

PETITIONER: RESPONDENT:	CASE NUMBER:
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**SPOUSAL OR DOMESTIC PARTNER SUPPORT FACTORS
UNDER FAMILY CODE SECTION 4320—ATTACHMENT**

- TO ☐ **Findings and Order After Hearing (form FL-340)** ☐ **Judgment (form FL-180)**
☐ **Restraining Order After Hearing (CLETS-OAH) (form DV-130)** ☐ **Other (specify):**
☐ **Parties' Stipulation (Written Agreement) (dated):**

SECTION 1: ☐ FINDINGS ☐ STIPULATIONS ABOUT BOTH PARTIES

1. Petitioner is the ☐ support payee (party asking for support) ☐ support payor (party being asked to pay support).
2. Respondent is the ☐ support payee (party asking for support) ☐ support payor (party being asked to pay support).
3. **Standard of living of the marriage or domestic partnership** (Family Code section 4320(a)) ☐ [See Attachment 3](#)
 The standard of living established during the marriage or domestic partnership was *(describe)*:

4. 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 (4a(3)) and the domestic partnership (4b(3))..... years months

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](#)

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6. **Documented history of domestic violence** (Family Code section 4320(i)) ☐ [See Attachment 6](#)
- a. There ☐ is ☐ is not documented evidence of a history of domestic violence (*specify*):
- (1) ☐ between the parties.
- (2) ☐ perpetrated by ☐ petitioner ☐ respondent against (*specify*) ☐ petitioner ☐ respondent
☐ either party's child.
- (3) ☐ perpetrated by ☐ petitioner ☐ respondent against (*specify*) ☐ petitioner ☐ respondent
☐ either party's child.
- b. ☐ The court received the following documented evidence of domestic violence in this case:
- (1) ☐ A plea of nolo contendere ("no contest").
- (2) ☐ Emotional distress caused by domestic violence perpetrated against the party asking for support by the party being asked to pay support.
- (3) ☐ Any history of violence against the party asking for support by the party being asked to pay support.
- (4) ☐ A *Restraining Order After Hearing* (form DV-130).
- (5) ☐ A finding by a court as part of a case involving divorce, separation, or a child custody proceeding, or other proceeding in family court in which the court has found that the spouse or domestic partner has committed domestic violence.
- (6) ☐ Other (*specify*):
-
7. **Criminal conviction of the party asking for support** (Family Code section 4320(m)) ☐ [See Attachment 7](#)
- a. ☐ This item does not apply to the party asking for support.
- b. ☐ **Felony conviction of the party asking for support**
 The party asking for support is prohibited by law from receiving support from the party being asked to pay 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, on probation, or on parole).
- c. ☐ **Misdemeanor conviction of the party asking for support**
- (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 that party which 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, the party asking for support ☐ has ☐ has not rebutted the presumption in 7c(1), as follows:

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

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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 9b 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 other party. *(If the party asking for support did contribute, complete item 10b.)*
- 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 11b 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 item 3.

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](#)

In considering the goal that the party asking for support will be self-supporting in a reasonable period of time, the court finds, or the parties stipulate that

- a. this ☐ is ☐ is not a marriage or domestic partnership of long duration (about 10 years or more).
- b. the party asking for support ☐ is ☐ is not currently self-supporting.
- c. ☐ advisement of the duty to become self-supporting:
 - (1) The party asking for support is advised to make good-faith efforts to become self-supporting in a reasonable period of time.
 - (2) Failure to make good-faith efforts to become self-supporting can be considered a change in circumstances that could result in a reduction in the amount of spousal or domestic partner support.
 - (3) The plan for the party to become self-supporting, including the expectation of what is a "reasonable period of time to become self-supporting" is *(specify)*:

d. Other *(specify)*:

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SECTION 3: ☐ FINDINGS ☐ STIPULATIONS **ABOUT THE PARTY BEING ASKED TO PAY SUPPORT**

16. Ability to pay support / earning capacity (Family Code sections 4320(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 item 3 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 item 3.

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 are (*specify*):

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SECTION 4: ☐ FINDINGS ☐ STIPULATIONS ABOUT OTHER FACTORS

20. **Balance of hardships** (Family Code section 4320(k)) ☐ [See Attachment 20](#)
Describe below any special financial difficulties to the party being asked to pay support if ordered to pay support compared to the hardship to the party who is asking for support.

21. Indicate other factors that the court, or the parties, determined to be just and equitable to consider in making orders about spousal or domestic partner (Family Code section 4320(n)): ☐ [See Attachment 21](#)

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Spousal or Domestic Partner Support Factors Under Family Code Section 4320—Attachment

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Fast Divorce
20944 Sherman Way, Suite 101, Canoga Park, CA 91303
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(818) 610-3392

hello@fastdivorce.com

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