



## **California Marital Settlements**

### **May 2017**

**(v.17.01)**

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### **Legal Developments**

- *Marriage of Davis* (2015) 61 Cal.4th 846 was overruled by SB 1255 which enacted Fam. Code §70 which defines Date of Separation as:
  - (a) "Date of separation" means the date that a complete and final break in the marital relationship has occurred, as evidenced by both of the following:
    - (1) The spouse has expressed to the other spouse his or her intent to end the marriage.
    - (2) The conduct of the spouse is consistent with his or her intent to end the marriage.
  - (b) In determining the date of separation, the court shall take into consideration all relevant evidence.
  - (c) It is the intent of the Legislature in enacting this section to abrogate the decisions in *In re Marriage of Davis* (2015) 61 Cal.4th 846 and *In re Marriage of Norviel* (2002) 102 Cal.App.4th 1152.
- Conforming changes were made to numerous other Fam. Code statutes.

### **Updated Product Features**

#### **Career Assets and Intellectual Property**

Career Assets and Intellectual Property are now separate questions. In the case of Career Assets, items such as education, training, and degrees can be assigned with or without charge. In the instance that career assets are assigned with charge, options to specify the method and amount of charge are present. *Questions 193-204*

Intellectual Property is now a subsection that can be created with custom language. Default text is also supplied. *Question 205*

#### **New Stock Holdings Options – Restricted Stock Units Option**

Restricted stock units (RSUs) are compensation in the form of company stock. The employee does not receive the stock immediately, but instead receives it according to a vesting plan and distribution schedule after achieving required performance milestones or upon remaining with the employer for a particular length of time. This new choice is now available in the Stock Rights section. *Questions 246, 286-302*

### **New Disabled Adult Children Option**

This new subsection allows designation of any disabled adult children of the parties, as well as support payment options and obligations. *Questions 527-533*

### **Exchange of Income Information Questions and Provision Streamlined**

The new question asks if you want to provide for an annual exchange of information while child and/or spousal support is payable. Old options to exchange tax returns on request or exchange income data at periodic intervals have been removed. *New Question 646. Deleted old Questions 610-613*

### **New Children's Passports Option**

Added children's passports as an option for additional custody-related provisions. *Question 696*

### **Additional Subsections for Mediation and Attorney Representation**

New text has been added to these sections to include Independent Counsel, California Family Code, Extent and Nature of Assets and Liabilities, Extent and Nature of Income and Expenses, Scope of Representation, Non-Standard Provisions, Election to Mediate, and Confidentiality Waived.

### **Following provisions have been revised:**

- Choses in Action subsection
- Reimbursement for Breach of Automatic Temporary Restraining Orders
- Extracurricular Activities
- Reimbursement Waivers
- General Release of Known and Unknown Claims subsection
- Execution of Documents contract clause

**Law & Strategy and/or Question Help Added or Revised** - *Questions 28, 41, 90, 91, 120, 132, 133, 134, 191, 205, 317, 461, 538, 546, 548, 619, 646, 713, 728, 854, 856, 902, 922*

**Other:** All references to SupportTax in the program have been removed.

## **SOFTWARE UPGRADES**

**For Word customers only:** The software has been revised so that when you send a document to Word you will not need to manually activate the cross-referencing. Instead, you will see a new message which will also include a "Do not show this message again" checkbox:

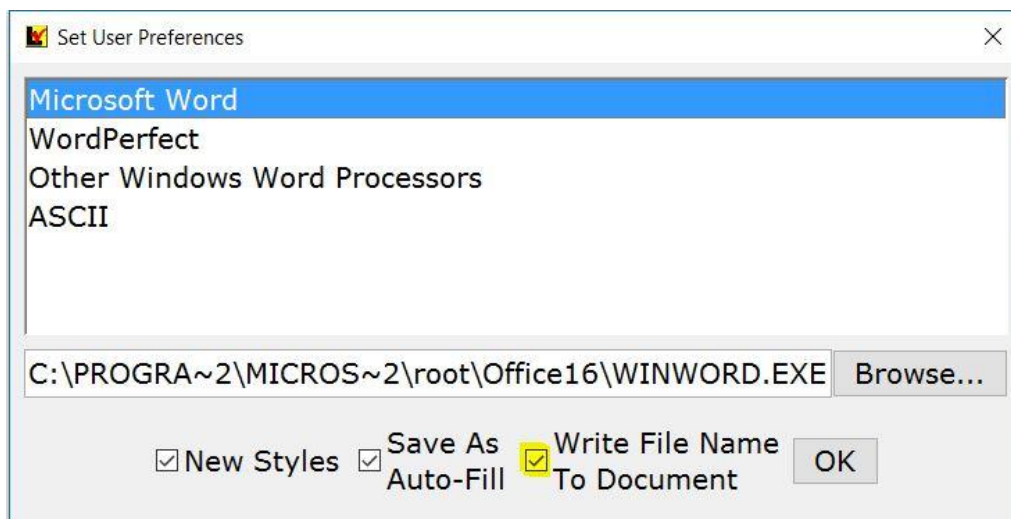
**FORMATTING COMPLETE.**

**AFTER THE DOCUMENT IS EDITED, press Ctrl+A, and then F9 (or Alt+Shift+U) TO UPDATE REFERENCES.**

This is a reminder that when you make changes to your document, you will need to execute this command to re-format your document.

### New 'Write File Name to Document' Feature

You can now send a single page at the end of our document containing the name of the answer file used to generate the document. It is not anticipated that this would be provided to the client, but it can help find the client's base answer file when preparing additional documents. To activate this option for your documents, go to the Preferences dialog box, and check the new option to Write File Name to Document.



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To view those questions that are new in this update, or where **Law & Strategy**, choices, or default answers have changed, use the "Up\_May17" flag file. From inside Lawgic, open any existing answer file; on the **Flags** menu, click **Open Flags**, select the appropriate Title (click **OK**), and next select the "Up\_May17" flag file (and click **OK**). To view all flagged questions, click **Expand All** on the **Answers** menu and scroll the Navigator. Flagged questions will be indicated with **blue bold** text.

***Please continue to send us your suggestions on existing or new products. Contact our Technical Support Department at 1-877-2-LAWGIC (252-9442) or e-mail us at support@lawgic.com.***