

Order and Notices to Minor on Request to Marry or Establish a Domestic Partnership

Clerk stamps date here when form is filed.

1 Minor Requesting Court Order

Name: _____ Date of birth: _____

Gender: Male Female Nonbinary Not provided

Address: _____

City: _____ State: ____ Zip: _____

Telephone number: _____

2 Minor's Proposed Spouse or Domestic Partner

Name: _____ Date of birth: _____

Gender: Male Female Nonbinary Not provided

Address: _____

City: _____ State: ____ Zip: _____

Telephone number: _____

3 Lawyer's Information *(If parties have a lawyer):*

Name: _____ State Bar No.: _____

Firm Name: _____

Address: _____

Telephone number: _____ E-mail Address: _____

4 Review. The court has considered:

- a. The request of minor to marry establish a domestic partnership
- b. The written consent from each minor's parent with legal authority or legal guardian.
- c. The written report submitted to the court by Family Court Services.
- d. The court's own separate and private interview of the parties.
4c and 4d do not apply if the minor is 17 years of age and has achieved a high school diploma or a high school equivalency certificate.
- e. The ability of the parties to pay for counseling.
- f. Other *(specify):* _____

5 Findings. The court makes the following findings:

- a. There is is no evidence of force, threat, persuasion, fraud, coercion, or duress on the minor relating to the intended marriage or domestic partnership.
- b. The minor in ① ② does not have a parent, a parent capable of consenting, or a legal guardian.
- c. This couple has does not have the ability to pay for premarital or prepartnership counseling.
- d. Other *(specify):* _____

6 Hearing Required

The court is considering whether it is in the best interest of the person or persons under 18 years of age to marry or establish a domestic partnership at this time. The matter is scheduled for a hearing on

Hearing DateDate: _____ Time: _____ a.m. p.m.

Dept./Rm. or Address: _____

This is a Court Order.

7 The court makes the following orders:

- a. This couple may get married if they meet all other requirements to get a marriage license.
- b. This couple may establish a domestic partnership if they meet all other requirements to file a Declaration for Domestic Partnership with the Secretary of State.
- c. After considering the ability of the couple to pay for counseling, the court orders that this couple must go to counseling to learn about the social, economic, and personal responsibilities of being in a marriage or domestic partnership.
 - This couple must show a certificate of completion of counseling before permission is granted.
- d. This couple may not get married or establish a domestic partnership at this time.
- e. Other (*specify*):

8 Other (*specify*):

Date: _____

*Judicial Officer***What to do with this order.**

- 1 File it with the court.** This order must be filed with the clerk of the court where your case is filed.
- 2 Get certified copies.** Make copies of the signed order and ask the clerk of the court where your case is filed to certify the copies.
- 3 Apply for the license to marry or register a domestic partnership.**
For marriages, present a certified copy of the order to the county clerk at the time you apply for the marriage license. For domestic partnerships, present the certified copy of the order to the Secretary of State (with the Declaration of Domestic Partnership) at the time the domestic partnership is registered.
- 4 Keep copies.** Keep copies of the order and other documents for your records.

Is there a waiting period before we can request a marriage license or file a declaration of domestic partnership?

YES

The parties **MUST** wait 30 days from the date the court made the order granting permission to marry or establish a domestic partnership before filing a marriage license or filing a declaration of domestic partnership.

NO

There is **NO** waiting period if a minor in the relationship is:
17 years of age and has a high school diploma or a high school equivalency certificate.
OR
16 or 17 years of age and is pregnant or whose prospective spouse or domestic partner is pregnant.**This is a Court Order.**

Notices to Minor

1 Where to get help

This notice gives you only basic information and is not legal advice. If you want legal advice, ask a lawyer for help. You may:

- | Contact the family law facilitator or self-help center in your court for information, court forms, and referrals to local legal resources. For more information, see courts.ca.gov/courtresources.
- | Find a lawyer through a certified lawyer referral service on the State Bar of California's website: www.calbar.ca.gov/LRS or by calling 866-442-2529 (toll-free).
- | Hire a private mediator. For more information about court and private services, see www.courts.ca.gov/selfhelp-adr.htm.
- | Find information on the California Courts Online Self-Help Center website: www.courts.ca.gov/selfhelp.
- | Find free and low-cost legal help (if you qualify) at www.lawhelpcalifornia.org.
- | Find information at your local law library or public library.

National Domestic Violence Hotline

For a referral to a local domestic violence or legal assistance program, call the National Domestic Violence Hotline at:

1-800-799-7233 (TDD: 1-800-787-3224).

It's free and private. Help is available in over 100 languages.

National Sexual Assault Hotline

Anyone affected by sexual assault, whether it happened to you or someone you care about, can find support by contacting the National Sexual Assault Hotline at:

1-800-656.HOPE (4673).

You can also visit rainn.org to receive online support by confidential online chat.

2 What it means to be an emancipated minor

If you are under the age of 18 years and have an order allowing you to marry or register a domestic partnership, you are considered to be an emancipated minor when you have entered into a valid marriage or domestic partnership.

When you are emancipated, you are no longer under the care and control of your parents or legal guardian. If you are a dependent or ward of the juvenile court, your legal status also changes when you are emancipated. This affects certain rights relating to you and your parents or legal guardians. For example:

- | You give up the right to financial support from your parents or legal guardians.
- | Your parents or legal guardians lose the right to control your finances, and they are no longer required to support you.

3 Rights of an emancipated minor

As specified in Family Code sections 7050 through 7052, as an emancipated minor you have the right to:

- | Decide where you want to live;
- | Enroll yourself in school;
- | Apply for a work permit;
- | Make or revoke a will;
- | Keep the money you earn;
- | Decide how to spend the money you earn;
- | Enter into contracts, get a bank loan or credit card;
- | File a lawsuit or be sued in your own name;
- | Consent to your own medical, dental, and psychiatric care; and
- | Buy, sell, lease, exchange, or transfer any interest you have in real estate or personal property.

4 Other rights of an emancipated minor

With respect to shares of stock in a domestic or foreign corporation, a membership in a nonprofit corporation, or other property held by an emancipated minor, you may do all of the following:

- 1 Vote in person, and give proxies to exercise any voting rights, with respect to the shares, membership, or property;
- 1 Waive notice of any meeting or give consent to the holding of any meeting; and
- 1 Authorize, ratify, approve, and affirm any action that could be taken by shareholders, members, or property owners.

5 Limits on the rights of an emancipated minor

Even if you have been declared an emancipated minor:

- 1 You must still attend school as required by law.
- 1 If you are charged with a crime, your case will be in the Juvenile Court.
- 1 Labor laws relating to minors still apply to you and prevent you from performing dangerous kinds of work.
- 1 You must still meet the age requirements in California for obtaining a driver's license.
- 1 You cannot consent to sexual intercourse with anyone who is not your legal spouse or domestic partner. This means that any other adult who has sex with an emancipated minor can still be prosecuted for unlawful sexual intercourse with a minor.

6 Alternatives to emancipation

As an alternative to emancipation, you can consider:

- 1 Family counseling to help improve your relationship with your parents while living with them.
- 1 Obtaining an order to make someone you trust your legal guardian until you become 18 years old.
- 1 Getting help from public or private agencies in your area.
- 1 Making an informal agreement with your parents that allows you to live with someone else. Note: The law allows the caregiver to enroll you in school and obtain basic medical care for you by completing a Caregiver's Authorization Affidavit, even if the caregiver does not have a court order for child custody. The affidavit can be found online at <http://www.courts.ca.gov/documents/caregiver.pdf>

7 Rights of *un*emancipated minors

A minor who is 12 years or older may file for a domestic violence restraining order in the minor's own name.

A minor may consent to the matters provided in Family Code sections 6920 to 6930, subject to certain limitations, and the consent of the minor's parent or legal guardian is not necessary. For example:

Mental health treatment, outpatient counseling, emergency residential shelter service

A minor who is 12 years of age or older may consent to mental health treatment or counseling on an outpatient basis, or to residential shelter services or other supportive services on a temporary or emergency basis. Both of the following requirements must be satisfied:

- (1) The minor, in the opinion of the attending professional person, is mature enough to participate intelligently in the outpatient services or residential shelter services.
- (2) The minor (A) would present a danger of physical or mental harm to self or to others without the mental health treatment or counseling or residential shelter services, or (B) is the alleged victim of incest or child abuse.

Other rights

- (1) A minor who is 12 years of age or older may consent to medical care and counseling relating to the diagnosis and treatment of a drug- or alcohol-related problem, prevention of a sexually transmitted disease, or prevention or treatment of pregnancy.
- (2) A minor may make a contract in the same manner as an adult. However, the contract can be disaffirmed if the law so permits.
- (3) Minors may never (A) give a delegation of power (B) contract relating to real property, or (C) contract relating to personal property not within the minor's immediate possession or control.

8 Annulments: void marriage or domestic partnership

The law describes circumstances in which a marriage or domestic partnership is void (not legally valid) from the very beginning.

Bigamous relationship: One or both people are already married to (or in a registered domestic partnership with) someone else. For more information, see Family Code section 2201.

Incestuous relationship: This is a marriage or partnership between two people who are close blood relatives. See Family Code section 2200.

9 Annulments: voidable marriage or domestic partnership

Family Code section 2210 describes circumstances in which a marriage or domestic partnership can be declared invalid (or voidable). The following must have taken place at the time the parties married or registered the domestic partnership:

Under age: The person filing for annulment was under 18 years old.

Unsound mind: Either party was unable to understand the nature of the marriage or domestic partnership, including the obligations that come with it.

Fraud: Either party decided to marry or register the domestic partnership as a result of fraud. The party was deceived about something vital to the relationship that directly affected the decision to marry or become a domestic partner. Some examples are hiding the inability to have children or just wanting to get a green card.

Force: Either party was forced to consent.

Physical incapacity: One of the parties was physically incapable of "consummating" the relationship (having sexual intercourse) and the incapacity appears to be "incurable."

Prior existing marriage or domestic partnership: The marriage or domestic partnership took place after the former spouse or domestic partner was absent for five years and not known to be living, or was thought to be dead.

Note: See Family Code section 2211 for the time limits for filing to nullify a voidable legal relationship

10 How to annul a marriage or domestic partnership

There are a number of forms and steps to complete when filing for annulment. For information and procedures for filing and responding to an annulment case that is filed in family court, you can:

- 1 Visit the California Courts Online Self-Help Center at www.courts.ca.gov/1037.htm#legal.
- 1 Talk to a lawyer. For help finding a lawyer, go to www.courts.ca.gov/selfhelp-findlawyer.htm.
- 1 Visit your local court's self-help center at www.courts.ca.gov/selfhelp-selfhelpcenters.htm.

11 How to end a marriage, domestic partnership, or both

Dissolution (Divorce): A divorce judgment ends your marriage or domestic partnership, or both. You will be legally a single person again. In a divorce case you can ask the judge to make orders about parenting issues, child support, spousal or partner support, and dividing property and debts.

Legal Separation: A legal separation does not end a marriage or domestic partnership. A couple may decide to file for legal separation instead of a divorce for religious reasons, financial reasons, or because they just want to live apart and have court orders about money, property, and parenting issues.

For information about divorce and legal separation, including the procedures for filing in family court go to www.courts.ca.gov/selfhelp-divorce.htm.

Read *Legal Steps for a Divorce or Legal Separation* (form FL-107-INFO). This form can be found online at www.courts.ca.gov/documents/fl107info.pdf.

Summary Dissolution: This type of action is available for couples who have been married or domestic partners for less than five years, do not have children together, do not seek an order for support, do not own real estate or land, and have limited debts and property. For more information, go to:

<http://www.courts.ca.gov/1241.htm>;

<http://www.courts.ca.gov/1242.htm>; and

<http://www.courts.ca.gov/16430.htm>.