

2015 AB 1058 Conference Legislative Update

Listed below are the custody, parentage, child support, and other family law related bills that were passed the Legislature in 2015. Ten of these bills have been signed by the Governor and have a Chapter number assigned. The rest were enrolled and considered by the Governor. The status of the bills is as of Monday, September 28th. The Governor has until October 11th to sign or veto these bills. With the exception of AB 610, the effective date of any of these bills that the Governor signs is January 1, 2016. To obtain the text, status, history, or analyses of any bill listed below, go to leginfo.legislature.ca.gov, and use the Bill Information button to locate the bill. If you have further questions, please contact Alan Herzfeld at (916) 323-3121, or alan.herzfeld@jud.ca.gov.

AB 365 (C. Garcia) Child custody proceedings: testimony by electronic means

Status: Signed by the Governor (Chapter 69, Statutes of 2015)

Summary: If a party's participation in a child custody proceeding is impacted by an Immigration and Customs Enforcement detention or deportation, the court shall allow the party to present evidence and testimony, or participate in a child custody mediation, by electronic means, if such means are available to the court and will not impact the due process rights of other parties.

AB 380 (Waldron) Marriage: putative spouses

Status: Signed by the Governor (Chapter 196, Statutes of 2015)

Summary: Limits the division of quasi-marital property as if it were community property to at the request of the party declared to be a putative spouse.

AB 418 (Chiu) Tenancy: termination: victims of violent crime

Status: Signed by the Governor (Chapter 70, Statutes of 2015)

Summary: Reduces the time from 30 to 14 days that a tenant who is the victim of domestic violence or sexual assault must give notice to a landlord of intent to vacate a property and terminate tenancy.

AB 439 (Bloom) Protective orders: batterer's program

Status: Signed by the Governor (Chapter 72, Statutes of 2015)

Summary: Requires a restrained party ordered to participate in a batterer's program to register for the program by a specified deadline and to, at the time of enrollment, sign all necessary program consent forms for the program to release specified documents, including proof of enrollment, to the court and the protected party or his or her attorney.

AB 494 (Maienschein) Restraining orders; protection of animals

Status: approved by the Senate and the Assembly, enrolled and to the Governor

Summary: Allows a court to include granting to a protected party the exclusive care, possession, or control of an animal in a restraining or protective order, and allows a court to order a restrained party to stay away from and neither take nor harm an animal subject to the order.

AB 536 (Bloom) Domestic violence: protective orders

Status: Signed by the Governor (Chapter 73, Statutes of 2015)

Summary: Among other things:

Requires each party seeking protection under the Domestic Violence Protection Act to present written evidence of abuse or domestic violence on an application for relief using a mandatory Judicial Council restraining order application form, and would specify, for these purposes, written evidence of abuse or domestic violence in a responsive pleading does not satisfy the party's obligation to present written evidence of abuse or domestic violence.

AB 545 (Melendez) Domestic violence

Status: approved by the Senate and the Assembly, enrolled and to the Governor

Summary: Requires a person who has a previous conviction for willfully inflicting corporal injury resulting in a traumatic condition upon a spouse or former spouse, cohabitant or former cohabitant, fiancé or fiancée, or someone with whom the offender has, or previously had, an engagement or dating relationship, or the mother or father of the offender's child to be imprisoned for not less than 48 hours if probation is granted for the subsequent offense.

AB 610 (Jones-Sawyer) Child support: suspension of support order

Status: approved by the Senate and the Assembly, enrolled and to the Governor

Summary: Suspends a child support order by operation of law when an obligor is incarcerated or involuntarily institutionalized, unless the obligor has the means to pay support, or the obligor was incarcerated or involuntarily institutionalized for either an offense constituting domestic violence or the failure to pay child support.

Takes effect immediately should the Governor sign the bill.

AB 960 (Chiu) Parentage: assisted reproduction

Status: approved by the Senate and the Assembly, enrolled and to the Governor

Summary: Among other things, creates a statutory form to clarify the intentions of all parties to genetic material donations for the purposes of assisted reproduction, and specifies the standard of proof needed to override such agreements.

AB 1049 (Patterson) Parent and child relationship

Status: Signed by the Governor (Chapter 91, Statutes of 2015)

Summary: Specifies that a person's offer or refusal to sign a voluntary declaration of paternity may be considered as a factor, but shall not be determinative as to the issue of legal parentage in any proceedings regarding the establishment or termination of parental rights.

AB 1081 (Quirk) Protective orders

Status: approved by the Senate and the Assembly, enrolled and to the Governor

Summary: Amends protective and restraining order statutes to allow either party to request a continuance of a hearing, and automatically extends temporary orders to the date of the new hearing, rather than having the temporary order lapse and be reissued.

AB 1407 (Atkins) Family law: protective orders: wireless telephone numbers

Status: approved by the Senate and the Assembly, enrolled and to the Governor

Summary: Allows a court, after a noticed hearing, to issue an order directing a wireless telephone service provider to transfer the billing responsibility and rights to a wireless telephone number or numbers to a requesting party.

SB 28 (Wieckowski) Spousal support factors: domestic violence

Status: Signed by the Governor (Chapter 137, Statutes of 2015)

Summary: Includes a plea of nolo contendere as evidence of a history of domestic violence for the purposes of a court determining the amount and length of a spousal support order.

SB 307 (Pavley) Restraining orders

Status: Signed by the Governor (Chapter 60, Statutes of 2015)

Summary: Extends the authority of a court to issue an order restraining contact by an offender with the victim of a crime for up to ten years regardless of if the offender is subject to mandatory supervision.

SB 340 (Anderson) Dissolution: disclosure

Status: Signed by the Governor (Chapter 46, Statutes of 2015)

Summary: Declares that a preliminary declaration of disclosure is not required by a petitioner if the petitioner served the summons and petition by publication or posting pursuant to court order and the respondent has defaulted.

SB 594 (Wieckowski) Child custody

Status: Signed by the Governor (Chapter 130, Statutes of 2015)

Summary: Specifies that a child custody evaluation, investigation, or assessment, and any resulting report, may only be considered by the court if the evaluation, investigation, or assessment, and any resulting report, is conducted in accordance with the minimum requirements adopted by the Judicial Council, unless any variations from the requirements are based on errors that are nonsubstantive, inconsequential, or both.

SB 646 (Jackson) Uniform Interstate Family Support Act

Status: approved by the Senate and the Assembly, enrolled and to the Governor

Summary: Revises the Uniform Interstate Family Support Act (UIFSA), and identifies the Department of Child Support Services as the agency designated by the United States central authority, to comply with federal law and maintain state eligibility to receive federal funding for child support enforcement, under the Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance.