

2016 AB 1058 Conference Legislative Update

Listed below are the custody, parentage, child support, and other family law related bills that either have been passed by, or are still active in, the Legislature in the 2016 term. Four of these bills have been signed by the Governor and have a Chapter number assigned. Three have been enrolled and are being considered by the Governor. The remainder are still being considered by the Legislature, which has until August 31 to pass bills. The Governor then has until September 30 to sign or veto these bills. The status of these bills is as of Thursday, August 25. 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.

Bills Signed Into law

AB 1603 (Committee on Budget) Public social services omnibus

Status: Signed by the Governor (Chapter 25, Statutes of 2016)

Summary: Currently, a child born into a family receiving CalWORKs does not receive a benefit. This policy is called the “Maximum Family Grant” or “MFG” rule. This bill repeals the MFG rule by using funds from the “Child Poverty Subaccount” and, if necessary, from the General Fund. The bill also increases the maximum aid payments starting July 1, 2016 by 1.43 percent.

AB 1735 (Waldron) Dissolution of marriage: bifurcated judgment: service

Status: Signed by the Governor (Chapter 67, Statutes of 2016)

Summary: In bifurcated dissolution cases, allows for service of process on an attorney of a represented party to be sufficient, unless there have been no filings in the case for six months after the entry of the bifurcated judgement, in which case service must also be on the party.

SB 3 (Leno) Minimum wage: in-home supportive services” paid sick days

Status: Signed by the Governor (Chapter 4, Statutes of 2016)

Summary: This bill incrementally increases the state’s minimum wage, depending on the size of the employer, and then ties annual minimum wage increases to the U.S. Consumer Price Index (CPI), which is a measure of inflation. Specifically, the bill phases in the following increase:

For employers with 26 or more employees:

- A) From January 1, 2017, to December 31, 2017, inclusive,—ten dollars and fifty cents (\$10.50) per hour.
- B) From January 1, 2018, to December 31, 2018, inclusive,—eleven dollars (\$11) per hour.
- C) From January 1, 2019, to December 31, 2019, inclusive,—twelve dollars (\$12) per hour.
- D) From January 1, 2020, to December 31, 2020, inclusive,—thirteen dollars (\$13) per hour.
- E) From January 1, 2021, to December 31, 2021, inclusive,—fourteen dollars (\$14) per hour.
- F) From January 1, 2022, and until adjusted by the U.S. Consumer Price Index (CPI)—fifteen dollars (\$15) per hour.

For employers with 25 or fewer employees:

- A) From January 1, 2018, to December 31, 2018, inclusive,—ten dollars and fifty cents (\$10.50) per hour.
- B) From January 1, 2019, to December 31, 2019, inclusive,—eleven dollars (\$11) per hour.
- C) From January 1, 2020, to December 31, 2020, inclusive,—twelve dollars (\$12) per hour.
- D) From January 1, 2021, to December 31, 2021, inclusive,—thirteen dollars (\$13) per hour.
- E) From January 1, 2022, to December 31, 2022, inclusive,—fourteen dollars (\$14) per hour.
- F) From January 1, 2023, and until adjusted by the U.S. Consumer Price Index (CPI)—fifteen dollars (\$15) per hour.

SB 1255 (Moorloch) Dissolution of marriage: date of separation

Status: Signed by the Governor (Chapter 114, Statutes of 2016)

Summary: Defines “date of separation” for purposes of the Family Code to mean the date that a complete and final break in the marital relationship has occurred, as evidenced by the spouse’s expression of his or her intent to end the marriage and conduct that is consistent with that intent. Directs a court to take into account all relevant evidence in determining the date of separation. Specifies that it is the intent of the Legislature to abrogate the decisions in *In re Marriage of Davis* (61 Cal.4th 846 (2015)) and *In re Marriage of Norviel* (102 Cal.App.4th 1152 (2002)).

Active Bills

AB 2349 (Chiu) Assisted reproduction agreements for gestational carriers

Status: Enrolled to the Governor

Summary: Extends the jurisdiction of courts under the Uniform Parentage Act to cover proceedings to determine parentage of a child who is conceived pursuant to an assisted reproduction agreement for gestational carriers under certain specified circumstances. Further specifies what information assisted reproduction agreements need to contain.

AB 2882 (Committee on Judiciary) Judiciary omnibus: family law

Status: Enrolled to the Governor; provision regarding FC 4007.5 has been deleted

Summary: Makes technical and conforming changes, including moving provisions of the Welfare and Institutions Code relevant to the child support enforcement program to the Family Code. The original bill would have followed up AB 610 (Stats. 2015, Ch. 629) by allowing obligors who would have been eligible to petition the court to suspend child support arrears accrued prior to July 1, 2016 pursuant to the prior FC 4007.5 to still apply for that relief. However, this provision was deleted from the bill by Senate Appropriations.

SB 883 (Roth) Domestic violence: protective orders

Status: Enrolled to the Governor

Summary: Increases the punishments for the violation of protective orders issued related to a conviction for inflicting corporal injury.

Bills Not Moving

AB 1437 (Gray) Gambling: Internet Fantasy Sports Game Protection Act

Status: Senate Governmental Organization Committee (not moving)

Summary: This bill enacts the Internet Fantasy Sports Game Consumer Protection Act, which requires a person or entity to apply for and receive a license from the Department of Justice (DOJ) prior to offering an Internet fantasy sports game for play in California. Requires a licensed operator to facilitate the collection by the Franchise Tax Board of personal income taxes from registered players and be responsible for providing current and accurate documentation on a timely basis to all state agencies. State entities shall treat the proprietary information provided by a licensed operator as confidential in order to protect the licensed operator and to protect the security of an authorized Internet Web site.

AB 2863 (Gray) Gambling: Internet poker

Status: Ordered to third reading (not moving)

Summary: Establishes the Internet Poker Consumer Protection Act of 2016, which would establish a framework to authorize intrastate Internet poker, as specified. Provides all personally identifiable information about registered players shall be shared with state agencies, including, but not limited to, DOJ, CGCC, the Franchise Tax Board, and the Department of Child Support Services as necessary to assist them in fulfilling their obligations, as specified.

SB 917 (Jackson) Family law: court orders

Status: Held in committee and under submission (not moving)

Summary: Requires the court, beginning July 1, 2017, within two days after the conclusion of a hearing under the Family Code, to make available to each party who is present at the hearing a written, detailed, official order setting forth the basic terms of any orders that were made at the hearing. Allows the provision of the order to be done electronically. Provides that, to the extent practicable, the court must provide the order, in writing, to each party who is present at the hearing, prior to that party leaving the court that day.