INDEX

References are to chapter paragraph numbers and various FORMS in the APPENDIX to this book

-A-

Abuse, definition under DVPA – 12.3

Adoption –

Displaced biological parent – 13.9.3 Jurisdiction re – 13.9.3

Age / health of parties, as affecting spousal support - 15.5.9

Agreements -

Fees and costs based on contract - 17.5

Pre-marital – 2.1

Re custody – 13.7

Re visitation – 13.7

Alternative relief on petition – 4.2

Amendments to pleadings, generally – 4.6

Animals, restraining orders re – 12.5.2

Annulment of marriage (see also, NULLITY, VOID AND VOIDABLE MARRIAGE) –

Bigamy as grounds for – 8.6.2

Grounds for – 8.4

Incest as grounds for - 8.6.1

Statute of limitations - 8.5

Artificial insemination – 9.4

Asset deposit and sale order – 21.4

Assets and debts, re spousal support – 15.5.6

Attorney fees and costs (see Fees and Costs)

Attorney-drafted forms – 1.3.2.2

Automatic Restraining Orders (ATROS) –
Generally – 11.3, FORM E
Status quo, generally – 11.3.2
Status quo of insurance – 11.3.3
Trusts – 11.3.4

-B-

Bankruptcy of judgment debtor, effect on proceedings – 21.7

Batterer, programs under DVPA – 12.5.5.2

Bifurcation of issues – 19.2

Bifurcation, procedures re – 19.2.1

Bigamy, as grounds for annulment – 8.6.2

-C-

California long arm statute – 3.3.1, 3.3.2

Case management conference – 18.10.1

Change of venue –

Based on residency – 6.2.4.6 Convenience of witnesses – 6.2.4.4 Ends of justice – 6.2.4.7 Impartial trial cannot be held – 6.2.4.3 Improper venue – 6.2.4.2 Motion for – 6.2.4 No qualified judge – 6.2.4.5 Reply to response to – 6.3.3 Timing of – 6.2.4.8

Child custody –

Custody and visitation, UPA – 13.2.2
Determinations re – 4.2.5.1
Generally – 1.10
Jurisdiction re – 13.2
Legal custody – 4.2.5.1
Modification of orders re – 20.3
Orders re temporary child custody – 11.4.2

Orders re temporary child visitation – 11.4.2 Physical custody - 4.2.5.2 Pleading – 4.2.3 Procedures and forms – 13.1, FORM B, M UCCJEA declaration – 5.1, FORM J Visitation, DVPA – 13.2.1 Child support – Add-ons - 14.7 Agency actions re - 1.7 Amounts excluded from income – 14.2 Amounts excluded from income – 14.6 Asset deposit and sale order to collect – 21.4 Case registry – 1.5 Contempt proceedings re – 1.7 County support proceedings - 14.11 Deductions from income re - 14.6.1 Defined – 14.2 Determining amount of – 14.4 Determining annual gross income - 14.5 Duration of duty to pay – 14.10 Duration, incapacitated child – 14.10.1 Earning capacity in lieu of income – 14.5.1 Earnings assignment order – 21.3 Fees and costs in enforcement of – 17.4.7 Generally - 1.10 Hardship determinations – 14.6.2 Health insurance - 14.8 Incarceration re – 14.5.1 Institutionalization re – 14.5.1 Jurisdiction - 14.1, 14.3 Local child support agency – 14.11 Low income deductions - 14.6.3 Modification of orders re – 20.2 Modification of - 14.1 Modification, fees and costs re – 17.4.5 Move-away adjustment - 14.6.4 New mate income – 14.7.3 Orders re – 11.4.4 Orders. DVPA – 12.7 Parents' tax returns - 14.5.2 Procedures and forms – 14.1 Simplified financial statement (FL-155) – 11.6.1.1, FORM I-1

Stipulation re - 14.9

UCCJEA - 14.1, FORM J

UIFSA - 14.3.1

Child visitation -

Domestic violence, forms re – 13.1.1 General procedures – 13.1 Generally – 1.10 Modification of orders re – 20.3 Pleading – 4.2.3

Supervised – 4.2.6

Children -

Abandonment of – 13.2.7 Artificial insemination – 9.4 Best interests of, DVPA – 12.6.1 Child custody and visitation – 13.1 Child support determinations - 4.2.8.1 Child support orders – 11.4.4 Custody determinations – 4.2.5.1 Dependency proceedings – 13.2.4 Emergency jurisdiction re child – 13.2.7 Guardianships - 13.2.3 ICWA proceedings – 13.2.5 Parenting plans – 4.2.7 Support orders, DVPA - 12.7 Temporary child custody orders – 11.4.2 Temporary child visitation orders - 11.4.2 Threatened harm or mistreatment – 3.2.7 Visitation – 4.2.6

Client contact – 1.3

Intake, generally – 1.2, 1.3.2.2 Intake, sample checklist – 1.3.2.2, FORM A

Co-Habitation Presumption, genetic testing re – 9.3.1.1

Community estate, division of upon dissolution – 16.10

Community property – 16.2

Assets and debts, generally – 4.2.11
Division of community estate on dissolution – 16.10
Exclusive use of – 16.9.2.4
Gifts to – 16.9.2.1
Income derived from spouse – 16.5.3
Joint financial accounts presumption – 16.5.2
Joint title presumption – 16.5.1

Management and control of – 16.6 Pleading – 4.2.3 Presumptions re – 16.5 Quasi-marital property - 8.9.1 Time of acquisition - 16.4 Tracing - 16.5.4 Used to improve separate property – 16.9.3 Consent, jurisdiction based on – 3.3.7 Consolidation, pleadings – 4.7.1 Contempt – Orders re, generally – 21.5 Orders re, limitations on -21.5.2Orders re, procedures and forms – 21.5.3 Penalties for – 21.5.5 Proceedings re – 1.7 Responding to charges of – 21.5.4 Continuance of trial date – 18.10.3, 19.7.1.1 Contract, jurisdiction based on – 3.3.7 Convictions, as affecting spousal support – 15.5.13 County child support proceedings – 14.11 Local child support agency – 14.11 County public assistance programs, joinder of – 7.4.4 Criminal record, in child support proceedings – 14.5.1 Custodial spouse, employability – 15.5.8 Custody - 4.2.5.1 Adoption – 13.9.3 California continuing jurisdiction re – 13.2.8 Contested proceedings – 13.3 Determinations - 4.2.5.1 DVPA - 12.6 Effects of mental illness re - 13.6.1 Effects of sexual orientation or gender expression – 13.6.1 Emergency jurisdiction – 13.2.7 Employability of custodial spouse – 15.5.8

Ex parte orders – 13.4
Fees and costs in custody evaluations – 17.4.4
General guidelines in evaluating – 13.6
General procedures – 13.1
Jurisdiction re – 13.2.6.1
Mandatory mediation re – 13.5
Modification for military relocation – 20.3.2.1
Move-away disputes – 13.8
Order of preference re best interest of child – 13.6.1
Response to request for order – 13.1.1
Rules of court re – 1.7
Temporary child custody orders – 11.4.2
Types of agreements – 13.7
Visitation – 13.9.3

-D-

Date of separation – 4.2.3

Death of spouse, dissolution by – 2.2

Declaration for default or uncontested divorce – 1.5

Declaration for legal separation – 1.5

Declaration of disclosure, response to petition for dissolution – 6.1

Declaration of disclosures, final disclosures info required – 18.3.3.1

Declaration of paternity, setting aside – 9.4

Declaration regarding service, pleadings – 5.1, FORM L

Declaration, continuation of property declaration – 1.5

Declaration, income and expense, response to petition – 6.1

Declarations -

Disclosures, forms – 18.3.1, FORM H, K, I Disclosures, generally – 5.1, FORM H Disclosures, preliminary – 18.3.2 Financial declarations re fees and costs – 11.6.1.1 Income and expense declaration – 5.1, FORM I Re default – 1.5

```
Re default judgments, limitations re child and spousal support – 19.3.1.1
      Re default judgments, limitations re division of property – 19.3.1.2
      Re default judgments, respondent in active military service – 19.3.1.4
      Re ex parte notice and orders – 11.12.2
      Re fees and costs – 11.6.1.1, FORM I
      Re joinder – 7.1
      Re minor children – 4.2.3
      Re property – 1.5
      Re service of declaration of disclosures – 1.5
      Re supporting noticed motion – 11.6.1
      Reply to response to requests for orders – 11.11
      Response to request for orders – 11.2, FORM T
      Responsive declaration to request for order – 11.15, FORM T
      UCCJEA – 5.1, 9.1.2, FORM J
      Under UPA – 9.1.2, FORM J
      Voluntary declaration of paternity – 7.4.5
Default – 1.5
      Entering of -19.3.2
      Prove up or uncontested proceedings – 19.5, FORM X-1
      Request to enter – 1.5
Dependency proceedings – 13.2.4
Depositions -
      20-day hold at outset - 18.5.1.1
      Amount of notice – 18.5.1.6
      Motion to compel answers – 18.7.1
      Notice of – 18.5.1.5
      Remote attendance at – 18.5.1.2
      Request for documents at – 18.5.1.1
Disability insurance, notice of pending action – 4.4
Disclosures –
      Final – 18.3.3
      Noncompliance with – 18.4
      Preliminary – 18.3.2
      Remedies for noncompliance – 18.4, FORM H-2
      Request for orders for noncompliance (FL-316) - 18.4, FORM H-2
      Waiver of final disclosures – 18.3.3, FORM H-1
Discovery –
      Civil Discovery Act – 18.5
```

Re default judgments – 19.3, 19.3.1.3

Cut-off dates - 18.5.1.4

Declarations of disclosure - 18.3

Depositions - 18.5.1

Expert witness disclosure – 18.8

Family law form interrogatories - 18.5.2.1, FORM W

Inspection demands - 18.5.4

Interrogatories – 18.5.2

Methods available - 18.2

Misuse of - 17.6, 18.8.1

Motions to compel - 18.7

Motions to compel, meet and confer – 18.7.2

Motions, identification of discovery – 18.7.2.3

Motions, meet and confer requirements – 18.7.2

Motions, separate statement requirements – 18.7.2.1

Motions, separate statement, contents of -18.7.2.2

Necessity of for trial preparation – 18.1

Noncompliance with disclosures – 18.4, FORM H-2

Paralegal role in – 18.9

Physical and mental examinations – 18.5.5

Preparation of -1.3.2.2

Protective orders - 18.6

Remote attendance at depositions – 18.5.1.2

Request for production of documents at depo – 18.5.1.1

Requests for admission – 18.5.3

Sanctions for misuse of - 18.8.1

Sanctions generally re – 17.6

Sanctions re disclosures – 18.4.1

Subpoena to non party – 18.5.1.7

Time limitations – 18.5.1.3

Dismissal of action - 6.3.4

Displaced biological parents – 13.9.3

Dissolution -

Date of separation – 4.2.3

Domestic partnerships - 3.1

Effect of judgment – 2.7

Grounds for – 2.6

Incapacity to make decisions – 2.6.2

Irreconcilable differences as grounds - 2.6.1

No fault policy – 2.6.1.1

Of marriage / domestic partnership – 1.9

Overview - 2.1

Petition for – 1.3.2.2, FORM B

Response to Petition – 6.1, FORM M Rules of court re – 1.7 Summary information – 2.5, FORM D-1

Division of Assets, generally – 1.10

Division of community estate, upon dissolution – 16.10

Division of debts, generally – 1.10

Divorce, uncontested – 1.5

Domestic partnerships -

Along with marriage - 10.3

Conditions for termination by SOS - 10.5.1

Dissolution, residency requirement – 3.1

Formation of – 10.1

Jurisdiction re - 3.2.2.3

Limited federal law application – 10.2.1

Nature of relationship – 10.2

Notice to SOS of termination – 10.5

Petition for dissolution of – 1.3.2.2, FORM B

Petition for nullity of – 1.3.2.2, FORM B

Petition for separation – 1.3.2.2, FORM B

Pleadings – 10.4

Pleadings – 4.2.9

Registration form – 10.1.1

Response to petition – 1.5, FORM M

Support, pleadings – 4.2.9

Termination of – 10.4

Domestic violence -

As affecting child support – 15.3.2

As affecting spousal support – 15.5.10

Defined - 3.2.2.1

Domestic Violence Protection Act (see DVPA)

Domicile, jurisdiction based on - 3.3.6

Five-year rule re custody presumption – 12.6.2

Generally - 1.9

Domicile -

As affecting jurisdiction – 3.3.6

Defined - 3.2.2.1

DVPA -

Abuse defined – 12.3

Animal protection orders – 12.5.2

Awarding fees and costs – 12.10

Batterer program – 12.5.5.2

Child support orders – 12.7

Child's best interests – 12.6.1

Custody under – 12.6

Dwelling exclusion orders – 12.5.4

Emergency protective orders – 12.9

Fees and costs – 11.4.5

Five-year rule re presumption re – 12.6.2

General restraining orders – 12.5.1

Mandatory firearm restraining order - 12.5.5.1

Mutual restraining orders – 12.5.3

Overview of - 12.2

Presumption against custody re – 12.6.2

Procedures and forms – 12.1

Proceedings re – 1.9

Protected person under – 12.4

Protective orders – 12.2

Restraining orders – 12.2, FORM U

Rules of court re - 1.7

Spousal support orders – 12.8

Types of restraining orders – 12.5

Visitation under – 12.6

Dwelling exclusion -

Restraining order re – 12.5.4

Stay away orders - 11.4.1

-E-

Earning capacity -

Assignment order – 21.3

Of parent, child support – 14.5.1

Re modification proceedings – 20.2.4

Re spousal support – 15.5.4

Earnings assignment order -

Assignment order, procedures and forms – 21.3.1

Earnings subject to – 21.3.2

Emergency jurisdiction –

Gender affirming mental health care – 13.2.7

Re custody – 13.2.7

Emergency protective orders, DVPA - 12.9

Employee benefit plan, joinder – 7.4.3

Enforcement of orders -

Earnings assignment order – 21.3 Enforcing judgments – 1.9 Enforcing orders – 1.9

Ex parte applications -

Continuance of hearing – 11.14.4

Duration of – 11.14.2

For orders – 11.12

Hearing re - 11.14.4

Notice declaration re – 11.12.2

Notice of intent to seek – 11.12.1

Opposing requests for – 11.13

Procedures, generally – 11.14

Request for restraining order – 11.14.1

Requests for, opposing – 11.13

Responding to application – 11.15

Executed agreements in summary dissolution – 2.5.1

Expert witness disclosure, generally – 18.8

-F-

Family Division rules – 1.8

Family law -

Division rules – 1.8

Governing statutes – 1.6

Rules of court - 1.7

Fees and Costs -

Appointed minor's counsel in custody cases – 17.4.1

Attorneys, generally – 1.10

Based on contract – 17.5

Breach of fiduciary duty re property claims – 17.4.10

Custody evaluations – 17.4.4 DVPA proceedings - 11.4.5, 12.10 Enforcement of foreign country orders – 17.4.3 Enforcement of out-of-state orders – 17.4.3 Enforcement of support orders – 17.4.7 General types of attorney fees and costs – 17.1 Financial declarations re - 11.6.1.1 In DVPA proceedings – 17.4.6 In support modification – 17.4.5 In UIFSA proceedings – 17.4.8 Limitation on need-based – 17.2.3 Need-based - 17.2 Pleadings – 4.2.3 Putative spouse – 8.9.3 Requests for additional child care costs - 17.4.9 Requests for orders – 11.4.5 Response to request for orders re – 11.4.5.1 Sanctions-based – 17.3 UPA exclusive custody actions – 17.4.2

Fiduciary duties re marital property – 17.4.9

Filing documents, proof of service – 5.5

Final declarations of disclosures – 18.3.3

Final declarations of disclosures, exceptions – 18.3.4

Final disclosures, information required – 18.3.3.1

Financial declarations – Interim orders – 11.6.1.1 Request for orders – 11.6.1.1

Firearms, restraining order re – 12.5.5.1

Force as grounds for voidable marriage – 8.7.5

Fraud as grounds for voidable marriage – 8.7.4

Gender orientation re custody presumptions – 13.6.1

General appearance, consent to jurisdiction – 3.3.7.1

Genetic testing – 9.3.1.1

Gift presumptions – 16.9.2.1

Governing statutes, family law – 1.6

Grounds for dissolution – 2.6

Guardianships – 13.2.3

-H-

Health insurance, coverage for supported child – 14.8

Health insurer, notice of pending action – 4.4

Hearings and trials – 1.3.2.2

Hearings, preparing for – 1.3.2.2

-l-

ICWA, jurisdiction re – 13.2.5

Improper allegations in pleadings – 4.2.1

Incapacitated child – 14.10.1

Incapacity to make decisions – 2.6.2

Incest, as grounds for annulment – 8.6.1

Income and expense declaration –
Demand to produce – 18.5.4.3
Generally – 1.5, 5.1, FORM I
Response to petition – 6.1

Indian Child Welfare Act (see ICWA)

Initial client contact – 1.2, FORM A

Inspection demands -

Demand for income and expense declaration – 18.5.4.3

Generally – 18.5.4

Motion to compel - 18.7.4

Responding to -18.5.4.1

Supplemental demands - 18.5.4.2

Interim Orders, generally – 11.1

Interim spousal support – 15.4

Interrogatories -

Family law form interrogatories – 18.5.2.1, FORM W

Generally - 18.5.2

Motion to compel - 18.7.2

Responding to - 18.5.2.2

Supplemental – 18.5.2.3

Irreconcilable differences, generally – 2.6.1

-J-

Joinder -

Authority for -7.2

County public assistance programs - 7.4.4

Employee benefit plan – 7.4.3

Indispensable third party - 7.3.1

Mandatory vs. permissive - 7.4

Paternity declarant – 7.4.5

Permissive – 7.3.2

Procedure re pension plans – 7.4.3.1

Procedures and forms - 7.1

Responsive declaration – 7.1, FORM M-2

Third party joinder – 7.1

Where permissible, generally -7.3

Joint legal custody - 13.8

Joint physical custody – 13.8

Judgments – Agreements incorporated into – 19.8.2.3 Bifurcation of issues – 19.2 Default judgment - 19.3 Effect of judgment debtor bankruptcy – 21.7 Enforceable by contempt – 21.5 Enforcement of - 1.9, 21.1 Forms of - 19.8.1 In contested proceedings – 19.8.2.3 In nullity action – 2.2, 8.13 Modification of – 20.1 Notice of entry of (FL-190) – 8.13, 19.6.2, FORM Z-1 Obtained after contested trial – 19.8 Obtaining, generally - 19.1 Of dissolution - 2.2 Of dissolution, effect of – 2.7 Persons subject to enforcement of – 21.1.1 Post-judgment modifications of – 1.9 Proposed judgment – 19.8.2.5 Proposed judgment, submission of – 19.8.2.6 Prove-up hearings, personal appearances – 19.5 Stipulated terms of – 19.8.2.1 Stipulations for – 19.6.2 Uncontested or default – 19.5 Uncontested proceedings – 19.4 Writ of execution – 21.2 Judicial Council forms -Mandatory use of – 1.5 Use of generally – 1.3.2.2, 1.4 Jurisdiction -Adoption re custody and visitation – 13.9.3 Based on consent – 3.3.7 Based on contract – 3.3.7 Based on domicile - 3.3.6 Based on physical presence – 3.3.3 Child custody actions – 13.2 Child support – 14.1, 14.3 Consent by general appearance – 3.3.7.1 Continuing jurisdiction re custody - 13.2.8 Domestic partnerships – 3.2.2.3 Domicile, defined – 3.2.2.1 Emergency jurisdiction re custody – 13.2.7 Emergency, gender affirming mental health care – 13.2.7

General minimum contacts standards – 3.3.8.2

In nullity actions – 8.11

In UIFSA cases - 3.3.5

Jurisdiction, UIFSA – 3.4

Long arm statute – 3.3.1

Minimum contacts – 3.3.7.1

Minimum contacts, child support cases – 3.3.8.6

Minimum contacts, parentage cases – 3.3.8.6

Non-party resident physically in state – 3.3.3

Out-of-state parties - 3.3

Out-of-state party in UCCJEA – 3.3.4

Personal jurisdiction, generally – 3.2.2

Requirements for personal jurisdiction – 3.3.8.1

Residency – 3.2.2.2

Residency requirement – 3.1

Specific minimum contacts standards – 3.3.8.3

Subject matter jurisdiction, determination of – 3.2

-L-

Lack of capacity to sue as grounds for motion to quash – 6.2.3.1

Leases as factor in summary dissolution - 2.5.1

Legal custody, children - 4.2.5.2

Legal custody, defined - 4.2.5.1

Legal separation -

Overview of proceedings – 1.9, 2.4

Petition for – 1.3.2.2, FORM B

Rules of court re – 1.7

Uncontested – 1.5

Life insurance, notice of pending action – 4.4

Limitations to scope of pleadings – 4.7

Lis pendens, generally (see Notice of pending action) – 4.3

Local rules, violation of – 17.7

Mandatory settlement conference – 18.10.2

Marital agreement, incorporated into judgment – 19.8.2.3

Marital property –

Characterization of – 16.3

Community property – 16.2

Debt liability and reimbursement - 16.9

Debts - 16.9.2.1

Gifts between spouses – 16.8.1.1

Gifts to community – 16.9.2.1

Procedures and forms – 16.1, FORM G

Quasi–community property – 16.2.2

Reimbursement issues – 16.9.2

Separate property – 16.2.3

Transmutation – 16.8.1

Marital settlement agreement (MSA) – 19.6.1

Marriage -

Date of explained – 4.2.3

Duration of re spousal support – 15.5.7

Effect of judgment of dissolution – 2.7

Grounds for annulment - 8.4

Grounds for voiding – 8.7

Irreconcilable differences – 2.6.1

Irregularities in formation of – 8.6.3

Marriage, defined – 2.1.1

Nature of nullity relief – 8.2

No fault policy re dissolution – 2.6.2

Nullity of -1.9

Out of state - 8.3.1

Permanent incapacity to make decisions – 2.6.2

Petition for annulment – 1.3.2.2, FORM B

Petition for dissolution – 1.3.2.2, FORM B

Petition for legal separation – 1.3.2.2, FORM B

Putative spouse, generally – 8.8

Requisites for valid marriage – 8.3

Response to petition – 1.5, FORM M

Termination by death – 2.2

Termination by judgment of dissolution – 2.2

Termination by judgment of nullity – 2.2

Who may marry – 2.1.2

Mediation, mandatory re contested custody - 13.5

Mediation, mandatory re visitation – 13.5

Meet and confer requirement re discovery motions – 18.7.2

Minimum contacts -

General standard re jurisdiction – 3.3.8.2, 3.3.8.3

In parentage, child support cases – 3.3.8.6

In parentage, child support cases – 3.3.8.6

Re jurisdictional – 3.3.7.1

Requirements for personal jurisdiction – 3.3.8.1

Minor children –

Child support determinations – 4.2.8.1

Child support – 4.2.8

Declaration re – 4.2.3

Minority, as grounds for voidable marriage – 8.7.1

Parenting plans – 4.2.7

Pleadings re – 4.2.4., FORM J

Removal of – 11.3.1

Visitation - 4.2.6

Modification of orders and judgments –

Based on earning capacity – 20.2.4

Based on financial hardship – 20.2.2

Based on military deployment – 20.2.3

Based on obligations to creditors - 20.2.5

Based on parent's standard of living – 20.2.7

Based on passage of time – 20.2.8

Child custody orders – 20.3

Earning capacity – 20.2.4

General basis for - 20.3.1

In move-away cases – 20.3.2

Modification of child support orders – 20.2

Modifications of judgments – 1.9

Orders and judgments, generally – 20.1, FORM R

Spousal support orders - 20.4

Visitation orders – 20.3

Motion and declaration for joinder – 7.1, FORM M-1

Motion for change of venue, improper venue – 6.2.4.2

Motion to dismiss action – 6.3.4 Motion to quash – In nullity proceedings – 6.2.3.4 Motion to quash proceeding, generally – 6.2.3 Motion to guash reply to response to petition – 6.3.1 Motion to quash reply to response, grounds for – 6.3.1 Motion to quash response to reply to response – 6.3.1 Motion to quash, lack of capacity to sue – 6.2.3.1 Motion to quash, lack of residency as grounds – 6.2.3.3 Motion to quash, service of summons – 6.2.2 Motion to stay action – 6.3.4 Motion to strike – 6.2.1 Motions in limine – 18.11.4 Motion to compel further responses to discovery – 18.7.2 Motions -Available to respondent – 6.2 Change of venue – 6.2.4 Change of venue, reply to response – 6.3.3 Compelling discovery – 18.7 Declarations in support – 11.6.1 Dismissal of action – 6.3.4 Grounds for change of venue – 6.2.4.1 In limine motions – 18.11.4 Joinder - 7.1 Lack of residency as grounds for motion to quash – 6.2.3.3 Memorandum in support of – 11.6.1.2 Motion to stay on reply to response to petition – 6.3.4 Motions for interim orders – 11.2, FORM R Noticed motion by filing FL-300 – 11.5 Order shortening time – 11.9 Quash proceeding, grounds – 6.2.3 Quash reply to response – 6.3.1 Quash, lack of capacity - 6.2.3.1 Quash, prior judgment – 6.2.3.2 Quash, SOL in nullity proceedings - 6.2.3.4

Move-away adjustment, child support – 14.6.4

Striking reply to response – 6.3.2

Move-away cases, modification of orders – 20.3.2

Move-away custody disputes – 13.8

-N-

No fault policy, exceptions to for spousal support – 15.3.1

Non-parental visitation – 13.9

Notice of entry of judgment – 8.13, FORM Z-1

Notice of lis pendens if action affects title to property – 16.7.2

Notice of pending action, disability insurance – 4.4

Notice of pending action, health insurance – 4.4

Notice of pending action, life insurance – 4.4

Notices, notice of entry of judgment – 8.13, FORM Z-1

Nullity actions -

Jurisdiction in – 8.11

Motion to quash – 6.2.3.4

Nullity of marriage, generally – 1.9

Nullity of marriage, nature of relief – 8.2

Nullity proceedings, generally – 8.1

Obtaining judgment – 8.13

Other rights and determinations – 8.10

Out-of-state marriages - 8.3.1

Petition for – 1.3.2.2, FORM B

Petitioner may seek alternative relief – 8.12

Proceedings, procedures and forms – 8.1

Putative spouse status, generally – 8.8

Rules of court re - 1.7

-0-

Order shortening time – 11.9

Orders and judgments –
Child support, DVPA – 12.7

Contempt orders – 21.5

Declarations and documents re – 11.10.1

Effectuating under DVPA – 12.5.5

Emergency protective orders, DVPA – 12.9

Emergency re custody of children – 13.2.7

Enforceable by contempt – 21.5

Enforcement of -21.1

Ex parte applications for – 11.12

Ex parte custody orders – 13.4

Ex parte visitation orders – 13.4

Ex parte, service of – 11.14.3

Interim orders, generally – 11.1

Modification based on earning capacity – 20.2.4

Modification based on financial hardship – 20.2.2

Modification based on military deployment – 20.2.3

Modification based on obligations to creditors – 20.2.5

Modification based on parent's standard of living – 20.2.7

Modification based on passage of time – 20.2.8

Modification of child support orders – 20.2

Modification, earning capacity – 20.2.4

Order shortening time – 11.9

Persons subject to enforcement of – 21.1.1

Protective orders, DVPA - 12.2

Re attorney fees and costs - 11.4.5

Re custody and visitation - 13.1

Re spousal support – 11.4.4

Reply to response to - 11.11

Requests for, generally – 11.10, FORM S

Response to requests for – 11.10, FORM S

Restraining orders – 11.14.1

Spousal support, DVPA – 12.8

Types of restraining order, DVPA – 12.5

Out-of-state marriage, validity of – 8.3.1

Out-of-state parties, jurisdiction re – 3.3

Out-of-state party, jurisdiction in UCCJEA – 3.3.4

Out-of-state same sex unions – 5.1.2

Overview of family law practice - 1.1, etc.

Paralegal roles, generally – 1.3.2, 1.3.2.2

Paralegals, role in discovery – 18.9

Paralegals, role in trial preparation – 18.11

Parentage actions –

Artificial insemination – 9.4

Co-habitation presumption – 9.3.1.1

Father-child presumption - 9.3.1

Other paternity presumptions – 9.3.1.2

Pleadings re - 4.2.3

Presumptions of paternity – 9.3

Standing – 9.2

Voluntary declaration of paternity - 9.5

Parental relationship, petition to establish – 9.1.2, FORM P

Parenting actions, generally – 9.1

Parenting actions, procedures and forms – 9.1

Parenting plans, generally – 4.2.7

Parties in family law cases – 1.2

Paternity declarant, joinder of – 7.4.5

Paternity, presumptions re -9.3, 9.3.1.2

Permanent incapacity to make decisions – 2.6.2

Permissive joinder, generally – 7.3.2

Personal jurisdiction, generally – 3.2.2

Personal service – 5.4.1

Petition for dissolution -

Divorce with other issues present – 4.2.3

Forms and procedures – 1.3.2.2, FORM B

Forms of relief – 4.1, FORM B

Preparing of – 4.2

Seeking alternative relief – 4.2

Petition for legal separation – 1.3.2.2, FORM B

Petition for nullity – annulment – 1.3.2.2, FORM B

Petition, child custody – 4.2.3

Petition, child support determinations – 4.2.8.1

Petition, child support – 4.2.8

Petition, child visitation – 4.2.3

Petition, community property – 4.2.3

Petition, divorce, no other issues – 4.2.2

Petition, domestic partner support – 4.2.9

Petition, fees and costs - 4.2.3

Petition, filing of -5.1

Petition, legal custody - 4.2.5.1

Petition, nullity, annulment – 8.1

Petition, parentage – 4.2.3

Petition, physical custody – 4.2.5.2

Petition, property determinations – 4.2.3

Petition, property rights – 4.2.10

Petition, quasi-community property – 4.2.3

Petition, separate property – 4.2.10.2

Petition, summons under UPA – 9.1.2, FORM O

Petition, under UPA – 9.1.2, FORM P

Petition, visitation – 4.2.6

Petition, where minor children – 4.2.4, FORM J Petitions -Amendments to -4.6 Generally - 1.3.2.2 To establish parental relationship UPA – 9.1.2, FORM P Physical and mental examinations, request for – 18.5.5 Physical custody, defined – 4.2.5.2 Physical incapacity as grounds for voidable marriage – 8.7.6 Physical presence of party in state, jurisdiction of – 3.3.3 Pleadings -Alternative relief - 4.2 Amendments to – 4.6 ATROS – 11.3, FORM E Child custody – 4.2.3 Child support determinations – 4.2.8.1 Child support – 4.2.8 Child visitation – 4.2.3 Community property – 4.2.3 Consolidation – 4.7.1 Declarations and documents response to RFOs – 11.10.1 Divorce with other issues present – 4.2.3 Ex parte applications for orders – 11.12 Ex parte, requests, generally – 11.12 Fees and costs - 4.2.3Legal custody – 4.2.5.1 Limitations to scope – 4.7 Motion to stay -6.3.4Motion to strike reply to response – 6.3.2 No allegations of specific misconduct – 4.2.1 Notice of pending action – 4.4 Parentage - 4.2.3 Parenting plans – 4.2.7 Petition for Dissolution – 4.1, FORM B Petition under UPA - 9.1.2 Petition with copy of Response – 5.2, FORM M Physical custody – 4.2.5.2

Procedures and forms – 4.1 Proof of service – 4.1, FORM F Property determinations – 4.2.3

Property rights – 4.2.10

Quasi-community property – 4.2.3

Reply to response to petition – 6.3, FORM M

Reply to response to requests for orders – 11.11

Reply to response, motions – 6.2

Request for orders, generally – 11.1

Responding to ex parte application – 11.15

Response to petition under UPA – 9.1.3

Response to petition under UPA – 9.1.3, FORM Q

Response to request for orders – 11.10.1, 11.2, FORM S

Responsive pleadings, generally – 6.1

Separate property – 4.2.10.2

Service of process, generally – 5.2

Summons – 4.1, FORM E

Termination of domestic partnership – 10.4

Verification of – 4.5

Visitation – 4.2.6

Where minor children – 4.2.4, FORM J

Where no issues other than divorce – 4.2.2

Post-hearing proceedings, findings – 13.1.2

Post-hearing, (FL-340) findings and order after hearing – 13.1.2, FORM T-1

Post-judgment discovery – 15.5

Post-judgment modifications – 1.9

Post-judgment, spousal support – 15.5

Preliminary Declarations of Disclosure, amendment of – 18.3.2.1

Preliminary disclosures, information required – 18.3.2.1

Preparation of discovery – 1.3.2.2

Presumptions re community property – 16.5

Presumptions, co-habitation, genetic testing re – 9.3.1.1

Prior existing marriage as grounds voidable marriage – 8.7.2

Pro per litigant, request for financial assistance – 11.4.5

```
Proof of service -
      Filing of -5.5, 11.8
      Form and info sheet (personal service) – 11.8, FORM S-1
      Form and info sheet (service by mail) – 11.8, FORM S-2
      Of summons – 4.1, FORM F
Property declaration – 1.5, 5.1
Property determinations, pleadings re – 4.2.3
Property determinations, quasi-marital property – 8.9.1
Property determinations, quasi-marital property – 8.9.1
Property rights, confirmation of SP – 4.2.10.1
Property rights, pleading – 4.2.10
Property rights, SP assets – 4.2.10.2
Property rights, SP debts, pleading – 4.2.10.3
Property, marital property – 16.1
Property, property restraint orders – 11.4.3
Property, title presumption not applicable to life insurance – 16.7.2
Property, tracing separate and community contributions – 16.5.4
Protective Orders –
      DVPA - 12.2
      Dwelling exclusion and stay away - 11.4.1
      Emergency, DVPA – 12.9
      Generally - 11.4.1
      Re discovery - 18.6
      Restraining assaultive conduct – 11.4.1
Prove-up hearings, affidavit/declaration re (FL-170) – 19.5, FORM X-1
Prove-up hearings, personal appearances – 19.5
Putative spouse –
      Fees and costs re – 8.9.3
      Generally - 8.8
```

Objective good faith belief – 8.8 Quasi-marital property – 8.9.1 Rights of – 8.9 Support – 8.9.2

-Q-

Quashing service of summons – 6.2.2

Quasi-community property, generally—4.2.11.1,16.2.2

Quasi-community Property, pleading – 4.2.3

Quasi-marital property, division of – 8.9.1

Quasi-marital property, re putative spouse – 8.9.1

-R-

Real property, lis pendens – 4.3

Remote attendance at depositions – 18.5.1.2

Registered domestic partners – 2.5

Reply to response to petition motion to stay – 6.3.4

Reply to response to petition, change of venue -6.3.3

Reply to response to petition, motion to quash response – 6.3.1

Reply to response to petition, motion to quash – 6.3.1

Reply to response to petition, options -6.3

Request for production of documents at deposition – 18.5.1.1

Request to enter default – 1.5

Requests for admission – Failure to respond to – 18.5.3.2 Generally – 18.5.3 Motions re – 18.7.3

Time and quantity limitations - 18.5.3.1 Requests for Orders -ATROS – 11.3, FORM E Attorney fees and costs – 11.4.5 Attorney fees and costs, financial declarations – 11.6.1.1 Child support orders – 11.4.4 Declaration in reply to response to – 11.11 Dwelling exclusion and stay away - 11.4.1 Ex parte basis – 11.2 Generally - 11.1, 11.4 Information form – 11.2, FORM S Memorandum in support – 11.6.1.2 Order shortening time – 11.9 Orders form – 11.2, FORM R Proof of service – 11.8 Property restraint orders – 11.4.3 Protective orders – 11.4.1 Re temporary child custody – 11.4.2 Re temporary child visitations – 11.4.2 Reply to response to – 11.11 Response to – 11.10, FORM S Response to order re fees and costs – 11.4.5.1 Responsive declaration – 11.2, FORM T Restraining assaultive conduct – 11.4.1 Restraining harassment – 11.4.1 Spousal support orders – 11.4.4 Temporary child custody and visitation – 11.4.2 Timing – 11.7 Requisites for valid marriage – 8.3 Residence, defined – 3.2.2.2 Residency requirement re jurisdiction – 3.1 Residency, change of venue based on -6.2.4.6Residency, lack of as grounds for motion to quash – 6.2.3.3 Respondent, defined – 1.2

Responding to -18.5.3.2

Responsive Pleadings -

Declaration of disclosure - 6.1

Generally – 6.1
Improper venue – 6.2.4.2
In nullity action – 8.1.3
Motion for change of venue – 6.2.4
Motion to quash – 6.2.2
Motion to quash, lack of capacity – 6.2.3.1
Motion to strike – 6.2.1
Procedures and forms – 6.1
Response to petition (FL-120) – 6.1, FORM M

Response – Marriage/Domestic Partnership – 6.1, FORM M

Response to petition under UPA – 9.1.3, FORM Q

Response to request for orders, declarations and documents – 11.10.1

Response to requests for orders, filing and service of – 11.10.2

Response to requests for orders, generally – 11.10, FORM S

Response, domestic partnership – 1.5, FORM B

Response, marriage – 1.5, FORM B

Restitution, DVPA - 12.5.5.3

Restraining Orders -

DVPA, animal protection – 12.5.2 DVPA, dwelling exclusion orders – 12.5.4 DVPA, general – 12.5.1 Generally – 1.10 Mutual restraining orders under DVPA – 12.5.3 Re firearms – 12.5.5.1 Types of under DVPA – 12.5

Role of paralegals – 1.3.2.1, 1.3.2.2

Rules of Court, family law – 1.7

-S-

Same-sex partnership/marriage, pleading – 5.1.1

Same-sex unions, policy re – 5.1.2

Sample Intake Checklist – 1.3.2.2, FORM A

Sanctions for discovery misuse – 17.6, 18.8.1

Sanctions for violating local rules – 17.7

Schedule of Assets and Debts, response to petition – 6.1

Securing witnesses and evidence for trial – 18.11.1

Separate property – 16.2.3

Declaration – 4.2.10.4, FORM G

Form of title presumption – 16.7.1

Liability re – 16.9.1

Notice of lis pendens – 16.7.2

Presumptions – 16.7

Separate property, pleading – 4.2.10.2

Tracing – 16.5.4

Separate Statement re discovery motions – 18.7.2.1

Separation, date of explained – 4.2.3

Separation, grounds for -4.2.3

Service of process –

By mail - 5.4.3

By publication, generally – 5.4.4

By publication, procedures – 5.4.4.1

Generally – 1.3.2.2

Methods of service - 5.4

Personal service - 5.4.1

Persons living outside USA – 5.4.6

Reasonable diligence – 5.4.2.1

Service on non-resident respondents – 5.4.5

Substitute service – 5.4.2

Who may effect service - 5.3

Service of interim orders – 11.7

Service of summons, motion to quash – 6.2.2

Service, declaration re – 5.1, FORM L

Settlement agreements - 19.6

Settlement, Marital Settlement Agreement (MSA) – 19.6.1

Settlement, stipulations, per CCP 664.6 – 19.6.3

Settlement, stipulations, re judgment – 19.6.2

Sexual orientation re custody presumptions – 13.6.1

Spousal support –

Age and health of parties – 15.5.9

Assets and debts – 15.5.6

Contributions to others' education – 15.5.2

Convictions as affecting - 15.5.13

Domestic violence – 15.3.2

Duration of marriage – 15.5.7

Duration of support – 15.5.15

Earning capacity – 15.5.4

Employability of custodial spouse -15.5.8

Exception to no fault policy – 15.3.1

Exceptions to awarding – 15.3.2

Fees and costs in enforcement of – 17.4.7

Generally - 1.10

Goal of - 15.5.15

History of domestic violence – 15.5.10

Increasing or continuing of – 20.4.4

Interim support - 15.4

Just and equitable factors as affecting – 15.5.14

Modification of orders re – 20.4

Modification, fees and costs re – 17.4.5

Order, DVPA – 12.8

Pre-separation duty of support – 15.2

Procedures and forms - 15.1, FORM B, M

Putative spouse status – 8.9.2

Reducing or terminating of – 20.4.5

Relative hardships as affecting – 15.5.12

Spousal support orders – 11.4.4

Standard of living – 15.5.5

Statutory basis for – 15.3

Supporting spouse's ability to pay – 15.5.3

Taxes on - 15.5.11

Standard of living, re spousal support – 15.5.5

State residency requirements – 3.1

Status conferences – 18.10.1

Statute of limitations in nullity action – 8.5

Statutory framework for family law – 1.7

Stay of action - 6.3.4

Stay of action, bankruptcy of judgment debtor – 21.7

Stipulations, per CCP 664.6 - 19.6.3

Stipulations, re child support – 14.9

Stipulations, re judgment – 19.6.2, 19.8.2.1

Subject matter jurisdiction, generally – 3.2.1

Subpoena for personal records of consumer – 18.5.1.9

Subpoena, required for non-party – 18.5.1.7

Subpoena, service of – 18.5.1.8

Substitute service, effective date – 5.4.2.2

Substitute service, procedures – 5.4.2

Summary Dissolution -

Conditions necessary for – 2.5.1

Generally - 1.9, 2.5

Information sheet – 2.5, FORM D-1

Overview of proceedings – 2.5

Procedures and forms (FL-810) - 10.4, FORM D-1

Proposed alternative joint petition – 2.5.2

Summons -

Filing of -5.1

Form – 4.1, FORM E

Generally – 1.5

Motion to quash - 6.2.2

Preparing – 4.2

Supervised visitation – 4.2.6

Support modifications, fees and costs – 17.4.5

-T-

Tax returns, as evidence of income, child support – 14.5.2

Taxation, re spousal support – 15.5.11

Termination of domestic partnership – 10.4

Termination of marriage, by death – 2.2

Termination of marriage, by judgment – 2.2

Termination of marriage, by annulment – 2.2

Third-party joinder – 7.1

Transmutation, re marital property – 16.8.1

Trial proceedings -

Continuance of trial date - 18.10.3, 19.7.1.1

Exhibit binders – 18.11.3

Exhibits, generally – 18.11.6

Motions in limine – 18.11.4

Procedures - 18.10

Trial briefs - 18.11.5

Trial notebooks – 18.11.2

Trial setting – 19.7.1

Witnesses – 18.11.1

Trial, contested, judgment re – 19.8

Trial, evidentiary considerations – 19.7.2.1

Trials, preparing for – 1.3.2.2

Types of family law cases – 1.9

Types of termination of marriage – 2.2

UCCJEA -

Declaration form – 5.1, FORM J Declaration re, generally – 1.5 Enforcement – 13.2.6 Jurisdiction – 3.3.4,13.2.6 Tests for jurisdiction – 13.2.6.1 UCCJEA jurisdiction – 3.3.4

UIFSA -

Child support – 14.3.1 Fees and costs re – 17.4.8 Generally – 1.7 Jurisdiction – 3.3.5, 3.4

Uncontested divorce - 1.5

Uncontested legal separation – 1.5

Uniform Child Custody Jurisdiction and Enforcement (see UCCJEA)

Uniform Interstate Family Support Act (see UIFSA)

Uniform Parentage Act (see UPA)

Unsound mind as grounds for voidable marriage – 8.7.3

UPA (Uniform Parentage Act) -

Child custody and visitation – 13.2.2
Commencement of parenting action – 9.1.2
Declaration re – 9.1.2, FORM J
Income and expense declaration – 9.1.3, FORM I
Judgment under – 9.1.4
Overview of – 9.1
Parentage proceedings – 1.9, 9.1
Petition under – 9.1.2, FORM P
Response to petition under – 9.1.3, FORM Q

-V-

Venue, motion for change of – 6.2.4

Venue, timing for change of -6.2.4.8

Visitation -Adoption – 13.9.3 Ex parte orders - 13.4 General procedures – 13.1 Grandparents – 13.9.2 Mandatory mediation re – 13.5 Modification of orders re - 20.2.9 Non-parental – 13.9 Pleadings – 4.2.6 Response to request for order – 13.1.1 Step-parent - 13.9.1 Temporary child visitation orders – 11.4.2 Types of agreements – 13.7 Under DVPA - 12.6 Void marriage -Bigamy as grounds - 8.6.2 Grounds for - 8.6 Incest as grounds – 8.6.1 Irregularities in formation, annulment – 8.6.3 Voidable marriage – Force as grounds for -8.7.5Fraud as grounds for – 8.7.4 Grounds for - 8.7 Physical incapacity as grounds for – 8.7.6 Prior existing marriage as grounds – 8.7.2 Unsound mind as grounds for – 8.7.3 -W-Ways to terminate marriage – 2.2 Writ of execution, procedures and forms – 21.2.1

Writ of execution, property subject to -21.2.2

Verification, of pleadings – 4.5