

SENATE JUDICIARY COMMITTEE
Senator Thomas Umberg, Chair
2025-2026 Regular Session

AB 1875 (Hart)
Version: May 28, 2026
Hearing Date: June 9, 2026
Fiscal: No
Urgency: No
AWM

SUBJECT

Dissolution of marriage

DIGEST

This bill permits a court to reduce or waive the six-month period before which a final judgment of dissolution of marriage may be entered, upon a showing of good cause, as provided.

EXECUTIVE SUMMARY

In California, divorce – or as it is legally known, dissolution of marriage – is a court process. A party who wishes to end their marriage must file a petition with the court, and the other party must file a response; then, to the extent there are disputes among the parties about the division of assets, custody, or other terms of the dissolution, the court works it out. Divorcing couples have three options for dissolution: a regular petition for dissolution, through which the court resolves disputed issues relating to disposition of assets, support, and other matters; summary dissolution, for couples who with no children of the marriage, have minimal assets, and have agreed in advance to the terms of the dissolution; and, for couples who do not qualify for summary dissolution, but who have agreed to work out the terms of the dissolution collaboratively, a joint petition process. Under all three procedures, a judgment of dissolution cannot be entered until six months after the commencement of the proceeding (known as the “cooling-off period”), and the court can extend the cooling-off period for the regular petition and joint petition processes as needed.

This bill permits a court to reduce or waive the six-month cooling-off period upon a showing of good cause, provided that the parties have resolved all of the material issues related to the dissolution. In a proceeding based on a regular or joint petition, good cause must be established through stipulation of the parties or at a noticed hearing; the bill also provides a non-exclusive list of factors that constitute good cause, including that the petitioning party is a victim of domestic violence who requests the waiver or

reduction for their health, safety, or wellbeing; the parties have resolved all issues related to the dissolution; or one party wishes to remarry and the waiver or reduction will not affect any issues material to the dissolution. In a proceeding for summary dissolution, no hearing or stipulation is required, and the judge has the discretion to determine whether good cause for the waiver or reduction has been established.

This bill is sponsored by the author and is supported by the California Baptist Capitol Ministry, the Coalition of California Welfare Rights Organizations, Domestic Violence Solutions, the Santa Barbara County District Attorney's Office, the Santa Barbara Women's Political Action Committee, and the Sacramento Regional Family Justice Center Foundation. The Committee has not received timely opposition to this bill.

PROPOSED CHANGES TO THE LAW

Existing law:

- 1) Establishes procedures for the dissolution of marriage through a court proceeding. (Fam. Code, div. 6, pt. 3, §§ 2300 et seq.)
- 2) Provides that a party may commence a proceeding for dissolution of marriage by filing a petition with the court. (Fam. Code, § 2330.)
- 3) Provides alternatives to the petition process described in 2), as follows:
 - a) If there are no children of the marriage, the parties have no interest in real property, the value of the parties' community property assets is below \$25,000, the parties have executed an agreement setting forth the division of assets, and the parties waive rights to spousal support, the parties can proceed with joint petition for summary dissolution, which allows for the entry of judgment on the terms agreed to by the parties. (Fam. Code, div. 6, pt. 3, ch. 5, §§ 2400-2406.)
 - b) If the parties do not qualify for the summary dissolution procedure but intend to resolve outstanding issues by agreement, the parties can file a joint petition for dissolution, which allows for the entry of judgment on the terms agreed to by the parties in a non-adversarial manner. (Fam. Code, § 2330(c); *see* SB 1427 (Allen, Ch. 190, Stats. 2024).)
- 4) Provides that no judgment of dissolution based on a petition filed under 2) or a joint petition filed under 3)(a) is final for the purpose of terminating the marriage relationship of the parties until six months have expired from the date of service of a copy of summons and petition, or from the respondent's first appearance, whichever occurs first, and that the court may extend this six-month period for good cause shown. (Fam. Code, § 2339.)

- 5) Provides that, in a proceeding for summary dissolution under 3)(b), the judgment shall be entered six months from the date of the filing of the joint petition for summary dissolution. (Fam. Code, § 2403.)

This bill:

- 1) Permits the court to reduce or waive the six-month period before entry of final judgment on a petition or joint petition for dissolution for good cause shown, if both of the following conditions are met:
 - a) The parties have resolved all material issues related to the dissolution.
 - b) The court finds that good cause exists, through either (1) a noticed hearing, or (2) the stipulation of the parties as to good cause, and the court concurs that the stipulation establishes good cause.
- 2) Provides that examples of good cause sufficient for 1) include, but are not limited to:
 - a) The petitioning party is the victim of domestic violence during the marriage, and the petitioning party requests a waiver or reduction of the cooling-off period for their health, safety, and wellbeing.
 - b) The parties have signed and filed a marital settlement agreement resolving all issues material to the dissolution.
 - c) One party seeks to remarry, and the waiver or reduction will not affect any issues material to the dissolution bifurcated by the court, as specified.
- 3) Permits the court to reduce or waive the six-month period before entry of final judgment in a summary dissolution proceeding for good cause shown.

COMMENTS

1. Author's comment

According to the author:

AB 1875 is a critical step forward in protecting survivors of domestic violence in California. Under current law, a marriage cannot be legally dissolved until six months have passed, making California among the states with the longest mandatory 'cooling off' periods. For survivors of domestic violence, this requirement can force victims to remain legally tied to an abuser, prolonging an unsafe and stressful circumstances. AB 1875 addresses this problem by allowing courts to reduce or waive the six-month waiting period when appropriate, giving survivors a path to resolve their cases more quickly when safety and circumstances demand it.

2. Background on the dissolution of marriage process in this state

A marriage in California can end in only one of three ways: death of one of the parties, a judgment of dissolution of the marriage (colloquially known as divorce), or a judgment of nullity of marriage.¹ Both dissolution and nullity require a petition and judgment issued by a court.² If a marriage is dissolved, the marriage is ended and the parties return to an unmarried state;³ if a marriage is nullified, the marriage is deemed never to have existed and the parties resume the status of unmarried persons.⁴ This bill addresses only the process for dissolution.

California offers three avenues to obtain a judgment of dissolution of a marriage. If only one party wants to divorce, or if the parties cannot resolve matters relating to children, support, or distribution of assets, the party seeking a divorce must file a standard petition for dissolution.⁵ The parties will be encouraged to mediate rather than engage in an adversarial proceeding, but ultimately the matter may culminate in a trial in which the court determines outstanding material matters that must be resolved before the marriage can be terminated.⁶ A judgment of dissolution cannot be made final until six months after the date the summons and petition were served on the respondent or the respondent's first appearance, whichever is first.⁷

If the parties are on the same page about the dissolution, they have two options. Parties who meet certain criteria – including having no children of the marriage, no interest in real property, and community property assets under \$25,000 – can use the “summary dissolution” process.⁸ This process allows the parties to execute between themselves an agreement setting for the division of assets and assumption of liabilities; they then file a petition for summary dissolution with the court and, assuming neither party changes their minds, a final judgment of dissolution is entered six months later on the terms agreed to by the parties.⁹

For parties who do not qualify for the summary dissolution process – e.g., because they have children or assets above the threshold – California offers the joint petition process. This process, adopted in 2024,¹⁰ allows the parties to jointly file a petition for dissolution and a list of the matters that the parties intend to resolve by agreement; provided that the parties are able to resolve all of these issues without court intervention, the court

¹ Fam. Code, § 310.

² *Id.*, div. 6, §§ 2000 et seq.

³ *Id.*, § 2300.

⁴ *Id.*, § 2212; *Millar v. Millar* (1917) 175 Cal. 797, 907. California also has a process for legal separation, which is not relevant to this bill. (See Fam. Code, §§ 776, 2330.)

⁵ Fam. Code, § 2330.

⁶ See *id.*, §§ 2330, 2330.1, 2450, 2451.

⁷ *Id.*, § 2339.

⁸ *Id.*, div. 6, pt. 3, ch. 5, §§ 2400 et seq.

⁹ *Id.*, §§ 2400, 2401, 2403.

¹⁰ See SB 1427 (Allen, Ch. 190, Stats. 2024).

will then enter the judgment of dissolution on the terms agreed to by the parties.¹¹ Unlike the summary dissolution process, the parties are not required to agree on their issues in advance, and may still conduct discovery as part of the process.¹² If the matter becomes contested, or the parties are unable to resolve all outstanding issues, the case will be converted to a regular petition for dissolution.¹³ As with the other forms of dissolution proceedings, a judgment of dissolution on a joint petition cannot become final until six months from the date of service or the respondent's first appearance.¹⁴

3. California's six-month "cooling off" period is one of the longest in the country

As noted above, divorce in California cannot be finalized in fewer than six months.¹⁵ Even the summary dissolution procedure, in which the parties must have all of their issues resolved *before* filing their petition, requires the parties to stay married for six more months before the court will issue a judgment of dissolution.¹⁶ Before California adopted no-fault divorce, California had a one-year cooling-off period intended "to give the parties an opportunity to think the matter over, to compose their difficulties, and to effect a reconciliation."¹⁷ The legislation enacting no-fault divorce, enacted in 1969, retained a six-month cooling off period.¹⁸

While California was the first state to adopt no-fault divorce, California's cooling-off period is now an outlier. Most states have no fixed cooling-off period at all; for states with cooling-off periods, most are between 20 and 90 days.¹⁹ The only states with cooling-off periods equal to or greater than California's are Louisiana, Michigan (if the couple has children), and Rhode Island.²⁰

¹¹ Fam. Code, §§ 2330, 2342.5.

¹² *Id.*, § 2352.5.

¹³ *Ibid.*

¹⁴ *Id.*, § 2339.

¹⁵ *See id.*, §§ 2339, 2403.

¹⁶ *Id.*, § 2403.

¹⁷ *Angell v. Angell* (1948) 84 Cal.App.2d 339, 342-343.

¹⁸ *See* Stats. 1969, ch. 1608, pp. 3326-3327 (Family Law Act of 1969).

¹⁹ Mostow, *How "Cooling Off" Periods Endanger the Vulnerable: A 50-State Study Of Mandatory Separation Periods In No-Fault Divorce* (Fall 2025) 21 NW L. J. & Soc. Pol'y 87, 91.

²⁰ LA Civ. Code art. 103.1 (final judgment cannot be entered until 180 days if there are no minor children of the marriage, or 365 days if there are children of the marriage); Mich. Comp. Laws, ch. 552. § 552.9f (no proofs or testimony may be taken in a divorce case involving minor dependent children until six months from the filing of the complaint); RI Gen. Laws, § 15-5-23 (judgment for divorce becomes final after three months after trial, and final decree from the bond of marriage cannot be entered until an additional three months following entry of judgment). To be fair to California, some states limit divorces by imposing a pre-filing legal separation period, wherein the spouses are required to live separately for a period of time before one can petition for divorce; these periods range from 60 days to 18 months. (Mostow, *supra*, 21 N.W. L. J. & Soc. Pol'y at p. 92 (Arkansas, Delaware, Kentucky, Louisiana, North Carolina, South Carolina, Vermont, and Virginia have mandatory pre-filing separation periods, and Ohio and Pennsylvania require pre-filing separation periods when the divorce is contested)).

As a practical matter, California's six-month cooling off period is often a non-issue. For parties with children, complicated financial situations, or significant disputes over the distribution of assets or the provision of support, a dissolution proceeding can last far longer than six months. Other couples, however, resolve matters quickly, in which case they have no choice but to wait out the six-month period before their divorce is final. State law currently gives the court the discretion to extend the six-month cooling-off period for good cause, but grants no such authority to reduce the six-month period.²¹

For victims of domestic violence, the added wait can be dangerous.²² As the bill's supporters explain, the cooling-off period can unnecessarily keep a victim legally tethered to their abuser.

4. This bill permits the court to reduce or waive the six-month cooling-off period before entering a final judgment of dissolution for good cause

This bill is intended to help victims of domestic violence and others who have good cause to accelerate the cooling-off period and finalize their divorce. The bill generally leaves the six-month cooling-off period intact, but permits the court to reduce or waive the cooling-off period upon a showing of good cause, provided that the parties have already resolved the material issues related to the dissolution. By prohibiting an acceleration of the final judgment until the parties have resolved material issues, the bill prevents the court from ordering the parties to accelerate their negotiations or rush to trial; speeding up the substance of the dissolution process could ultimately harm victims, e.g., by pressuring them to agree to unfavorable support terms or forcing a rushed sale of assets that results in lower proceeds.

The bill establishes different processes for establishing good cause based on the type of dissolution proceeding. For a regular petition or joint petition, good cause can be established at a noticed hearing or through the stipulation of the parties; the court, however, retains the discretion to determine whether the stipulation establishes good cause. For a summary dissolution proceeding, the bill does not require a particular procedure for establishing good cause – which is consistent with the summary procedure's streamlined approach – and leaves the question of whether good cause is established to the court.

The bill currently provides examples of good cause within the section relating to regular and joint petitions. Examples include situations where the petitioning party is a victim of domestic violence by the other party and the petitioning party needs the waiver or reduction for their health, safety, and wellbeing; where the parties have already signed a marital settlement agreement resolving all issues material to the dissolution; or where

²¹ See Fam. Code, § 2339.

²² See, e.g., Feingloss & Laurenzi, *America Makes It too Hard and Dangerous to Get Divorced* (Apr. 27, 2023) TIME, available at <https://time.com/6274819/us-accessible-divorce-unwanted-marriages/> (link current as of June 4, 2026).

one party wishes to remarry and the waiver or reduction will not affect issues material to the dissolution in a bifurcated proceeding, as specified. This list is non-exhaustive, so the courts may find good cause present upon different circumstances.

5. Arguments in support

According to the Santa Barbara County District Attorney's Office:

Current law imposes a six-month "cooling off" period before a divorce can become final. As a result, a marriage cannot legally end until at least six months have passed, even if the judge has signed the judgment. In domestic violence and other urgent situations, this delay can be harmful because it may keep survivors legally tied to a perpetrator and can make safety planning and stability harder. AB 1875 addresses this problem by allowing judges to consider supporting facts and expedite dissolution when the judge believes that it is in the interest and safety of the victims.

AB 1875 provides a practical and thoughtful solution. By allowing courts discretion to reduce or waive the waiting period when good cause is shown, the bill ensures that judges can respond appropriately to circumstances where delay would be harmful or unnecessary, particularly for survivors seeking to move forward safely.

SUPPORT

California Baptist Capitol Ministry
Coalition of California Welfare Rights Organizations
Domestic Violence Solutions
Santa Barbara County District Attorney's Office
Santa Barbara Women's Political Action Committee
Sacramento Regional Family Justice Center Foundation

OPPOSITION

None received

RELATED LEGISLATION

Pending legislation: None known.

Prior legislation:

SB 1427 (Allen, Ch. 190, Stats. 2024) established the process for a joint petition for dissolution for parties who do not meet the requirements for summary dissolution.

SB 536 (Rubio, 2021) would have required the court to order a judgment of dissolution of marriage prior to the expiration of the six-month cooling-off period upon motion of

the party, if that party established that they were a victim of domestic violence committed by the other party, as provided. SB 536 died in this Committee without a hearing.

PRIOR VOTES

Assembly Floor (Ayes 67, Noes 0)

Assembly Judiciary Committee (Ayes 12, Noes 0)
