

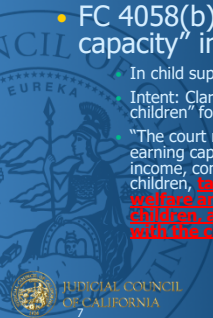


2018 NEW LEGISLATION

Fariba Soroosh

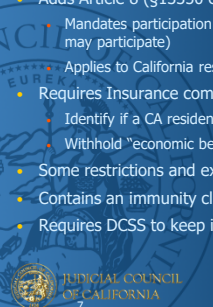
AB 2780
Earning Capacity (eff. 1/1/19)

- FC 4058(b)-Using "earning capacity" in lieu of actual income
 - In child support proceedings
 - Intent: Clarify meaning of "best interests of children" for Judicial Officers
 - "The court may, in its discretion, consider the earning capacity of a parent in lieu of the parent's income, consistent with the best interests of the children, **taking into consideration the overall welfare and developmental needs of the children, and the time that parent spends with the children.**"



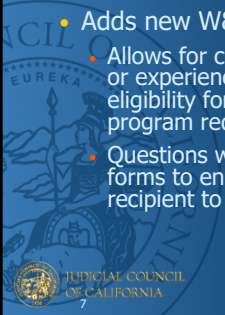
AB2802
INSURANCE INTERCEPT (eff. 1/1/20)

- Adds Article 8 (§13350 et seq.) to Cal. Ins. Code
 - Mandates participation by insurance companies doing business in CA (others may participate)
 - Applies to California resident claimants only
- Requires Insurance companies to:
 - Identify if a CA resident claimant owes child support arrears
 - Withhold "economic benefits" and redirect them to DCSS
- Some restrictions and exceptions
- Contains an immunity clause
- Requires DCSS to keep info confidential



AB2030 CalWORKS Accommodations

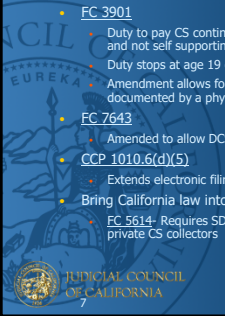
- Adds new W&I sections
- Allows for consideration of a disability or experience of DV that may affect eligibility for exemptions from program requirements
- Questions will be added to applicable forms to enable an applicant or a recipient to disclose such information



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AB3248 Family Law Omnibus

- FC 3901
 - Duty to pay CS continues past age 18 if child is full time high school student and not self supporting
 - Duty stops at age 19 or completion of 12th grade, whichever earlier
 - Amendment allows for part time attendance if it is due to a medical condition documented by a physician
- FC 7643
 - Amended to allow DCSS limited access to UPA files
- CCP 1010.6(d)(5)
 - Extends electronic filing deadline for DCSS to 1/1/21
- Bring California law into compliance with federal regulations
- FC 5614: Requires SDU to pay child support directly to obligee and not private CS collectors



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AB2684 PARENT CHILD RELATIONSHIP

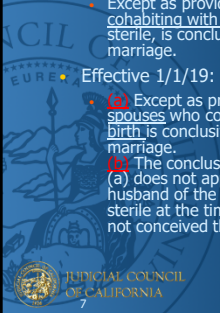
- Amends multiple sections & adds new sections
 - 37 different sections of FC, CCP and H&S are impacted
 - Div. 12 of the Family Code (7500 et seq.) Parent Child Relationship (parentage presumptions, genetic testing, UPA, VDOPs, etc.)
 - Ensures equal treatment of children born to same sex couples and transgender parents
 - Modernizes genetic testing provisions and terminology
 - Clarifies and simplifies these sections by expanding and separating
- So you will see these changes among others:
 - *FC 7500, FC 7501, FC 7502, FC 7503, FC 7504, FC 7505, FC 7506, FC 7507, FC 7508, FC 7509, FC 7510, FC 7511, FC 7512, FC 7513, FC 7514, FC 7515, FC 7516, FC 7517, FC 7518, FC 7519, FC 7520, FC 7521, FC 7522, FC 7523, FC 7524, FC 7525, FC 7526, FC 7527, FC 7528, FC 7529, FC 7530, FC 7531, FC 7532, FC 7533, FC 7534, FC 7535, FC 7536, FC 7537, FC 7538, FC 7539, FC 7540, FC 7541, FC 7542, FC 7543, FC 7544, FC 7545, FC 7546, FC 7547, FC 7548, FC 7549, FC 7550, FC 7551, FC 7552, FC 7553, FC 7554, FC 7555, FC 7556, FC 7557, FC 7558, FC 7559, FC 7560, FC 7561, FC 7562, FC 7563, FC 7564, FC 7565, FC 7566, FC 7567, FC 7568, FC 7569, FC 7570, FC 7571, FC 7572, FC 7573, FC 7574, FC 7575, FC 7576, FC 7577, FC 7578, FC 7579, FC 7580, FC 7581, FC 7582, FC 7583, FC 7584, FC 7585, FC 7586, FC 7587, FC 7588, FC 7589, FC 7590, FC 7591, FC 7592, FC 7593, FC 7594, FC 7595, FC 7596, FC 7597, FC 7598, FC 7599, FC 7600, FC 7601, FC 7602, FC 7603, FC 7604, FC 7605, FC 7606, FC 7607, FC 7608, FC 7609, FC 7610, FC 7611, FC 7612, FC 7613, FC 7614, FC 7615, FC 7616, FC 7617, FC 7618, FC 7619, FC 7620, FC 7621, FC 7622, FC 7623, FC 7624, FC 7625, FC 7626, FC 7627, FC 7628, FC 7629, FC 7630, FC 7631, FC 7632, FC 7633, FC 7634, FC 7635, FC 7636, FC 7637, FC 7638, FC 7639, FC 7640, FC 7641, FC 7642, FC 7643, FC 7644, FC 7645, FC 7646, FC 7647, FC 7648, FC 7649, FC 7650, FC 7651, FC 7652, FC 7653, FC 7654, FC 7655, FC 7656, FC 7657, FC 7658, FC 7659, FC 7660, FC 7661, FC 7662, FC 7663, FC 7664, FC 7665, FC 7666, FC 7667, FC 7668, FC 7669, FC 7670, FC 7671, FC 7672, FC 7673, FC 7674, FC 7675, FC 7676, FC 7677, FC 7678, FC 7679, FC 7680, FC 7681, FC 7682, FC 7683, FC 7684, FC 7685, FC 7686, FC 7687, FC 7688, FC 7689, FC 7690, FC 7691, FC 7692, FC 7693, FC 7694, FC 7695, FC 7696, FC 7697, FC 7698, FC 7699, FC 7700, FC 7701, FC 7702, FC 7703, FC 7704, FC 7705, FC 7706, FC 7707, FC 7708, FC 7709, FC 7710, FC 7711, FC 7712, FC 7713, FC 7714, FC 7715, FC 7716, FC 7717, FC 7718, FC 7719, FC 7720, FC 7721, FC 7722, FC 7723, FC 7724, FC 7725, FC 7726, FC 7727, FC 7728, FC 7729, FC 7730, FC 7731, FC 7732, FC 7733, FC 7734, FC 7735, FC 7736, FC 7737, FC 7738, FC 7739, FC 7740, FC 7741, FC 7742, FC 7743, FC 7744, FC 7745, FC 7746, FC 7747, FC 7748, FC 7749, FC 7750, FC 7751, FC 7752, FC 7753, FC 7754, FC 7755, FC 7756, FC 7757, FC 7758, FC 7759, FC 7760, FC 7761, FC 7762, FC 7763, FC 7764, FC 7765, FC 7766, FC 7767, FC 7768, FC 7769, FC 7770, FC 7771, FC 7772, FC 7773, FC 7774, FC 7775, FC 7776, FC 7777, FC 7778, FC 7779, FC 7780, FC 7781, FC 7782, FC 7783, FC 7784, FC 7785, FC 7786, FC 7787, FC 7788, FC 7789, FC 7790, FC 7791, FC 7792, FC 7793, FC 7794, FC 7795, FC 7796, FC 7797, FC 7798, FC 7799, FC 7800, FC 7801, FC 7802, FC 7803, FC 7804, FC 7805, FC 7806, FC 7807, FC 7808, FC 7809, FC 7810, FC 7811, FC 7812, FC 7813, FC 7814, FC 7815, FC 7816, FC 7817, FC 7818, FC 7819, FC 7820, FC 7821, FC 7822, FC 7823, FC 7824, FC 7825, FC 7826, FC 7827, FC 7828, FC 7829, FC 7830, FC 7831, FC 7832, FC 7833, FC 7834, FC 7835, FC 7836, FC 7837, FC 7838, FC 7839, FC 7840, FC 7841, FC 7842, FC 7843, FC 7844, FC 7845, FC 7846, FC 7847, FC 7848, FC 7849, FC 7850, FC 7851, FC 7852, FC 7853, FC 7854, FC 7855, FC 7856, FC 7857, FC 7858, FC 7859, FC 7860, FC 7861, FC 7862, FC 7863, FC 7864, FC 7865, FC 7866, FC 7867, FC 7868, FC 7869, FC 7870, FC 7871, FC 7872, FC 7873, FC 7874, FC 7875, FC 7876, FC 7877, FC 7878, FC 7879, FC 7880, FC 7881, FC 7882, FC 7883, FC 7884, FC 7885, FC 7886, FC 7887, FC 7888, FC 7889, FC 7890, FC 7891, FC 7892, FC 7893, FC 7894, FC 7895, FC 7896, FC 7897, FC 7898, FC 7899, FC 7900, FC 7901, FC 7902, FC 7903, FC 7904, FC 7905, FC 7906, FC 7907, FC 7908, FC 7909, FC 7910, FC 7911, FC 7912, FC 7913, FC 7914, FC 7915, FC 7916, FC 7917, FC 7918, FC 7919, FC 7920, FC 7921, FC 7922, FC 7923, FC 7924, FC 7925, FC 7926, FC 7927, FC 7928, FC 7929, FC 7930, FC 7931, FC 7932, FC 7933, FC 7934, FC 7935, FC 7936, FC 7937, FC 7938, FC 7939, FC 7940, FC 7941, FC 7942, FC 7943, FC 7944, FC 7945, FC 7946, FC 7947, FC 7948, FC 7949, FC 7950, FC 7951, FC 7952, FC 7953, FC 7954, FC 7955, FC 7956, FC 7957, FC 7958, FC 7959, FC 7960, FC 7961, FC 7962, FC 7963, FC 7964, FC 7965, FC 7966, FC 7967, FC 7968, FC 7969, FC 7970, FC 7971, FC 7972, FC 7973, FC 7974, FC 7975, FC 7976, FC 7977, FC 7978, FC 7979, FC 7980, FC 7981, FC 7982, FC 7983, FC 7984, FC 7985, FC 7986, FC 7987, FC 7988, FC 7989, FC 7990, FC 7991, FC 7992, FC 7993, FC 7994, FC 7995, FC 7996, FC 7997, FC 7998, FC 7999, FC 8000*
- Chaptered on 9/28/18, but some provisions effective 1/1/20



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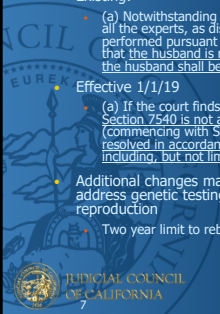
FC 7540

- Existing:
 - Except as provided in Section 7541, the child of a wife cohabiting with her husband, who is not impotent or sterile, is conclusively presumed to be a child of the marriage.
- Effective 1/1/19:
 - ~~(a)~~ Except as provided in Section 7541, the child of spouses who cohabited at the time of conception and birth is conclusively presumed to be a child of the marriage.
 - ~~(a)~~ The conclusive marital presumption in subdivision (a) does not apply if the court determines that the husband of the woman who gave birth was impotent or sterile at the time of conception and that the child was not conceived through assisted reproduction.



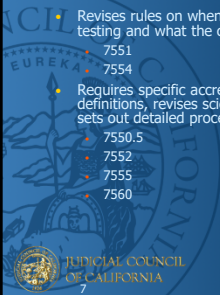
FC 7541

- Existing:
 - (a) Notwithstanding Section 7540, if the court finds that the conclusions of all the experts, as disclosed by the evidence based on blood tests performed pursuant to Chapter 2 (commencing with Section 7550), are that the husband is not the father of the child, the question of paternity of the husband shall be resolved accordingly.
- Effective 1/1/19
 - (a) If the court finds that the spouse who is a presumed parent under Section 7540 is not a genetic parent of the child pursuant to Chapter 2 (commencing with Section 7550), the question of parentage shall be resolved in accordance with all other applicable provisions of this division, including, but not limited to, Section 7612.
- Additional changes made to make the language gender neutral and to address genetic testing where child was conceived through assisted reproduction
 - Two year limit to rebut presumption remains the same



FC 7550 et seq. Genetic Test To Determine Parentage

- Revises rules on when a court may and may not order genetic testing and what the court may do if a party refuses
 - 7551
 - 7554
- Requires specific accreditation for laboratories used, updates definitions, revises scientific requirements for genetic testing and sets out detailed process for challenging laboratory findings
 - 7550.5
 - 7552
 - 7555
 - 7560



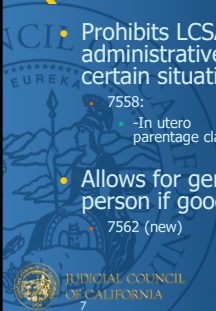
FC 7550 et seq. (continued)

- Prohibits LCSAs from issuing administrative orders for genetic testing in certain situations

- 7558:
 - In utero parentage claims
 - Assisted reproduction
 - Multiple

- Allows for genetic test of a deceased person if good cause is established

- 7562 (new)



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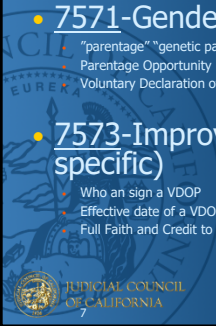
FC 7570 et seq. Establishment of Parentage by Voluntary Declaration

- 7571-Gender neutral terminology

- "parentage" "genetic parent" "intended parent"
- Parentage Opportunity Program (POP)
- Voluntary Declaration of Parentage (VDOP)

- 7573-Improved version (clear and specific)

- Who can sign a VDOP
- Effective date of a VDOP
- Full Faith and Credit to legally executed VDOPs from other states

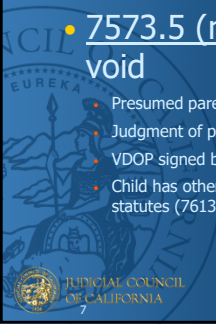


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FC 7570 et seq. (continued)

- 7573.5 (new!)-When a VDOP is void

- Presumed parent pursuant to 7540 or 7611 a b c
- Judgment of parentage filed
- VDOP signed by another person
- Child has other parents pursuant to assisted reproduction statutes (7613 and 7962)



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FC 7570 et seq. (continued)

- 7575-Recissions only (set aside rules moved)
- Set asides of VDOP
 - 7576-By signatory on grounds of fraud, duress, or material mistake
 - 7577-By a non-signatory; standing
 - Not applicable to a VDOP void per new 7573.5
 - Two year SOL from "effective date" of VDOP (7573)



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FC 7570 et seq. (continued)

- 7578 (new)
 - Each signatory to a VDOP is made a party in a set aside action
 - Prevents the court from suspending legal responsibilities while VDOP challenge is pending EXCEPT for good cause
 - Requires a court to order that new birth certificate be issued for child if the final judgment creates changes
- 7635-In any action to determine parent child relationship, all presumed parents must be noticed (7540, 7611, 7613/7962, genetic parent unless excluded)



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OF INTEREST . . .

- AB929 & SB1129-DV and spousal support
- AB2274-Divison of family pets as property
- AB2694-Service of DVRO application by alternative means
- AB2296-Adds Licensed Professional Clinical Counselors to the list of professionals who can serve as court-connected or private child custody evaluators



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