court granted TRO but did not include children because "no imminent risk"
- After hearing, the Court granted a three year restraining order but again did not include the children.
- K.T. appealed

K.T. v. E.S. (2025) 109 Cal.App.5th 1114

- Appellate Court reserved
- Error in Fact
  - Kids were included in request, so Court was incorrect in thinking kids were not included.
- Error in Law
  - "Section 6320, subdivision (a), by its plain language, only requires a showing of "good cause" for the inclusion of family or household members as other protected parties in a DVRO"
  - Here, the abuse the children witnessed was good cause for inclusion in the order.

Navarro v. Cervera (2025) 108 Cal. App 5th 229

- Navarro and Cervera dated for 8 years.
- During relationship, Cervera struggled with mental health, indicated she was fascinated with murder/suicides and was placed on 5150 holds.
- Three months after break up, Cervara approaches Navarro in parking lot and struggle ensues. Police find knife in Cervara's car and she admits she wanted to kill Navarro and herself.
- Navarro seeks and obtains a 5 year DVRO after hearing.

Navarro v. Cervera (2025) 108 Cal. App 5th 229

- In 2023, Navarro seeks renewal of DVRO, and cites one instance where Cervara contacted her immediately after issuance of the 5 year DVRO
- After hearing Court denied renewal finding that Navarro had not shown reasonable apprehension of further abuse.
- Navarro appealed

Navarro v. Cervera (2025) 108 Cal. App 5th 229

- Appellate Court reverses

- In evaluating whether to grant renewal of a DVRO, "the question is whether a reasonable person, in the petitioner's circumstances, would fear repetition of the abuse if the order expired."

Navarro v. Cervera (2025) 108 Cal. App 5th 229

- Ritchie v. Konrad analysis:
- 1. The trial court ordinarily should consider the evidence and findings on which the initial DVRO was based.
- 2. Consider“ ‘any significant changes in the circumstances surrounding the events justifying the initial protective order. For instance, have the restrained and protected parties moved on with their lives so far that the opportunity and likelihood of future abuse has diminished to the degree they no longer support a renewal of the order?’
- 3. Evaluate ‘the seriousness and degree of risk, such as whether it involves potential physical abuse, and the burdens the protective order imposes on the restrained person, such as interference with job opportunities.

Navarro v. Cervera (2025) 108 Cal. App 5th 229

- In this case, the facts warrant renewal of DVRO.

- The trial court was required to broadly construe the DVPA when assessing the reasonableness of Navarro's fear. Instead, by giving greater weight to Cervera's unsubstantiated justifications (mental health, de minimus contact during 5 year period) for her abuse and DVRO violations rather than considering the impact of those actions on Navarro's sense of safety, the court abused its discretion.

X.K. v. M.C. (2025) 112 Cal. App. 5th 1287

- Husband and wife marry in 2017 and have one child.
- During relationship parties moved between US and China, ultimately settling in California in 2022.
- In 2023, Wife files for DVRO seeking sole custody of child and alleges abuse that occurred in China and in California.

X.K. v. M.C. (2025) 112 Cal. App. 5th 1287

- Trial Court denied TRO.
- At hearing, Court denied permanent RO and indicated that abuse occurred years ago and in China, and this appeared to be a custody dispute.
- Wife appealed

X.K. v. M.C. (2025) 112 Cal. App. 5th 1287

- Appellate Court reversed with instructions to conduct new hearing.
- Found that testimony presented could be abuse under DVPA, and it was unclear if trial Court found X.K. not credible or just denied DVRO because this appeared to be a "custody issue"
  - "Absent a sufficient basis for finding that [petitioner's] allegations of abuse were not credible, the trial court's explanation that the alleged abuse occurred in the context of disputes over 'dissolution and child custody/visitation' was not a proper reason to deny the DVTRO"

X.K. v. M.C. (2025) 112 Cal. App. 5th 1287

- Trial Court was permitted to consider abuse that occurred in China
- "The court should have considered the totality of the circumstances, including evidence of the incidents in China, when assessing whether M.C.'s more recent conduct in California constituted abuse in the form of disturbing X.K.'s peace and in its "totality of the circumstances" assessment in determining whether to grant or deny X.K.'s petition **based on acts of abuse in California**."

Hart v. Hart (2025) 115 Cal. App. 5th 571

- In 2017, Wife and Husband file dueling DVROs during dissolution proceedings. After hearing, Husband's DVRO was denied and Wife was granted a 1 year restraining order.
- In 2023, Wife again files a DVRO against Husband and after hearing a 9 month order was granted.
- Prior to order expiring, Wife filed a request to renew.
- After hearing, Court granted another 9 month renewal over wife's objection. (Wife wanted 5 years)
- Wife appealed

Hart v. Hart (2025) 115 Cal. App. 5th 571

- Appellate Court reversed.
  - "the family court's ruling renewing the DVRO for a period of less than five years was contrary to the mandatory minimum duration set out in section 6345 and must be reversed. **The family court simply did not have discretion to order renewal for a period of less than five years.**"
  - "Examining the plain language of the statute, **we conclude that the discretion now explicitly afforded the trial court is simply to decide whether the duration of a renewal should be for five years, or a longer period, or permanently.** No plausible reading allows the trial court to exercise its discretion in a manner that would disregard the minimum stated period of five years."

R.R. v. C.R.(2026) 117 Cal. App. 5th 1262

- R.R. and C.R. have one child.
- C.R. has a history of mental illness. She had been hospitalized for a suicide attempt and had made noncredible allegations of molestation against paternal grandparent.
- Custody was granted to R.R. with visitation to C.R. by Juvenile Court.

R.R. v. C.R.(2026) 117 Cal. App. 5th 1262

- R.R. seeks DVRO and custody of child based on C.R.'s conduct of repeated calls, ringing doorbell multiple times and following R.R. to events involving child.
- C.R. admitted to much of the conduct but indicated it was based on fear that something would happen to child while under R.R.'s care, and that she is now in therapy and stable.
- Court denied DVRO finding C.R.'s conduct was not intentional
- R.R. appeals

R.R. v. C.R.(2026) 117 Cal. App. 5th 1262

- Appellate Court reverses
  - R.R. was not required under the DVPA to show that C.R. **intended** to threaten or intimidate him.

- The DVPA includes a wide category of abusive conduct which is broadly construed
  - By narrowly construing the statute to require "intentional" conduct, the trial court abused its discretion by failing to consider the totality of the circumstances.

Egelston v. State Personnel Board (2025) 112 Cal. App.5th 1050

- Egelston worked as Dept of Corrections employee.
- In 2021, his girlfriend, J.G., alleged domestic violence and obtained a TRO under the DVPA. Egelston was also charged criminally.
- Criminal charges were ultimately dismissed.
- Family Court heard DVRO petition, and at conclusion of hearing dismissed request without prejudice.
- Dept of Corrections, based on their investigation, fired Egelston.
- He appealed the termination to the State Personnel Board.

Egelston v. State Personnel Board (2025) 112 Cal. App.5th 1050

- State Personnel Board conducted a hearing and ultimately upheld the termination.
  - The Administrative Law Judge found J.G. to be more credible than Egelston.
- Egelston filed a Writ of Mandate and the trial Court upheld the termination.
- Egelston appealed
  - He argues res judicata, based on Family Court's determination.

Egelston v. State Personnel Board (2025) 112 Cal. App.5th 1050

- Appellate Court affirms
  - First - The causes of action in the DVRO proceeding and the instant proceedings are plainly different. J.G.'s DVRO request sought redress for harm suffered by her personally, while the causes of action in the Notice of Adverse Action sought redress for harm to the public as a result of appellant's violation of his duties as a civil service employee.
  - Second - the proceedings did not involve the same parties

Egelston v. State Personnel Board (2025) 112 Cal. App.5th 1050

- Additional points from Court of Appeals
  - Egelston raised issue of res judicata for first time on appeal
    - Court found that issue forfeited – so remember to object at the trial level!

Egelston v. State Personnel Board (2025) 112 Cal. App.5th 1050

- Family Court dismissed DVRO "without prejudice"
- "without prejudice," in its general adaptation, means that there is no decision of the controversy on its merits, and leaves the whole subject in litigation as much open to another application as if no suit had ever been brought"
- Here, family law court's order of dismissal without prejudice does not constitute a final decision on the merits of J.G.'s request for a DVRO, that ruling has no preclusive effect under the doctrines of res judicata and collateral estoppel.

In re D.B. (2025) 111 Cal. App. 5th 592

- D.B. and her Mother have long abusive history.
- There were multiple referrals to Family and Children's Services for abuse perpetrated by mother when D.B. was a child.
- At age 15, D.B. gave birth to her son J.G.
- At age 17, D.B. and mother get into altercation over J.G. D.B. is arrested but no charges are filed.
- Upon release, Mother refuses to let D.B. back into residence and D.B. refuses to go, so Department initiates dependency proceedings and places D.B. into protective custody.

In re D.B. (2025) 111 Cal. App. 5th 592

- At Jurisdictional and Disposition hearing, no party objected to the Court assuming Jurisdiction per W&I 300, and making D.B. a dependent of the Court.
- While in her placement housing, D.B. struggled with fighting, property damage and running away. Ultimately, her son J.G. was removed from her care and subject to his own dependency proceedings.
- In December of 2023, mother files a request for a restraining order against D.B., then 17, for threats to bomb her house and harassing phone calls.

In re D.B. (2025) 111 Cal. App. 5th 592

- Court issued TRO and set matter for hearing.
- At hearing, Court heard evidence of physical abuse and threats. D.B. admitted to the threats but said it was a joke.
- After the hearing the Court issued a restraining order pursuant to Welf. & Inst. Section 213.5.
- D.B. then appealed

In re D.B. (2025) 111 Cal. App. 5th 592

- Appellate Court affirmed
  - The Court can issue a protective order against a dependent child.
  - "section 213.5, subdivision (a) states: "A court may also issue an ex parte order enjoining a person from molesting, attacking, striking, stalking, threatening, sexually assaulting, battering, harassing, telephoning, including, but not limited to, making annoying telephone calls…."
    - A "person" includes a dependent child. (Cal. Rules of Court, rule 5.502(5))

In re D.B. (2025) 111 Cal. App. 5th 592

- Here, the trial court has sufficient basis to issue order
  - "The record contained substantial evidence that D.B. hit Mother, threatened her, and included Mother's statements that she feared for her safety."
- Finally, no infringement on right to reunification by issuance of the order since reunification services had been terminated prior to order being issued.

Herren v. George S. (2025) 109 Cal. App. 5th 410

- Elder Abuse Restraining Order
- George S. is a octogenarian who lacks capacity to make financial and medical decisions.
- He has two daughters, Susannah and Gabriella.
- He named Susannah his trustee and attorney-in-fact. Not Gabriella.
- In 2024, after George's dementia had become severe, Gabriella had attorney Herren meet with George. During the meeting Herren had George sign a $100,000 retainer fee.

Herren v. George S. (2025) 109 Cal. App. 5th 410

- The same day the retainer agreement was signed, Herren sent a demand to the trust for payment.
- Savannah thereafter filed a elder abuse restraining order against Herren on George's behalf.
- At the hearing, Herren indicated that George asked to speak with her and he appeared competent during their conversation.
- He objected to Susannah filing their restraining order without the Court first determining George's competency.
- At the conclusion of the hearing, the Court granted to restraining order against Herren and Herren appealed.

Herren v. George S. (2025) 109 Cal. App. 5th 410

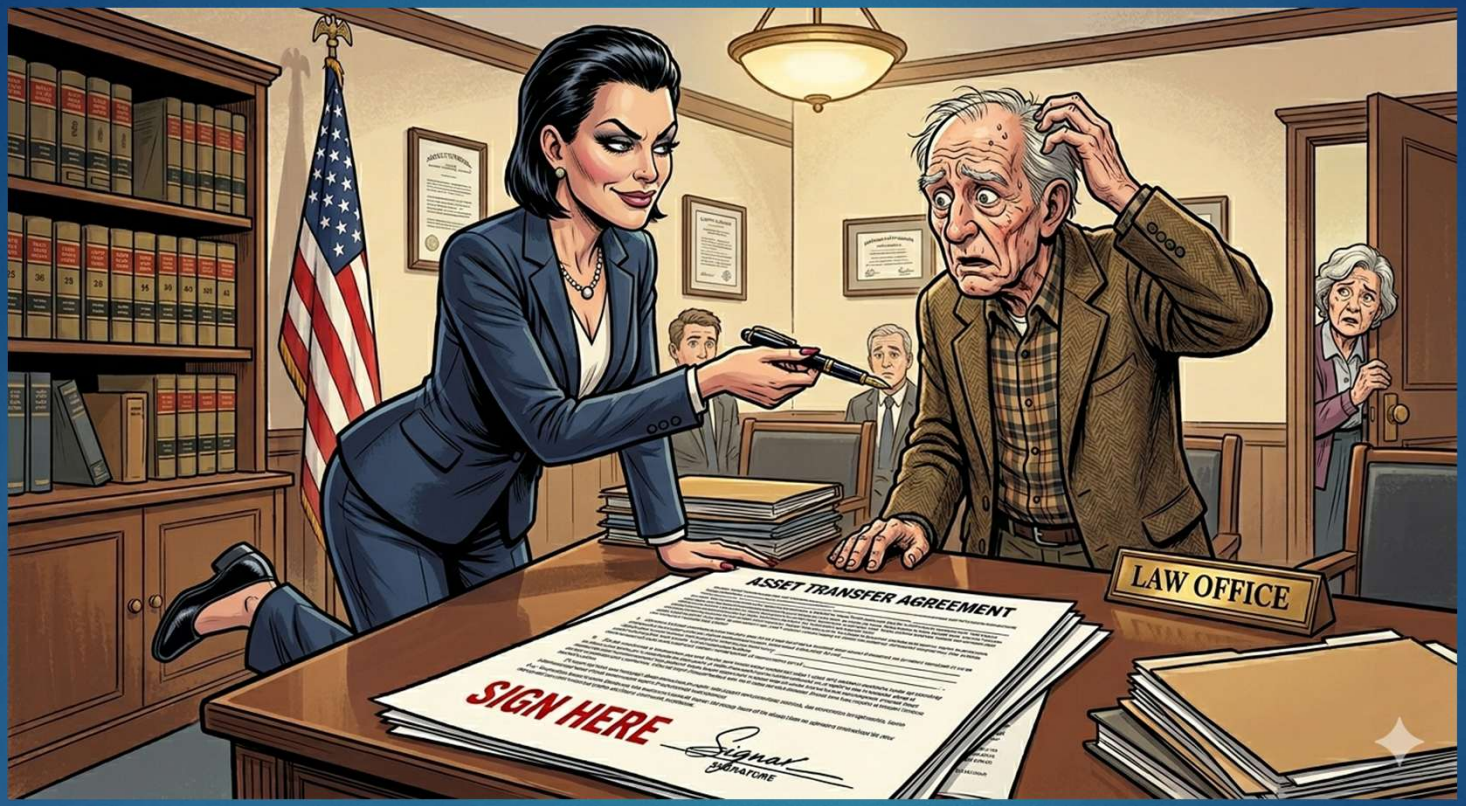
- Appellate Court affirmed.
- Regarding capacity -
  - "A restraining order may be sought and issued without a capacity determination is consistent with the principle that an elder's capacity is not a general defense to abuse under the Elder Abuse Act.
  - "soundness of mind and body does not imply immunity from undue influence."

Herren v. George S. (2025) 109 Cal. App. 5th 410

- There was sufficient evidence to grant the restraining order
  - Elder's vulnerability
    - George had severe dementia
  - Influencer's apparent authority
    - Herren indicated she was attorney and wanted to speak with George privately
  - Influencer's actions
    - Herron knew of the Trust and Savannah, but elected to meet with George alone.

Herren v. George S. (2025) 109 Cal. App. 5th 410

- This is not a situation in which a finding of elder financial abuse is predicated on the mere circumstance that an attorney met with a putative client who has diminished capacity. Rather, as discussed, the record contains ample evidence Herren committed financial abuse by exerting undue influence in meeting with George alone to secure his consent to legal representation and a $100,000 retainer fee, even though she knew he had been declared incompetent by two medical professionals.


ASSET TRANSFER AGREEMENT
SIGN HERE
LAW OFFICE

People v. Planchard (2025) 109 Cal. App. 5th 157

- Doe and Planchard were in a relationship from 1997 to 2000.
- In 2006 they had a son together.
- In 2015 Planchard was convicted of stalking Doe.
- In 2020 Doe obtained a DVRO against Planchard.
- Continuously from 2015 to 2023, Planchard would post threatening comments to Facebook about Doe.
  - To include wishing she be killed, raped, etc..
- In May of 2023, Planchard showed up at Doe's house, tried kicking door in and then left flowers and stuffed animal on Doe's Father's car.

People v. Planchard (2025) 109 Cal. App. 5th 157

- Planchard was found guilty of stalking and sentenced to 5 years.
- He appealed.

People v. Planchard (2025) 109 Cal. App. 5th 157

- Appellate Court affirmed.
  - With regard to Facebook posts:
    - PC 646.9 requires the victim to become aware of the stalker's conduct, there is no requirement that the defendant himself or herself must make the victim aware of the conduct to constitute "harassing" for purposes of the stalking statute.

People v. Planchard (2025) 109 Cal. App. 5th 157

- Planchard made no effort to privatize or limit the dissemination of the posts. Instead, by making the posts public, he demonstrated an intent to be heard by someone—even by Doe. The fact that Planchard did not send these posts directly to Doe is irrelevant. What matters is that, when Doe did learn of his acts and threats, she suffered the requisite fear.

People v. Tafoya (2025) 109 Cal. App. 5th 868

- In 2015, Tafoya became infatuated with E.R. while she was working at a restaurant.
- Over the course of the next 5 years, he regularly appeared at her workplace to bother her.
- Would gain access to her car to leave items
- Held himself out on Facebook as in a relationship with E.R.
- Fraudulently filed a family law action seeking custody and visitation of E.R.'s children, to include filing a false proof of service.
- Tried to abduct E.R.'s children from their school.

People v. Tafoya (2025) 109 Cal. App. 5th 868

- Tafoya was convicted of stalking and sentenced to 25 years.
- He appealed.

People v. Tafoya (2025) 109 Cal. App. 5th 868

- Appellate Court affirmed
- On appeal Tafoya argues that Facebook posts were protected speech.
  - Appellate Court disagrees,
    - **Defendant's posts were not protected activity, since threats are not protected under the First Amendment**
    - Defendant's Facebook posts did not constitute protected speech where it was part of a course of conduct that constituted a credible threat within the meaning of section 646.9, subdivision (g).

Marino v. Rayant (2025) 110 Cal. App. 5th 846

- Marino requested a civil harassment retraining order against Rayant in 2022.
- Rayant did not appear, but had been served, so the restraining order was granted.
- In 2023, Rayant petitioned to terminate the restraining order indicating he had not, in fact, been served.
- On the hearing date to terminate, Marino was not present, and the Court granted the request to terminate.
- Thereafter, Marino and Rayant jointly filed a stipulation to terminate the order and for sealing of any records related to the restraining order.

Marino v. Rayant (2025) 110 Cal. App. 5th 846

- The trial court denied sealing the records, in part indicating that the request was not timely under Cal. Rule of Court 2.551.

- Rayant appealed

Marino v. Rayant (2025) 110 Cal. App. 5th 846

- Appellate Court affirmed.
- Unless confidentiality is required by law, court records are presumed to be open." (Rule 2.550(c).)
- "The court must not permit a record to be filed under seal based solely on the agreement or stipulation of the parties." (Rule 2.551(a).)

Marino v. Rayant (2025) 110 Cal. App. 5th 846

- To overcome that presumption and order that a record be sealed, the court must make the following express factual findings, consistent with NBC Subsidiary:
- (1) There exists an overriding interest that overcomes the right of public access to the record
- (2) The overriding interest supports sealing the record;
- (3) A substantial probability exists that the overriding interest will be prejudiced if the record is not sealed;
- (4) The proposed sealing is narrowly tailored; and
- (5) No less restrictive means exist to achieve the overriding interest." (Rule 2.550(d).)

Marino v. Rayant (2025) 110 Cal. App. 5th 846

- Here Rayant failed to failed to show a substantial probability that he will be prejudiced if the record was not sealed.
  - The Court terminated the order and it was speculative that a employer would not hire him because of Marino's accusations without offering him an opportunity to explain.

Yu v. Pozniak-Rice (2025) 112 Cal. App. 5th 1135

- Yu filed a CHRO against mother of his former girlfriend, Pozniak-Rice.
- Court granted TRO and continued matter so Yu could effectuate service.
- After 6 failed attempts to serve, Yu requests alternative service.
- The Court permitted service by email to Pozniak-Rice and mail to an address associated to her daughter.
- Yu complies with alternate service, and Court issues a restraining order after hearing. Pozniak-Rice was not present at hearing.

Yu v. Pozniak-Rice (2025) 112 Cal. App. 5th 1135

- A few weeks later, Pozniak-Rice files request to set aside order, arguing she was never served.
- Trial Court denies set aside.
- Pozniak-Rice appeals.

Yu v. Pozniak-Rice (2025) 112 Cal. App. 5th 1135

- Appellate Court reverses.
- Alternative service in CHRO context requires "diligent efforts"
- "reasonable diligence" ... denotes a thorough, systematic investigation and inquiry conducted in good faith by the party or his agent or attorney. A number of honest attempts to learn defendant's whereabouts or his address by inquiry of relatives, ... and by investigation of appropriate city and telephone directories, [voter registries, and assessor's office property indices situated near the defendant's last known location], generally are sufficient. These are the likely sources of information, and consequently must be searched before resorting to service by publication.'

Yu v. Pozniak-Rice (2025) 112 Cal. App. 5th 1135

- Here, Yu failed to show reasonable diligence
  - Who did he hire to serve Pozniak-Rice and what was their experience?
  - Why did they believe address where attempted service occurred was an address associated with Pozniak-Rice?
  - What additional efforts were used to obtain her address?

Retirement/ Employment Benefits

In Re Marriage of DeBenedetti & Ensberg (2025) 110 Cal.App.5th 1035

- Parties filed for divorce in 2017. In 2018, pursuant to a stipulation, wife received a portion of husband's MLB pension plan via QDRO.
- At trial on division of property wife was awarded also 2.5 million as compensation for violations of FC 1101 and as attorney fees.
- Wife thereafter filed an RFO seeking enforcement of the award by requesting Husbands retirement accounts be given to her. The Court granted the request and executed QDROs for the remaining retirement accounts.
- Husband appealed

In Re Marriage of DeBenedetti & Ensberg (2025) 110 Cal.App.5th 1035

- Appellate Court affirmed.
  - Enforcing a section 1101(g) reimbursement of lost community property creates a marital property right which can be enforced through a QDRO aimed at a separate property retirement account.


JUDGE THORNE
401(k)
401(k)
401(k)
RETIREMENT FUND
WILDCATS

In re Marriage of Goldman (2025) 107 Cal. App. 5th 1258

- Parties divorced in 2009 and signed a MSA. MSA stocks, royalties and artwork to be split,
- In 2018 and 2020 Wife files RFOs to enforce MSA.
- Husband objected to the RFO based on laches.
- Trial Court denied RFOs, finding that Wife's delay in bringing RFO prejudiced husband (Laches)
- Wife appealed.

In re Marriage of Goldman (2025) 107 Cal. App. 5th 1258

- Appellate Court reversed.
- Husband is permitted to raise latches defense (FC 291) here.
  - "Laches is available in actions to enforce all family court judgments except support judgments that do not involve the State."
- Here, however, there was not sufficient evidence to find that Husband had been prejudiced. Accordingly, the matter was remanded.

Enforcement

In re Marriage of Strong (2025) 116 Cal. App. 5th 304

- Brett and Monique separated in 2016.
- Monique was awarded spousal and child support, which Brett failed to pay.
- In 2024, Monique filed an RFO seeking to have a receiver appointed and for the Court to compel Brett to assign his Copyright of Michael Jackson works to the receiver so it could be monetized to cover unpaid support.
- Unpaid support totaled 2 million dollars.

In re Marriage of Strong (2025) 116 Cal. App. 5th 304

- The Trial Court granted the RFO, appointed the receiver and ordered Brett to assign his rights to the copyright over to the receiver.

- Brett appealed.

In re Marriage of Strong (2025) 116 Cal. App. 5th 304

- Appellate Court affirmed.

- CCP Section 695.010, subdivision (a) provides: "Except as otherwise provided by law, all property of the judgment debtor is subject to enforcement of a money judgment." Thus, absent an exception, a copyright may be subject to satisfying a judgment

In re Marriage of Strong (2025) 116 Cal. App. 5th 304

- Brett countered that the payments due from a copyright are assignable but not the copyright itself.

- Court disagreed
  - "a court is empowered to order the forced assignment of a debtor's intellectual property."
  - Courts have previously held patents are subject to assignment. Similar to patents, copyrights are subject to assignment.



UCCJEA

C.T v. Superior Court (2025) 109 Cal. App.5th 1075

- In 2019, C.T. sought a DVRO against K.W.
- The trial Court granted the DVRO and gave sole legal and physical custody to C.T.
- In 2024, C.T. filed a move away request seeking to move to Denmark.
- The Court granted the move away and C.T. immediately moved to Demark with the child.
- K.W.'s parents then filed a request for grandparents' visitation.

C.T v. Superior Court (2025) 109 Cal. App.5th 1075

- C.T. subsequently filed a ex parte seeking to have the Court determine that it no longer had jurisdiction to make custody orders since he and child now resided in Demark and K.W. resided in Utah.
- The trial Court agreed that no parties remained in California, but nevertheless concluded that it retained continuing jurisdiction in this case.
- C.T. appealed

C.T v. Superior Court (2025) 109 Cal. App.5th 1075

- The Appellate Court affirmed

- C.T.'s original request seeking a child custody and visitation determination remained a pending proceeding since it was filed in 2019. The trial court acquired jurisdiction when C.T. filed his 2019 request (§§ 3421, subd. (a)(1), 3422), and this first proceeding has yet to be fully adjudicated through to a final custody and visitation determination.

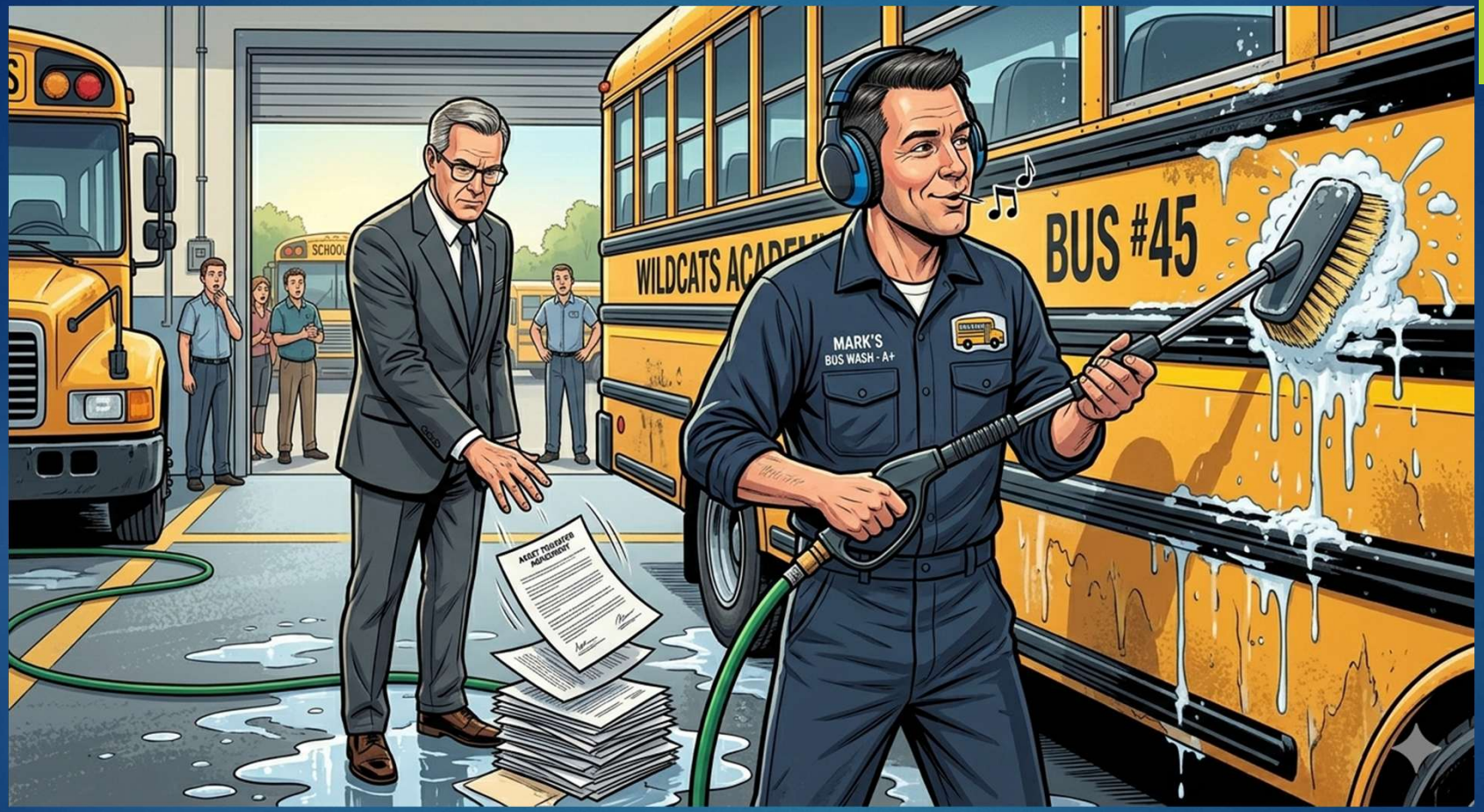
C.T v. Superior Court (2025) 109 Cal. App.5th 1075

- "We hold that neither the relocation of C.T. and his son, nor the trial court's August 2024 section 3422(a)(2) determination, divested the trial court of jurisdiction to bring this original proceeding to a resolution by issuing a final custody and visitation determination with respect to the matters put at issue in this proceeding that remain unresolved — the parties' custody and visitation rights with respect to their son."

Service of Process Issues

Chinese Theater, LLC v. Starline Tours (2025) 115 Cal. App. 5th 1048

- Plaintiff obtained default judgment of $225,000 after Defendant failed to respond.
- Plaintiff's process server, served the "person in charge" of Starline.
- Defendant sought to set aside the default and quash service alleging the service was deficient.
- Defendant indicated that Plaintiff served the bus washer who was employed by a different company and did not speak English.
- The trial Court denied the set aside and Defendant appealed.


BUS #45
WILDCATS
MARK'S
BUS WASH - A+
SCHOOL

Chinese Theater, LLC v. Starline Tours (2025) 115 Cal. App. 5th 1048

- Appellate Court reversed.

- "[a]n elementary and fundamental requirement of due process in any proceeding which is to be accorded finality is notice reasonably calculated, under the circumstances, to apprise interested parties of the pendency of the action and afford them the opportunity to present their objections." [Citation.] Failure to give notice violates "the most rudimentary demands of due process of law."

Chinese Theater, LLC v. Starline Tours (2025) 115 Cal. App. 5th 1048

- For substituted service:
- "apparently in charge" cannot reasonably be read to validate service on any employee found at a business location. There must be some indication warranting a finding the employee is someone "apparently in charge" and reasonably likely to deliver the service documents to the intended recipient and the service declarations should reflect some basic facts upon which the finding was made."
- Here, there was no basis to indicate the person served as in charge.

Lee v. Yan (2025) 115 Cal. App. 5th 975

- Lee sues Yan over unpaid loan
- Lee's process server, goes to Lee's place of business, a real estate brokerage, to serve her multiple times and is told each time she is not in.
- The process server, on the 5th attempt, leaves the summons with the office administrator and mails the summons and complaint to Yan, thereby completing substituted service.
- Lee thereafter obtains a default judgment.

Lee v. Yan (2025) 115 Cal. App. 5th 975

- Yan moves to set aside the default, arguing that she was not served.
- Yan indicates that she had no position with the real estate brokerage.
- Lee then provides evidence that Yan worked for the office since 2016, as of 2023 was named its CEO, and her husband is an owner.
- Yan replies that when served she was working from home as an independent contractor.
- The trial Court denies the set aside and Yan appeals.

Lee v. Yan (2025) 115 Cal. App. 5th 975

- Appellate Court affirms.
- There is a presumption of proper service created by a sworn proof of service.
  - Here, Yan failed to overcome that presumption because her statements were not credible.
  - The appellate court will defer to the trial court's factual findings when reviewing a trial court's determination that a judgment is void for lack of proper service.

The Use of A.I.

Noland v. Land of the Free, L.P. (2025) 114 Cal. App. 5th 426

- Plaintiff filed suit alleging breach of contract, wage and hour law violations and wrongful termination based on an agreement to work as a leasing agent for a property owner.
- Defendants filed a motion for summary judgment which was granted.
- Plaintiff appealed.

Noland v. Land of the Free, L.P. (2025) 114 Cal. App. 5th 426

- Court of appeal affirmed, and noted only reason this case was published was because Plaintiff's attorney's brief contained A.I. Hallucinations which warranted discussion.
- "We begin by noting that nearly all of the quotations in plaintiff's opening brief, and many of the quotations in plaintiff's reply brief, have been fabricated. That is, although most of the cases to which the quotes are attributed exist, the quotes do not. Further, many of the cases plaintiff cites do not support the propositions for which they are cited or discuss other matters entirely, and a few of the cases do not exist at all."

Noland v. Land of the Free, L.P. (2025) 114 Cal. App. 5th 426

- An appeal is frivolous if it is prosecuted for an improper motive or indisputably has no merit.
- An appeal may be objectively frivolous if appellant's arguments rest on negligible legal foundation.
- Here the appeal was frivolous because it was "peppered with fabricated legal citations"

Noland v. Land of the Free, L.P. (2025) 114 Cal. App. 5th 426

- Relying on fabricated legal authority is sanctionable.
- Attorney sanctioned $10,000 and reported to State Bar.
- Court ordered sanction payable to Court, because opposing Counsel did not catch Hallucinations in Plaintiff's brief. (subtle reminder to read opposing party's filings)

Sheerer v. Panas (2026) 2026 WL 776268

- Certified for partial publication
  - Self Represented litigant filed appeal of a child support order.
  - Brief contained hallucinations
  - Appellate Court cautioned "We further caution that our redress for false and missing citations is not limited to disregarding a brief. "We may impose monetary sanctions pursuant to our own motion for unreasonable violations of the rules governing appeals."

People v. Alvarez (2025) 114 Cal. App. 5th 1115

- Defendant's appellant counsel filed an opposition which included A.I. Hallucinations.
- Court of appeal issued an OSC regarding the filing
- Counsel admitted his "lack of professionalism" for not verifying A.I. case cites and withdrew as counsel.

People v. Alvarez (2025) 114 Cal. App. 5th 1115

- "there is nothing inherently wrong with an attorney appropriately using AI in a law," but attorneys must check every citation to make sure the case exists and the citations are correct. Attorneys should not cite cases for legal propositions different from those contained in the cases cited. And attorneys cannot delegate this responsibility to any form of technology; this is the responsibility of a competent attorney. 'Honesty in dealing with the courts is of paramount importance, and misleading a judge is, regardless of motives, a serious offense.'

People v. Alvarez (2025) 114 Cal. App. 5th 1115

- Appellate Court sanctioned counsel $1,500 and referred case to State Bar.

- Court noted, while he conduct here is not as egregious as what occurred in *Noland,* …it is particularly disturbing because it involves the rights of a criminal defendant, who is entitled to due process"

In re Domestic Partnership of Campos and Munoz (2026) 118 Cal. App. 5th 1112

- Torres and Munoz ended their domestic partnership and divided their assets. Their Judgment did not mention anything about their pets.
- Torres filed an RFO seeking custody and visitation of their dog.
- Munoz, represented by her attorney cousin, filed a response with hallucinated authority. One case did not exist and one case was cited incorrectly.

In re Domestic Partnership of Campos and Munoz (2026) 118 Cal. App. 5th 1112

- The trial court relied on the fake authority and ruled in favor of Munoz.
- Campos appealed.
- Campos failed to file an opening brief so the appeal was dismissed. Campos then filed a motion to reinstate the appeal. Munoz counsel filed an objection, again citing false authority.

In re Domestic Partnership of Campos and Munoz (2026) 118 Cal. App. 5th 1112

- Appealed Court denied motion to reinstate.
- Campos filed a second appeal pointing out fake caselaw.
- Munoz counsel doubled down and argued cases were legitimate.
- Court of appeal accepted appeal and requested Munoz counsel provide a copy of the cases she relied on.
- Munoz counsel then admitted one of the cases did not exist, and she obtained it from her cousin who found it on Reddit.

In re Domestic Partnership of Campos and Munoz (2026) 118 Cal. App. 5th 1112

- Court sanctioned attorney $5,000 and reported her to State Bar.
- "Bonar admits that she cited fictitious authority to the court, including the fictional Teegarden case apparently generated by AI and the nonexistent Twigg case discussed in the Reddit article that was authored by a non-attorney blogger. She also admits she did not verify this authority. For an attorney to cite and rely on a fictional case obtained from a Reddit article or an AI prompt without verifying and reading the case itself is an unreasonable violation of the Rules of Court."

Shayan v. Shakib (2025) 116 Cal. App. 5th 619

- Appellant's attorney files opening brief with fabricated quotations.
- Respondent seeks to have the appeal dismissed.
- Court of Appeal stuck the opening brief, sanctioned attorney and permitted him to file a new opening brief.

Shayan v. Shakib (2025) 116 Cal. App. 5th 619

- Dismissal of appeal, "should be exercised only in extreme situations, such as where the conduct was clear and deliberate and no lesser sanction would remedy the situation."

- Court found sanction of $7,500, referral to State Bar and striking opening brief was commensurate with violation.

Shayan v. Shakib (2025) 116 Cal. App. 5th 619

- According to appellant, the inaccuracies are the result, not of AI, but of Farivar's drafting process. Specifically, Farivar provided his "staff" with a draft brief containing "placeholders" of legal and record citations and "repeatedly instructed staff to ... either replace draft placeholders with verbatim transcript passages or published case language from Westlaw, supported by precise citations, or delete the line entirely if it could not be verified." As a result, "a small number of paraphrase placeholders inadvertently remained in the final brief."
- Court found that explanation to be unbelievable - By any measure, all three types of fabricated quotations are more than mere "clerical citation errors."

Professional Responsibility

Kaushansky v. Stonecroft Attorneys, APC (2025) 109 Cal. App. 5th 788

- Kaushansky hired Stonecraft to represent her in a lawsuit against her Landlord for breach of habitability and negligence.
- Stonecraft indicated that case was likely worth $140,000.
- Stonecraft filed the complaint and then did almost nothing for 1 year – did not respond to discovery, did not appear at hearings and did not advise Kaushansky when it stipulated to strike certain damages in complaint.
- Six weeks prior to trial, Stonecraft persuaded Kaushansky to sign substitution of counsel.

Kaushansky v. Stonecroft Attorneys, APC (2025) 109 Cal. App. 5th 788

- Unable to find new counsel, Kaushanshy resolved her case against her landlord for $2,500.
- Kaushansky then sued Stonecroft for malpractice.
- After trial, Court awarded $116,734 in total damages representing both breach of fiduciary duty and professional negligence.
- Stonecraft appeals, arguing that Kaushansky failed to prove collectability of judgment against landlord and she was not entitled to breach of fiduciary duty damages.

Kaushansky v. Stonecroft Attorneys, APC (2025) 109 Cal. App. 5th 788

- Appellate Court reverses in part and affirmed in part.
- The loss of a collectible judgment "by definition means the lost opportunity to collect a money judgment from a solvent [defendant] and is certainly legally sufficient evidence of actual damage.
- It is not enough for a plaintiff to present speculation or assumptions about an underlying defendant's ability to respond in damages, as opposed to proof of same.'

Kaushansky v. Stonecroft Attorneys, APC (2025) 109 Cal. App. 5th 788

- Here, Kaushansky's only "evidence" the landowner could pay was an email used to refresh her recollection at trial. The email dealt with a prior statement she made indicating she had found out the building was being sold for $11 million.
- The email was not admitted because it was only used to refresh recollection.
  - "the party offering a writing to refresh a witness's recollection "has not the right to treat it as evidence"

Kaushansky v. Stonecroft Attorneys, APC (2025) 109 Cal. App. 5th 788

- With regard to breach of fiduciary duty
  - "where a plaintiff sufficiently alleges intentional or affirmative misconduct by an attorney or noneconomic injury resulting from an attorney's professional negligence, recovery of emotional distress damages is permitted"
  - Here, Counsel's conduct of doing nothing on the case for a year, not keeping her apprised of developments in the case and urging her to sign a withdrawal constituted sufficient evidence for an award of damages for breach of fiduciary duty.

Statutes, Rules and Forms

Statutes

Family Code

Family Code section 3040.5

- Effective January 1, 2026, this Bill expands the considerations the Court must take into account when determining the best interest of the child.
- Under existing law, upon a finding by the Court that a party seeking custody of a child has perpetrated domestic violence, there is a rebuttable presumption that granting custody to the party who perpetrated domestic violence is detrimental to the best interest of the child.
- This bill would require, when making a determination of the best interests of a child, a court to consider any relevant, admissible evidence that a parent has caused human trafficking of the child or other parent.

Family Code section 3040.5

- FC 3040.5
- "When making a determination of the best interests of a child pursuant to Section 3011, the court shall consider any relevant, admissible evidence that a parent has caused human trafficking of the child or other parent."

Family Code section 6380.5

- Effective Jan. 1, 2026, this bill would permit the Department of Justice to establish a notification system to provide a petitioner or a protected person in a protective order case with automated access to information about their case to include service information, firearm information etc.

Family Code section 6380.5

- This legislation is known as Wyland's Law.
- Victor Gomes threatened to murder his 10 year old son, Wyland. A restraining order was obtained, but never transmitted to the DOJ. Gomes then purchased a firearm, and passed a background check because the restraining order had not been transmitted by the Court to the DOJ. Gomes then killed Wyland and himself with the firearm.
- Note that orders are transmitted to CLETS automatically, but that's the DOJ.

Family Code section 6380.5

- (a) This section shall be known, and may be cited, as Wyland's Law.
- (b) Subject to an appropriation by the Legislature, the department may establish, or contract with a vendor to establish, an automated protected person information and notification system to provide a petitioner or protected person in a protective order case with automated access to information maintained in the California Restraining and Protective Order System about their case, which shall include all of the following:
- (1) Whether the department has received a record of the protective order.
- (2) If the protective order has been successfully served on the restrained person.
- (3) Notwithstanding any other law, if the restrained person has violated the protective order by attempting to purchase or acquire a firearm or ammunition while the order is in effect.
- (c)(1) Notwithstanding any other law, a record demonstrating whether the superior court has fulfilled its transmission obligations pursuant to subdivision (a) or (b) of Section 6380 is required to be open to public inspection and copying.
- (2) Notwithstanding any other law, a record demonstrating receipt of information about a protective order that the department maintains is a public record that is not exempt from disclosure in response to a public record request made pursuant to the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1 of the Government Code).
- (3) Paragraph (2) of this subdivision does not constitute a change in, but is declaratory of, existing law.
- (d) For purposes of this section, the following definitions apply:
- (1) “Department” means the Department of Justice.
- (2) “Protective order” includes all order types listed in Section 6380 and the reissuance, extension, modification, or termination of the order.

Family Code section 2211 Nullity statutes of limitations – 2026 was effective Jan 1, 2026. Changes Jan 1, 2027

- A proceeding to obtain a judgment of nullity of marriage, for causes set forth in Section 2210, must be commenced within the periods and by the parties, as follows:
- (a) For [underage] :
- (1) The party to the marriage who was married under the age of legal consent, within four years after arriving at the age of consent. OR
- (2) A parent, guardian, conservator, or other person having charge of the minor, at any time before the married minor has arrived at the age of legal consent.
- (b) For [missing / presumed dead], by either of the following:
- (1) Either party during the life of the other.
- (2) The former spouse.
- (c) For [unsound mind], at any time before the death of either party.
- (d) For [fraud], within four years after the discovery of the facts constituting the fraud.
- (e) For [force], within four years after the marriage.
- (f) For [physical incapacity], within four years after the marriage.
- (g) This section shall remain in effect only until January 1, 2027, and as of that date is repealed.
- *(Amended by Stats. 2025, Ch. 633, Sec. 1. (AB 1134) Effective January 1, 2026. Repealed as of January 1, 2027, by its own provisions. See later operative version added by Sec. 2 of Stats. 2025, Ch. 633.)*

Family Code section 2211 Nullity statutes of limitations – 2027

- Effective Jan. 1, 2027, this Bill authorizes a Court to grant permission, upon a showing of good cause, for a party to proceed with a petition for nullity of marriage that is filed beyond the relevant filing period if the party's consent to the marriage was obtained by force.
- Escape hatch to the statute of limitations of 4 years from date of marriage.
- Remember that any nullity request will need a prove up hearing.

Family Code section 2211

- A proceeding to obtain a judgment of nullity of marriage, for causes set forth in Section 2210, shall be commenced within the periods and by the parties, as follows:
- (a) For [underage] :
- (1) The party to the marriage who was married under the age of legal consent, within four years after arriving at the age of consent. OR
- (2) A parent, guardian, conservator, or other person having charge of the minor, at any time before the married minor has arrived at the age of legal consent.
- (b) For [missing / presumed dead], by either of the following:
- (1) Either party during the life of the other.
- (2) The former spouse.
- (c) For [unsound mind], at any time before the death of either party.
- (d) For [fraud], within four years after the discovery of the facts constituting the fraud.
- (e) For [force], within four years after the marriage.
- (f) For [physical incapacity], within four years after the marriage.
- **(g)(1) If the petition for nullity of marriage on the grounds identified in subdivision (e) is filed beyond the relevant period provided, a court may grant permission for a party to proceed with the petition upon a showing of good cause.**
- (2) The Judicial Council shall modify or develop the forms necessary to implement this subdivision.
- (h) This section shall become operative on January 1, 2027.

Code Civ. Proc.

WHO KNEW PROOF OF SERVICE WAS GOING TO BE THE HOT TOPIC?

Code Civ. Proc. 413.30

- Effective Jan. 1, 2026.
- This Bill authorizes a Court, upon motion, to direct service of the summons by electronic means, if such service is reasonably calculated to give actual notice.
- Author of this Bill indicates, California should not lag behind other states like New York, Texas, and Florida, which already allow for electronic service after "due diligence"

Code Civ. Proc. 413.30

- Supporter further indicates, “seen firsthand how these limitations obstruct justice. In San Francisco’s recent high-profile lawsuit against dozens of companies involved in creating and disseminating AI-generated deepfake pornography, our office struggled to serve parties who had no physical location but valid, verified email addresses. If SB 85 had been law at the time, it would have empowered us to reach these actors quickly and directly, ensuring that justice could proceed.”

Code Civ. Proc. 413.30

- (a)(1) If no provision is made in this chapter or other law for the service of summons, or if a plaintiff, despite exercising reasonable diligence, has been unable to effect service of the summons by any of the methods authorized under this chapter, the court in which the action is pending may, upon motion, direct that summons be served in a manner that is reasonably calculated to give actual notice to the party to be served, including by electronic mail or other electronic technology, and that proof of such service be made as prescribed by the court.
- (2) A plaintiff seeking to establish reasonable diligence under this section shall set forth facts detailing all attempts to serve the defendant by each of the methods prescribed by statute, including facts demonstrating why each method was unsuccessful at every address or location where the defendant is likely to be found.
- (b) This section does not apply in an action against a governmental entity or an agent or employee of the governmental entity who has been sued in an official or individual capacity.

Code Civ. Proc. 415.20, 417.10 and other related statutes

- Effective Jan 1, 2027.
- A Bill to address "Sewer Service" this Bill modifies existing language making substitute service more regulated.
  - Requiring County Clerk to make list of registered process servers publicly available.
  - Defines "reasonable diligence" as 3 attempts, on 3 different days, at 3 different times.
  - If action is for Unlawful Detainer, requires process server to include a photograph with GPS coordinate.

Code Civ. Proc. 415.20

- (a) In lieu of personal delivery of a copy of the summons and complaint to the person to be served as specified in Section 416.10, 416.20, 416.30, 416.40, or 416.50, a summons may be served by leaving a copy of the summons and complaint during usual office hours in the person's office or, if no physical address is known, at the person's usual mailing address, other than a United States Postal Service post office box, with the person who is apparently in charge thereof, and by thereafter mailing a copy of the summons and complaint by United States Postal Service first-class mail, Priority Mail with tracking, or Certified Mail with return receipt requested, with postage prepaid, to the person to be served at the place where a copy of the summons and complaint were left. When service is effected by leaving a copy of the summons and complaint at a mailing address, it shall be left with a person at least 18 years of age, who shall be informed of the contents thereof. Service of a summons in this manner is deemed complete on the 10th day after the mailing.
- (b) (1) If a copy of the summons and complaint cannot with reasonable diligence be personally delivered to the person to be served, as specified in Section 416.60, 416.70, 416.80, or 416.90, a summons may be served by leaving a copy of the summons and complaint at the person's dwelling house, usual place of abode, usual place of business, or usual mailing address other than a United States Postal Service post office box, in the presence of a competent member of the household or a person apparently in charge of their office, place of business, or usual mailing address other than a United States Postal Service post office box, at least 18 years of age, who shall be informed of the contents thereof, and by thereafter mailing a copy of the summons and of the complaint by United States Postal Service first-class mail, Priority Mail with tracking, or Certified Mail with return receipt requested, with postage prepaid, to the person to be served at the place where a copy of the summons and complaint were left. Service of a summons in this manner is deemed complete on the 10th day after the mailing.

Code Civ. Proc. 415.20

- **(2) For purposes of this subdivision, a party shows reasonable diligence by attempting personal delivery of the summons and complaint, in good faith, on at least three occasions on three different days at three different times.**
- (3) In an action to collect "consumer debt," as defined in Section 1788.2 of the Civil Code, at least one of the service attempts shall be made at the dwelling place or usual place of abode of the person to be served, provided that the dwelling place or usual place of abode is known or could be determined with reasonable effort.
- (c) Notwithstanding subdivision (b), if the only address reasonably known for the person to be served is a private mailbox obtained through a commercial mail receiving agency, service of process may be effected on the first delivery attempt by leaving a copy of the summons and complaint with the commercial mail receiving agency in the manner described in subdivision (d) of Section 17538.5 of the Business and Professions Code.
- (d) This section does not affect the provisions of Section 6206 of the Government Code.
- (e) This section shall become operative on January 1, 2027.

Code Civ. Proc. 417.10

- Proof that a summons was served on a person within this state shall be made:
- (a) If served under Section 415.10, 415.20, 415.30, or 415.45, by the affidavit of the person making the service showing the time, place, and manner of service and facts showing that the service was made in accordance with this chapter. The affidavit shall recite or in other manner show the name of any person to whom a copy of the summons and complaint were delivered, and, if appropriate, the person's title or the capacity in which the person is served, and that the notice required by Section 412.30 appeared on the copy of the summons served, if in fact it did appear.
- **(1) If served under Section 415.10, 415.20, or 415.45, the proof of service shall include one or more photographs of the site of each effected or attempted service of the summons and complaint.**
- **(A) Each photograph shall contain a readable stamp that establishes and automatically records the date, time, and global positioning system (GPS) or equivalent coordinates of the effected or attempted service.**
- **(B) If no GPS, cellular, or equivalent signal is available at the time and place of an effected or attempted service, the process server shall provide a detailed statement on or with the proof of service explaining the reason for the lack of a readable GPS or equivalent stamp on the photograph.**
- **(2)(A) If the site of the effected or attempted service is a dwelling place or abode, for each effected or attempted service of the summons and complaint, at least one of the photographs required by paragraph (1) shall show the door, or, if the door is not reasonably accessible, the entrance of the house, apartment, or other dwelling place of the person to be served.**
- **(B) If the site of the effected or attempted service is a place of business, for each effected or attempted service of the summons and complaint, at least one of the photographs required by paragraph (1) shall show the door, or, if the door is not reasonably accessible, the entrance of the specific office or other place of business of the person being served.**

Code Civ. Proc. 417.10

- (C) For purposes of subparagraphs (A) and (B), if the door is not reasonably accessible and the process server takes a photograph of the entrance instead, the process server shall explain with specificity on or with the proof of service why the door was not accessible.
- (3) If service is made by mail pursuant to Section 415.30, proof of service shall include the acknowledgment of receipt of summons in the form provided by that section or other written acknowledgment of receipt of summons satisfactory to the court.
- (4) Notwithstanding paragraph (1), a photograph is not required if, in the reasonable judgment of the process server, taking a photograph would compromise the process server's safety. In such circumstances, the process server shall document the effected or attempted service on the proof of service and provide a detailed statement explaining why taking a photograph would have compromised their safety.
- (5) The photograph required by paragraph (1) shall be taken by the process server as closely as practicable to the time of effecting or attempting service.

Code Civ. Proc. 417.10

- (b) If served by publication pursuant to Section 415.50, by the affidavit of the publisher or printer, or the publisher's or printer's foreperson or principal clerk, showing the time and place of publication, and an affidavit showing the time and place a copy of the summons and of the complaint were mailed to the party to be served, if in fact mailed.
- (c) If served pursuant to another law of this state, in the manner prescribed by that law or, if no manner is prescribed, in the manner prescribed by this section for proof of a similar manner of service.
- (d) By the written admission of the party.
- (e) If served by posting pursuant to Section 415.45, by the affidavit of the person who posted the premises, showing the time and place of posting, and an affidavit showing the time and place copies of the summons and of the complaint were mailed to the party to be served, if in fact mailed.
- (f) All proof of personal service shall be made on a form adopted by the Judicial Council.
- (g) This section shall become operative on January 1, 2027.

Code Civ. Proc. 473.2

- (a) A party that was not served with a summons and complaint in accordance with this chapter may file and serve a motion to set aside or vacate the default or default judgment and for leave to defend the action or to move for dismissal.
- **(b) (1) A party moving to set aside or vacate a default or a default judgment pursuant to subdivision (a) shall proffer evidence, through a sworn affidavit or otherwise, that service was not lawfully effected. Proffering evidence that service was not lawfully effected rebuts a presumption of the facts stated in the process server's return.**
- (2) If a process server files their return before the operative date of this section, the absence of the photograph required by Section 417.10 shall not by itself render the proof of service unlawful or insufficient.

Code Civ. Proc. 473.2

- (c) In responding to a motion that is filed pursuant to this section and that complies with subdivision (b), the party seeking a default or default judgment **has the burden of proving by a preponderance of the evidence that service of the summons and complaint was lawful.**
- (d) In deciding a motion filed pursuant to subdivision (a), the court shall take evidence as to the lawfulness of the service of process and shall not deny a reasonable request by either party to conduct a hearing and permit oral testimony.
- (e) This section does not limit any other remedies available under law.
- (f) This section shall become operative on January 1, 2027.

Probate Code

PARENT CAN BE NAMED A CO-GUARDIAN EVEN IF NOT TERMINALLY ILL.

Probate Code section 2105

- Effective Jan 1, 2026.
- Existing law authorizes a court to appoint joint guardians of a person, an estate, or a person and an estate. Existing law requires a nomination of a guardian to become effective when made, and remain effective, unless stated otherwise in writing.
- Query when it will be better to use the full G'ship process in place of the other alternatives. GC-207INFO Comparison of Guardianship with other Nonparent Caregivers.pdf
- Rebuttable presumption that terminating the G'ship is in best interests of child when the "circumstances" are over.

Probate Code section 2105

- This bill would authorize a court, in its discretion, to appoint a custodial parent and a person nominated by the custodial parent as joint guardians of the person of the minor, if the custodial parent will be temporarily unavailable due to specified circumstances, including, among other things, an immigration-related administrative action,

Probate Code 2105

- According to the author, the purpose of this Bill is to expand eligibility of persons who can be joint guardians for parents who may be unavailable to care for their children due to immigration-related enforcement.

- This bill also includes a confidentiality provision related to records filed therein.

Probate Code 2105

- Of relevance, Probate Code section 2105 is amended to add
- (g)(1) If a custodial parent is temporarily unavailable due to circumstances, including, but not limited to, a serious medical condition or disability, military service, incarceration, or an immigration-related administrative action, specified in the parent's nomination of a guardian, the court, in its discretion, may appoint the custodial parent and the person nominated by the custodial parent as joint guardians of the person of the minor. A nomination made pursuant to this subdivision shall not be made over the objection of a noncustodial parent without a finding that the noncustodial parent's custody would be detrimental to the minor, as provided in Section 3041 of the Family Code.
- (2) If a parent appointed as a joint guardian pursuant to this subdivision files a petition to terminate the joint guardianship because the conditions specified in the nomination, or otherwise stated in the petition for guardianship, no longer impairs the parent's availability to provide care for their child, there shall be a presumption that termination would be in the child's best interest.
- (3) All court records, petitions, orders, and documents related to the appointment of joint guardians pursuant to this subdivision shall be confidential, and shall be made available only to the persons who have been served in the proceeding and their attorneys, if applicable. The clerk of the court shall make provisions to limit access to these documents and any other information that personally identifies the minor, custodial parent, the appointed guardian, or family members who are a party to or identified in the proceeding.
- (4) Consistent with Section 7284.6 of the Government Code, information contained in these records shall not be disclosed to law enforcement officers or agencies or any entity engaged in immigration enforcement without a court order.

Bus. & Prof. Code

ESTALKING / CONTROL

Bus. & Prof. Code section 22948.30 through 22948.37

- Effective Jan. 1, 2026, Chapter 35.5 of the Business and Professions Code is added to address the issue of Domestic Violence perpetrators utilizing internet connected devices and shared accounts to continue to harass or track victims.
- This Bill requires companies to eliminate access to devices when requested by a domestic violence victim or representative of a victim, places penalties for non-compliance and makes this authority non-waivable.

Bus. & Prof. Code section 22948.30

- "Connected device" means any device, or other physical object that is capable of connecting to the internet, directly or indirectly, and that is assigned an internet protocol address or Bluetooth address or enables a person to remotely obtain data from or send commands to a connected device or account, which may be accomplished through a software application that is designed to be operated on a mobile device, computer, or other technology. (See (B)(1))

Bus. & Prof. Code section 22948.31

- This section describes the process for requesting this relief.
- Begins with submitting a device protection request to account manager (person or entity that provides/manages account)
  - Must include verification perpetrator committed act (police report, TRO, signed affidavit from medical provider etc. (See (b)(1))
  - Verification of exclusive legal possession of the device
  - Identification of device
  - Identification of person requestor seeks to deny access to

Bus. & Prof. Code section 22948.31

- Within 2 business days, account manager must terminate or disable access and notify requestor **or**
- Provide a method to reset device and remove account holders.

- Account manager cannot charge for this process

Bus. & Prof. Code section 22948.32

- Violations of this chapter can result in a civil action.
- Penalties can be up to $2,500 per violation.

Bus. & Prof. Code section 22948.33

- This is not waivable.
- "Any waiver of the provisions of this chapter is contrary to public policy and void and unenforceable."

Bus. & Prof. Code section 22948.36

- This chapter does not apply to vehicles.
- See Cal. Vehicle. Code sections 28220 through 28228 which provides a similar process and already permits termination of accounts related to vehicles.

Local Rules of Court

2026 IS MAJOR MAKE-OVER YEAR.

Local rules have had many changes.

- Proposed 2026 Nevada County Local Rules of Court
- Read them before they go into effect on July 1, 2026.
- Some of the changes are substantive, some are clean up, some are to make the rules track to actual practice these days.

Rule 5.03 – Conduct of Hearings

- Effective July 1, 2026, this local rule is modified to:
  - Require meet and confers occur no later than 15 minutes prior to the hearing.
  - Require each party to submit their support calculation at or prior to the hearing.
  - Require updated income and expense declarations to be filed no later than 5 days prior to the hearing.
  - Require party to use the appropriate forms when requesting a continuance of the hearing when there is no agreement.

Rule 5.03 – Conduct of Hearings

- RULE 5.03 CONDUCT OF HEARINGS ON LAW AND MOTION; CONTENTS OF PLEADINGS A. Calendar proceedings. The calendar for each session will begin promptly at the appointed time. If there is no appearance when the calendar is first called, the matter may be ordered off the calendar. If one side (the attorney and/or the party) appears when the calendar is first called, and the other side (the attorney and/or the party) does not appear when the calendar is first called, the matter may be heard as uncontested.
- B. Meet and confer. Irrespective of other meet and confer requirements (Local Rule 5.09[B]), the parties and/or attorney shall meet and confer **no later than fifteen (15)** minutes prior to the call of the calendar in a final effort to resolve or clarify issues. This requirement does not apply to requests to orders of protection brought under the Domestic Violence Prevention Act or where a party is a protected person pursuant to an Order of Protection against the other party.

Rule 5.03 – Conduct of Hearings

- C. Support hearings. For all child support hearings, and for temporary spousal support hearings, each party must submit a printout using a Judicial Council-approved support **calculation** computer program. **Each party shall** submit the printout at **or before** the beginning of the hearing. **The report shall reflect** the party's proposed findings on the issues to be decided. In the event either party seeks a support order which deviates from the statewide uniform child support guidelines, that party shall set forth the factual basis for the **deviation** request in their pleadings **and the proposed amounts of child and / or spousal support.**

Rule 5.03 – Conduct of Hearings

- F. Income and Expense Declaration. If financial relief is requested, an Income and Expense Declaration in compliance with, and as required by Local Rule 5.11(B) must be filed and served by each party with the moving pleadings. **If necessary, the Income and Expense Declaration shall be updated, filed and served no later than five (5) court days before the hearing**. This requirement shall not apply to either a Notice of Motion or Request for Order to establish or modify a child support order filed by the Department of Child Support Services. However, in cases wherein support is either sought to be established or modified by the Department of Child Support Services, all parents shall file and serve an Income and Expense Declaration with required supporting documents…

Rule 5.03 – Conduct of Hearings

- L. Continuances of Law and Motion Hearings. The following rules govern continuances:
  - 1. Requests for continuances are ordinarily denied, unless good cause is shown. A continuance of a law and motion hearing shall be requested on either of the appropriate following forms:
    - i. If the parties agree: FL-308 Agreement and Order to Reschedule Hearing

Rule 5.03 – Conduct of Hearings

- ii. If there is no agreement: FL-306 Request and Order to Continue Hearing and Extend Temporary Emergency (Ex Parte) Order OR FL 307 Request to Reschedule Hearing Involving Temporary Emergency (Ex Parte) Orders. FL-309 Order on Request to Reschedule Hearing shall also be submitted.
- Don't forget FL-303 or other similar declaration indicating notice has been provided.

There are also local rule changes to other family law rules:

- 5.01 *Ex parte* procedure
- 5.04 Temporary orders
- 5.05 CCRC
- 5.06 Uncontested trials / defaults / hearing on pleadings
- 5.08 Contested trials
- 6.01 Minor's counsel
- Local form updates

Forms

JUST A FEW TO TALK ABOUT. MORE TO READ AT LEISURE.

Form FL-700, Joint Petition for Dissolution

- Effective January 1, 2026
- FL-700-INFO Information Sheet for Joint Petition for Dissolution or Legal Separation (Family Law)
- This form permits parties to file a joint petition for dissolution.
- Both parties are referred to as Petitioners.
- Parties state that they agree (or plan to agree) on almost all issues, including:
  - Date of separation,
  - Spousal or domestic partner support,
  - Property rights and how to divide assets and debts,
  - Lawyer's fees and costs,
  - Child custody and visitation and
  - Child support.

New Joint Petition Part 2

- The filing fee is $870 for the case unless both parties qualify for a fee waiver.
- Query if it makes more sense for the parties to use 700 procedure or old style default with agreement. Issues = no service, stating collaborative intention may be important, no need to wait out default period.
- Can be used in cases that do not qualify for Joint Petition for Summary Dissolution (800 series). That is still available if case meets the limits.
- Disclosures are required as in a regular filing. No shortcut.
- Of course, cases that start collaboratively sometimes fall apart. That's what the revocation is for.
- If any request for non-stip'd court orders is filed, must revoke joint petition and file "regular" forms.

FL-700 **Joint Petition—Marriage or Domestic Partnership**

☐ Amended Joint Petition

Use this form if you and your partner:

- Are married or registered domestic partners; and
- Want to divorce, dissolve your domestic partnership, or legally separate; and
- Both agree, or plan to agree, on all issues in your case.

Do not use this form if you disagree on any legal issues. Instead use *Petition—Marriage/Domestic Partnership* (form FL-100) and *Summons* (form FL-110).

For more information and next steps, read *Information Sheet for Joint Petition for Divorce or Legal Separation* (form FL-700-INFO) or go to selfhelp.courts.ca.gov/divorce-california/joint-petition .

Clerk stamps date here when form is filed.

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

1 Who You Are

(Either of you can be Petitioner 1 or Petitioner 2, but once you choose to be Petitioner 1 or 2, the same person must be Petitioner 1 or 2 on all documents in this case. There is no legal advantage to being either Petitioner 1 or 2.)

a. Petitioner 1:

(1) Your Name: _____

(2) Your Lawyer *(if you have one for this case)*:

Name: _____ State Bar Number: _____

Firm Name: _____

(3) Your Address: *(If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead.)*

Address: _____

City: _____ State: _____ Zip: _____

Telephone Number: _____ Fax Number: _____

Email Address: _____

Form FL-710, Summons on Joint Petition

- Effective January 1, 2026.
- Summons contains standard family law restraining orders (fka ATROS).
- Contact information for both parties as Petitioners is required.
- Summons does not need to be served. Standard orders are binding on both parties when it is filed.
- These are the same standard orders as the regular Summons.
- Revocation of the Joint Petition does not terminate the standard orders.

SUMMONS—JOINT PETITION

CITACIÓN—PETICIÓN CONJUNTA

FL-710

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

CASE NUMBER (NUMERO DE CASO):

NOTICE TO JOINT PETITIONERS
AVISO A LOS DEMANDANTES CONJUNTOS

The joint petitioners named below are parties to a formal legal proceeding and are immediately subject to certain obligations as a result. Read the information below and on the next page.

Los demandantes conjuntos nombrados a continución son partes de un procedimento formal y legal y , como resultado, están sujetos inmediatamente a ciertas obligaciones. Lea la información a continuación y en la página siguiente.

Name of petitioner 1:
Nombre del demandante 1:

Name of petitioner 2:
Nombre del demandante 2:

NOTICE—RESTRAINING ORDERS ARE ON PAGE 2: These restraining orders are effective against both spouses or domestic partners until the case is dismissed, a judgment is entered, or the court makes further orders. They are enforceable anywhere in California by any law enforcement officer who has received or seen a copy of them. Revocation of the joint petition by filing an amended petition or an amended response does not terminate these restraining orders.	***AVISO—LAS ÓRDENES DE RESTRICCIÓN SE ENCUENTRAN EN LA PÁGINA 2:*** *Estas órdenes de restricción están vigentes para ambos cónyuges o miembros de la pareja de hecho hasta que se desestime el caso, se emita un fallo, o la corte haga nuevas órdenes. Cualquier agencia del orden público que haya recibido o visto una copia de estas órdenes puede hacerlas cumplir en cualquier lugar de California. La revocación de la petición conjunta efectuada con la presentación de una petición enmendada o una respuesta enmendada no pone fin a estas órdenes de restricción.*
FEE WAIVER: If you cannot pay the filing fee, ask the clerk for a fee waiver form. If your financial situation changes, the court may order you to pay back all or part of the fees and costs the court waived.	***EXENCIÓN DE CUOTAS:*** *Si no puede pagar la cuota de presentación, pida al secretario un formulario de exención de cuotas. Si mejora su situación económica, la corte puede ordenar que usted pague, ya sea en parte o por completo, las cuotas y los costos que eximió la corte.*

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 the attorney for petitioner 1, or petitioner 1 without an attorney, are: *(El nombre, dirección y número de teléfono del abogado del demandante 1, o del demandante 1 si no tiene abogado, son):*

[SEAL]

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

Date *(Fecha):*

Clerk, by *(Secretario, por)* _____, Deputy *(Asistente)*

FL-720 – Notice of Revocation of Joint Petition

- This permits either party to revoke the joint petition pre-judgment.
- Upon service of this notice, the person must also serve an amended Petition FL-100 or Response FL-120 depending on whether they were Petitioner 1 or Petitioner 2.
- Revoking the joint petition will not dismiss the case or revoke the party appearance.
- The process then proceeds as a normal family law case.
- Cannot file pre-judgment RFO without revoking joint Petition.

FL-720 **Notice of Revocation of Joint Petition**

Clerk stamps date here when form is filed.

Use this form if:

- You filed *Joint Petition—Marriage or Domestic Partnership* (form FL-700) to begin this case;
- You want to revoke your joint petition and move this case to a different dissolution or legal separation process; and
- The court has not yet entered a *Judgment* (form FL-180) in this case.

For more information, read the notices in (2) of this form and see *Information Sheet for Joint Petition or Legal Separation* (form FL-700-INFO.

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

(1) Your Information

a. Your Name:

b. Your Lawyer *(if you have one for this case):*

Name: _____ State Bar No.: _____

Firm Name:

c. Your Address *(If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead.):*

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____

Email Address: _____

d. Your role in this case *(check one):*

☐ **Petitioner** *(Check here if you were Petitioner 1 on* Joint Petition—Marriage or Domestic Partnership *(form FL-700). You must file an amended* Petition *(form FL-100) at the same time as this form.)*

☐ **Respondent** *(Check here if you were Petitioner 2 on* Joint Petition—Marriage or Domestic Partnership *(form FL-700). You must file an amended* Response *(form FL-120) at the same time as this form.)*

FL-351- Mandatory Findings for Child Custody and Visitation

- Effective January 1, 2026

- This optional form allows the Judicial Officer to make the mandatory findings under Family Code 3011, 3044 and 3100(e) when granting custody and visitation.

FL-351

PARTY WITHOUT ATTORNEY OR ATTORNEY	STATE BAR NUMBER:	FOR COURT USE ONLY
NAME:		
FIRM NAME:		
STREET ADDRESS:		
CITY:	STATE: ZIP CODE:	
TELEPHONE NO.:	FAX NO.:	
EMAIL ADDRESS:		
ATTORNEY FOR (name):		
SUPERIOR COURT OF CALIFORNIA, COUNTY OF		
STREET ADDRESS:		
MAILING ADDRESS:		
CITY AND ZIP CODE:		
BRANCH NAME:		
PETITIONER:		
RESPONDENT:		
OTHER PARENT/PARTY:		
MANDATORY FINDINGS FOR CHILD CUSTODY AND VISITATION (PARENTING TIME) ORDERS		CASE NUMBER:

1. The matter was heard
   On *(date)*: at *(time)*: Dept.: Room:
   Judicial officer *(name)*: ☐ Temporary judge
   On the request for order filed *(date)*: by *(name)*:

2. ☐ Present at the proceeding, if applicable:
   a. ☐ Petitioner *(name)*: ☐ Attorney *(name)*:
   b. ☐ Respondent *(name)*: ☐ Attorney *(name)*:
   c. ☐ Other parties or attorneys present *(specify)*:

3. The court states its reasons in writing for granting *(check all that apply)*:
   a. ☐ Sole or joint custody or unsupervised visitation under Family Code section 3011 in item 4.
   b. ☐ Sole or joint custody under Family Code section 3044 in item 5.
   c. ☐ In-person visitation under Family Code section 3100(e) in item 6.

4. ☐ **Child custody and visitation (parenting time) orders granted on allegations of abuse or substance abuse** *(Fam. Code, § 3011)*
   a. The court has granted sole or joint custody or unsupervised visitation even though there are allegations of a history of abuse or substance abuse against that parent.
   b. The court finds that the orders are in the best interests of the child, protectS the safety of the parties and the child, and are specific as to time, day, place and manner of transfer (exchange) of the child, as Family Code sections 3011(a)(5)(A) and 6323(c) require.
   c. The court's reasons for granting sole or joint physical custody or legal custody, or unsupervised visits are stated
      ☐ In Attachment 4c. ☐ Below

Notice:
The court may use this form to provide its reasons in writing for granting: (1) sole or joint custody or unsupervised visitation to a parent alleged to have a history of abuse or substance abuse; (2) sole or joint custody to a parent who has committed domestic violence in the last five years; or (3) in-person visitation when a parent is staying in a confidential location due to domestic violence or fear of domestic violence. The court is not required to provide the reasons for granting the orders in writing if the court stated its reasons on the record (for example, in the minutes of a hearing, by a court reporter, or another method).

Almost all of the DV forms have been updated.

- Most are effective January 1, 2026 **OR** January 1, 2025.
- Be sure you are using the latest forms.
- We covered the updates to DV custody requests / opposition / orders last year.

Links to more new forms

TOO MANY TO TALK ABOUT. READ AT LEISURE.

January 1, 2026 More new or amended family law forms

- FL-300-INFO Information Sheet for Request for Order (Family Law)
- FL-305 Temporary Emergency (Ex Parte) Orders
- FL-311 Child Custody and Visitation (Parenting Time) Application Attachment
- FL-311-INFO What Are Visitation or Parenting Time Orders? (Family Law)
- FL-324(NP) DECLARATION OF SUPERVISED VISITATION PROVIDER (NONPROFESSIONAL)
- FL-324P DECLARATION OF SUPERVISED VISITATION PROVIDER (PROFESSIONAL)
- FL-355 STIPULATION AND ORDER FOR CUSTODYAND/OR VISITATION OF CHILDREN
- FL-530 Judgment Regarding Parental Obligations (UIFSA)

January 1, 2026 New or amended DCSS forms Re: changes to earning capacity proof.

- FL-600 Summons and Complaint or Supplemental Complaint Regarding Parental Obligations (Governmental)
- FL-610 Answer to Complaint or Supplemental Complaint Regarding Parental Obligations (Governmental)
- FL-616 Declaration for Amended Proposed Judgment (Governmental)
- FL-630 Judgment Regarding Parental Obligations (Governmental)
- FL-635 NOTICE OF ENTRY OF JUDGMENT AND PROOF OF SERVICE BY MAIL (Governmental)
- FL-640 NOTICE AND MOTION TO CANCEL (SET ASIDE) SUPPORT ORDER BASED ON PRESUMED INCOME OR EARNING CAPACITY (Governmental)
- FL-640-INFO Information Sheet: Notice and Motion to Cancel (Set Aside) Support Order Based on Presumed Income or Earning Capacity
- FL-643 Declaration About Parent's Income or Earning Capacity During Judgment Periods (Governmental)

July 1, 2025 more new or amended family law forms since the last class

- FL-142 SCHEDULE OF ASSETS AND DEBTS (Family Law)
- FL-145 FORM INTERROGATORIES–FAMILY LAW
- FL-165 REQUEST TO ENTER DEFAULT (Family Law—Uniform Parentage)
- FL-300 Request for Order
- FL-306 Request and Order to Continue Hearing and Extend Temporary Emergency (Ex Parte) Order
- FL-312 Request for Child Abduction Prevention Orders
- FL-313-INFO Child Custody Information Sheet—Recommending Counseling

July 1, 2025 Page 2 of more new or amended family law forms.

- FL-320 Responsive Declaration to Request for Order
- FL-340 FINDINGS AND ORDER AFTER HEARING (Family Law—Custody and Support—Uniform Parentage)
- FL-341(B) Child Abduction Prevention Order Attachment
- FL-343 SPOUSAL, DOMESTIC PARTNER, OR FAMILY SUPPORT ORDER ATTACHMENT(Family Law)