PETITIONER: RESPONDENT:	CASE NUMBER:

SPOUSAL OR DOMESTIC PARTNER SUPPORT DECLARATION ATTACHMENT

☐ ***Declaration for Default or Uncontested Judgment*** **(form FL-170)**
☐ ***Request for Order*** **(form FL-300)**
☐ **Other** *(specify):*
☐ ***Supporting Declaration for Attorney's Fees and Costs Attachment*** **(form FL-158)**

1. **Spousal or domestic partner support.**
   a. I am the *(specify all that apply):*
      (1) ☐ petitioner ☐ respondent.
      (2) ☐ support payee (party asking for support) ☐ support payor (party being asked to pay support).
   b. I request that the court *(check all that apply)*
      (1) ☐ enter a judgment for spousal or domestic partner support for ☐ petitioner ☐ respondent.
      (2) ☐ modify the judgment for spousal or domestic partner support for ☐ petitioner ☐ respondent.
      (3) ☐ deny the request to modify the judgment for spousal or domestic partner support.
      (4) ☐ terminate jurisdiction to award spousal or domestic partner support to ☐ petitioner ☐ respondent.
2. ☐ **Attorney fees and costs.** I request that the court *(check one)*
   a. ☐ order my attorney fees and costs to be paid by ☐ my spouse or domestic partner ☐ a joined party *(specify):*
   b. ☐ deny the request for attorney fees and costs.

SECTION 1: FACTS ABOUT BOTH PARTIES

3. **Length of marriage or domestic partnership**(Family Code section 4320(f))
   a. (1) Date of marriage:
      (2) Date of separation:
      (3) Time from date of marriage to date of separation:..... years months
   b. (1) Date domestic partnership was registered:
      (2) Date of separation:
      (3) Time from date of registration of the domestic partnership to date of separation: years months
   c. If applicable, total combined years and months for the marriage (a(3)) and the domestic partnership (b(3))..... years months
4. **Standard of living of the marriage or domestic partnership** (Family Code section 4320(a)) ☐ See Attachment 4
   The standard of living established during the marriage or domestic partnership was *(describe, for example, information from your income tax return, type and frequency of vacations, value of home and other real estate, value of investments, type of vehicles owned, credit card use or nonuse, ability to save for retirement):*

Form Approved for Optional Use
Judicial Council of California
FL-157 [Rev. January 1, 2021]

Family Code, §§ 270, 2030, 2032, 4320, 6344, 7640
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5. **Age and health of the parties** (Family Code section 4320(h))
   a. The age of the party asking for support is:
   b. The age of the party being asked to pay support is:
   c. The health condition of the party asking for support is *(describe):* ☐ See Attachment 5c

   d. The health condition of the party being asked to pay support is *(describe):* ☐ See Attachment 5d

6. **Documented history of domestic violence** (Family Code section 4320(i)) ☐ See Attachment 6
   The court will consider all documented evidence of any history of domestic violence between the parties or perpetrated by either party against either party's child, including but not limited to the following:
   a. A plea of nolo contendere ("no contest").
   b. Emotional distress resulting from domestic violence against the party asking for support by the party being asked to pay support.
   c. Any history of violence against the party being asked to pay support by the party asking for support.
   d. A *Restraining Order After Hearing* (form DV-130).
   e. A finding by a court as part of a case involving divorce, separation, or a child custody proceeding, or any other proceeding in family court in which the court has found that the spouse or domestic partner committed domestic violence.
   f. Other evidence of any history of violence between the parties.

   Attach to this form copies of the documents that you want the court to consider. Label them "Attachment 6."

7. **Documented evidence of criminal conviction** (Family Code section 4320(m))
   a. ☐ **Felony conviction of the party asking for support**
   The party being asked to pay support requests that the court find that the party asking for support is prohibited by law from receiving support (including medical, life, or other insurance benefits or payments) under Family Code section 4324.5 because:
   (1) The party asking for support was convicted of a violent sexual felony or domestic violence felony against the party being asked to pay support within five years after the conviction (and any time served in custody, on probation or on parole); and
   (2) The petition for divorce was filed within five years after the spouse's or domestic partner's conviction (and any time served in custody or on parole).

   b. ☐ **Misdemeanor conviction of the party asking for support** ☐ See Attachment 7b
   (1) There is a rebuttable presumption that the party asking for support is prohibited from receiving support from the party being asked to pay support under Family Code section 4325 because:
   (A) The party asking for support was either convicted of a domestic violence misdemeanor against the party being asked to pay support in this case or convicted of a misdemeanor against the other party that resulted in a term of probation under Penal Code section 1203.097*)*; and
   (B) The conviction was entered by the court within five years before the petition for divorce was filed (or the conviction was entered at any time during the divorce case).
   (2) Based on a preponderance of the evidence,
   (A) ☐ The party being asked to pay support asks the court to find that the presumption has not been rebutted.
   (B) ☐ The party asking for support asks the court to find that the presumption has been rebutted.
   Attach to this form a declaration and documents that you want the court to consider. Label them "Attachment 7b"

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SECTION 2: FACTS ABOUT THE PARTY ASKING FOR SUPPORT

8. **Earning capacity** (Family Code section 4320(a)(1)

a. The marketable skills (training, job skills, and work history) of the party asking for support *(describe):* ☐ See Attachment 8a

b. The current job market for the job skills of the party asking for support is *(specify):* ☐ See Attachment 8b

c. The time and expenses required for the party asking for support to acquire the appropriate education and training to develop the skills for the job market described in (b) *(specify):* ☐ See Attachment 8c

d. The possible need for retraining or education to acquire other, more marketable skills or employment *(specify):* ☐ See Attachment 8d

e. Indicate the extent to which the party asking for support is able to earn enough money to maintain the standard of living established during the marriage or domestic partnership.

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9. **Earning capacity** (Family Code section 4320(a)(2)) ☐ See Attachment 9

   a. The party asking for support ☐ has ☐ has not had periods of unemployment because of the time needed to attend to domestic duties. *(Complete (b) if there were periods of unemployment.)*

   b. Specify the extent to which the present or future earning capacity of the party asking for support is impaired by periods of unemployment to devote time to domestic duties during the marriage or domestic partnership.

10. **Contributions to the education and training of the party being asked to pay support** ☐ See Attachment 10

   a. The party asking for support ☐ did ☐ did not contribute to the education, training, career position, or license of the party being asked to pay support *(If the party asking for support did contribute, complete item b below.)*

   b. Specify the extent to which the party asking for support contributed to the education, training, career position, or license of the party being asked to pay support.

11. **Care for children** (Family Code section 4320(g)) ☐ See Attachment 11

   a. The party asking for support ☐ has ☐ has not had periods of unemployment to care for the children of the marriage or domestic partnership. *(Complete (b) if there were periods of unemployment.)*

   b. The party asking for support ☐ is ☐ is not able to be gainfully employed without unduly interfering with the interests of the children in the care of the party asking for support *(specify):*

12. **Needs of the party asking for support** (Family Code section 4320(d)) ☐ See Attachment 12

   Specify the needs of the party asking for support based on the standard of living established during the marriage or domestic partnership, as described in question 4.

13. **Assets and debts** (Family Code section 4320(e)) ☐ See Attachment 13

   a. The assets, including separate property, of the party asking for support are *(specify):*

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b. The debts, including separate property, of the party asking for support are *(specify):*

14. **Tax consequences** (Family Code section 4320(j)) ☐ See Attachment 14
The immediate and specific tax consequences for the party asking for support are (specify):

15. **Goal to become self-supporting** (Family Code section 4320(*l*)) ☐ See Attachment 15

Notice: When ordering spousal or domestic partner support in a judgment, the court may advise (warn) the party asking for support to make reasonable efforts to become self-supporting within a reasonable period of time, considering all the factors in Family Code section 4320. The court may decide that this warning (often called a "Gavron" warning) is not appropriate if the case involves a marriage or domestic partnership of long duration (about 10 years or longer). Generally, failure to become self-supporting after the court gives the warning can result in an order to reduce the amount of the support award.

a. This ☐ is ☐ is not a marriage or domestic partnership of long duration (ten years or more).

b. The party asking for support ☐ is ☐ is not self-supporting *(If not, specify below what steps, if any, the party asking for support will take to become self-supporting within a reasonable period of time):*

c. Other *(specify below):*

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SECTION 3: FACTS ABOUT THE PARTY BEING ASKED TO PAY SUPPORT

16. **Ability to pay support / earning capacity** (Family Code sections 4320(a) and (c)) ☐ See Attachment 16

a. The earned income of the party being asked to pay support is *(specify):* ☐ unknown

b. The unearned income of the party being asked to pay support is *(specify):* ☐ unknown

c. This party ☐ does ☐ does not have the ability to earn enough money to maintain the standard of living described in 4 for both spouses or domestic partners. *(If not, explain why below.)*

d. Based on the above responses, this party ☐ is ☐ is not able to pay spousal or domestic partner support.

17. **Needs of the party being asked to pay support** (Family Code section 4320(d)) ☐ See Attachment 17

Specify the needs of the party being asked to pay support based on the standard of living established during the marriage or domestic partnership, as described in question 4.

18. **Assets and debts** (Family Code section 4320(e)) ☐ See Attachment 18

a. The assets, including separate property, of the party being asked to pay support are *(specify):*

b. The debts, including separate property, of the party being asked to pay support are *(specify):*

19. **Tax consequences** (Family Code section 4320(j)) ☐ See Attachment 19

The immediate and specific tax consequences for the party being asked to pay support *(specify):*

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SECTION 4: BALANCE OF HARDSHIPS AND OTHER FACTORS

20. **Balance of hardships** (Family Code section 4320(k)) ☐ See Attachment 20
Describe below any special financial difficulties to the party if ordered to pay support compared to the hardship to the party who is asking for support. *(For example, consider the ability of a party to pay support versus the need of the other other party to receive financial support).*

21. Indicate below other factors, if any, that the court should consider that are just and equitable in ordering spousal or domestic partner.(Family Code section 4320(n)) ☐ See Attachment 21

Number of pages attached: _____

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FL-157

Spousal or Domestic Partner Support Declaration Attachment

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