

SENATE JUDICIARY COMMITTEE
Senator Thomas Umberg, Chair
2023-2024 Regular Session

SB 1427 (Allen)
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Hearing Date: April 2, 2024
Fiscal: Yes
Urgency: No
AWM

SUBJECT

Marriage: joint petition for dissolution of marriage

DIGEST

This bill establishes, beginning January 1, 2026, a process by which parties to a marriage may file a joint petition for dissolution of marriage or for legal separation, and requires Judicial Council to adopt rules or forms necessary to implement the process.

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.

In cases where the parties are able to work out the terms of their dissolution without court intervention – either directly, or with the assistance of counsel and/or mediators – most parties still have to go through the petition/response process, then present their agreed-upon terms to the court for entry of judgment. While this can be done with little or no court involvement, the author posits that requiring one party to be the “petitioner” (a.k.a., the one instigating the divorce) and one be the “respondent” can create a harmful dynamic in cases that could otherwise end amicably. And while California does have a joint summary dissolution process that lets parties file jointly, many couples do not meet the eligibility criteria: among other things, the summary dissolution procedure is available only to marriages five years or fewer in duration, and to parties with community property assets under \$25,000.

This bill implements, beginning January 1, 2026, a joint petition procedure available to all parties seeking to dissolve their marriages. Through this procedure, the parties would file a joint petition that sets forth the issues they plan to resolve; assuming things

go as planned and no one needs court intervention, the parties can proceed to judgment under the existing process for an uncontested case. The bill also provides that, if the parties end up needing court intervention, the joint petition will convert to a standard dissolution process. Additionally, the bill requires the Judicial Council of California to implement forms and rules as needed for the new process. The author has agreed to minor technical amendments to clarify the contents of the joint petition and the operative date for Judicial Council's obligation to prepare rules and forms.

This bill is sponsored by the author and is supported by Family Divorce Solutions, the Family Law Section of the Los Angeles County Bar Association, Latkin Spears, the Los Angeles Consensual Dispute Resolution Family Law Association, Pasadena Collaborative Divorce, and two individuals. The Committee has not received timely opposition to this bill.

PROPOSED CHANGES TO THE LAW

Existing law:

- 1) Establishes proceedings for dissolution of marriage, for nullity of marriage, or for legal separation of the parties. (Fam. Code, div. 6, §§ 2000 et seq.)
 - a) A judgment of dissolution of marriage, when it becomes final, restores the parties to the state of unmarried persons. (Fam. Code, § 2300.)
 - b) A judgment of nullity of marriage restores the parties to the status of unmarried persons; the judgment relates back to the date of the marriage so that the marriage was void from the beginning (*void ab initio*). (Fam. Code, § 2212; *Millar v. Millar* (1917) 175 Cal. 797, 907.)¹
 - c) A judgment of legal separation renders the earnings and accumulations of a spouse the separate property of that spouse. A judgment or legal separation does not end the marriage, but either party may subsequently seek dissolution of the marriage. (Fam. Code, §§ 772, 2347.)
- 2) Provides that dissolution of the marriage or legal separation of the parties may be based on either of the following grounds:
 - a) Irreconcilable differences – defined as grounds which are determined by the court to be substantial reasons for not continuing the marriage and which make it appear that the marriage should be dissolved – which have caused the irremediable breakdown of the marriage.
 - b) Permanent legal incapacity to make decisions, as established by proof, including competent medical or psychiatric testimony. Dissolution on this

¹ Technically speaking, a marriage that is legally void (*see* Fam. Code, §§ 2200, 2201) never existed at all, and the judgment of nullity is merely a recognition of that fact (*see, e.g., In re Marriage of Garcia* (2017) 13 Cal.App.5th 1334, 1347), while a marriage that is voidable does exist until the judgment of nullity reaches back in time and declares it void from the outset (*see ibid.*). Happily, this bill does not delve into the existential status of void or voidable marriages.

- basis does not relieve the spouse's duty, as imposed by law as a result of the marriage, to support the spouse who lacks legal capacity to make decisions, and the court may make an order of support or require a bond for such purpose. A guardian ad litem may be appointed for a spouse alleged to lack legal capacity to make decisions if they do not have a conservator or guardian. (Fam. Code, §§ 2310-2313, 2332.)
- 3) Provides that a proceeding for dissolution or legal separation of the parties is commenced by the filing of a petition, which must set forth certain information about the marriage and include specified information regarding the legal effects of dissolution or separation. (Fam. Code, §§ 2024, 2330.)
- a) The party filing the petition (the petitioner) must serve the petition on the other party along with a summons that contains specified information regarding the proceeding and the obligation to appear upon risk of default. (Code Civ. Proc., § 412.20.)
 - b) The summons must also include:
 - i. A temporary restraining order that (1) prohibits both parties from removing any minor child of the parties from the state or applying for a new or replacement passport for the child without prior written consent of the other party or an order of the court; (2) prohibits both parties from transferring, encumbering, hypothecating,² concealing, or in any way disposing of any real or personal property without the written consent of the other party or an order of the court, except in the usual course of business or for the necessities of life, or for legal fees, as provided; (3) prohibits both parties from cashing, borrowing against, canceling, transferring, disposing of, or changing the beneficiaries of insurance or other coverage, held for the benefit of the parties and their child or children from whom support may be ordered; and (4) prohibiting both parties from creating a nonprobate transfer or modifying a nonprobate transfer in a manner that affects the disposition of property subject to the transfer, without written consent of the other party or an order of the court. (Fam. Code, § 2040(a).)
 - ii. A specified notice regarding the presumption that property acquired by the parties during the marriage is community property and the division thereof. (Fam. Code, § 2040(c).)
- 4) Provides that, if the party served with the petition and summons (the respondent) elects to file a responsive pleading, it must be filed and served within 30 days of the date of the service of the petition and summons. (Fam. Code, § 2020.)

² Hypothecate: to pledge as security without delivery of title or possession. (Mirriam-Webster, *Mirriam-Webster.com Dictionary*, "Hypothecate" (as of Mar. 18, 2024), <https://www.merriam-webster.com/dictionary/hypothecate>.)

- 5) Requires the court to ensure that each party has access to legal representation, including early in the proceedings, to preserve each party's rights by ordering, if necessary, one party to pay the other party or the other party's attorney whatever amount is reasonably necessary for attorney fees and for the cost of maintaining or defending the proceeding. The court must make certain findings regarding the appropriateness of such an award, and must augment or modify the award as necessary based on the status of the proceedings. (Fam. Code, §§ 2030-2032.)
- 6) Requires each party, in order to provide a full and accurate disclosure of all assets and liabilities in which one or both parties may have an interest, to serve on the other party a preliminary declaration of disclosure, and a final declaration of disclosure, and file proof of service of each with the court. (Fam. Code, § 2103.)
 - a) The preliminary disclosure must be executed under penalty of perjury and in a form prescribed by Judicial Council. The preliminary disclosure must set forth the identity of all assets in which the party may have an interest and all liabilities for which the party may be liable, as specified. The petitioner must serve the preliminary disclosure with the petition, or within 60 days of filing the petition; the respondent must serve the disclosure with the response, or within 60 days of filing the response. (Fam. Code, § 2104.)
 - b) The final disclosure must be served either (1) at or before the time the parties enter into an agreement for the resolution of property or support issues, or (2) if the case goes to trial, no later than 45 days before the first assigned trial date. The final disclosure must include all material facts regarding the characterization of all assets and liabilities, and all material facts regarding assets and obligations contended to be community or separate property or obligations, as specified. (Fam. Code, § 2104.)
 - c) The parties may waive service of a preliminary or final disclosure under specified circumstances. (Fam. Code, §§ 2104(d), 2107, 2110, 2330.5.)
- 7) Provides that, if the court finds evidence at the hearing on the petition that there are irreconcilable differences which have caused the irremediable breakdown of the marriage, the court shall order the dissolution of the marriage or a legal separation of the parties. If, however, it appears there is a reasonable possibility of reconciliation, the court shall continue the proceeding for a period not to exceed 30 days; after that, either party may move to proceed on the petition and the court may enter a judgment of dissolution or legal separation. (Fam. Code, §§ 2333, 2334.)
- 8) Permits the court to enter a default judgment in a proceeding for dissolution of marriage or legal separation of the parties in certain circumstances, including:
 - a) The petitioner shall provide the court clerk with a stamped envelope bearing sufficient postage addressed to the spouse who has defaulted, with the address of the court clerk as the return address, and the court clerk shall mail a copy of the request to enter default to that spouse in the provided envelope. (Fam. Code, § 2335.5.)

- b) A court may grant a judgment of dissolution or legal separation upon default of one of the parties if the court receives proof of the grounds alleged, either taken before the court or by affidavit. In all cases where there are minor children of the parties, each affidavit or offer of proof shall include an estimate by the declarant or affiant of the monthly gross income of each party, or a statement as to why the declarant or affiant does not have that knowledge. In cases where there is a community estate, the affidavit or offer of proof shall include an estimate of the value of the assets and the debts proposed to be distributed to each party, unless the declarant or affiant files a complete and accurate property declaration with the court. (Fam. Code, § 2336(a).)
 - c) If the proof presented to the court is by affidavit, the personal appearance of the affiant is required only when it appears to the court that any of the following circumstances exist:
 - i. Reconciliation of the parties is reasonably possible.
 - ii. A proposed child custody order is not in the best interest of the child.
 - iii. A proposed child support order is less than a noncustodial parent is capable of paying.
 - iv. A personal appearance of a party or interested person would be in the best interests of justice. (Fam. Code, § 2336(b).)
- 9) Requires, in a proceeding for dissolution of marriage or legal separation, the court to file its decision and any statement of decision as in other cases. (Fam. Code, § 2338(a).)
- a) If the court determines that no dissolution should be granted, a judgment to that effect only shall be entered. If the court determines that a dissolution should be granted, a judgment of dissolution shall be entered; after entry of judgment and before it becomes final, neither party may dismiss the proceeding without the consent of the other. (Fam. Code, § 2338(b), (c).)
 - b) When a judgment of dissolution or legal separation is granted upon the default of one of the parties, the signature of the spouse who has defaulted on any marital settlement agreement or stipulated judgment shall be notarized, and the clerk shall give notice of entry of judgment to each attorney or each party, if unrepresented. (Fam. Code, § 2338.5.)
 - c) The judgment of dissolution must specify the date on which the judgment becomes finally effective for the purpose of terminating the marriage relationship. (Fam. Code, § 2340.)
- 10) Provides that no judgment of dissolution 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 the summons and petition or the date of appearance of the respondent, whichever occurs first, except:
- a) The court may extend the six-month window for good cause shown.

- b) If an appeal is taken from the judgment or a motion for new trial is made and the appealing or moving party objects to the termination of the marriage status, the dissolution does not become final until the motion or appeal has been finally disposed of (or never, if the motion is granted or judgment reversed).
 - c) The court may, upon notice and for good cause shown, or on stipulation of the parties, retain jurisdiction over the date of termination of the marital status or order that the marital status be terminated at a future date. (Fam. Code, §§ 2339, 2341, 2343.)
- 11) Establishes a procedure for summary dissolution of a marriage provided that the parties meet certain criteria, including:
- a) There are no children of the relationship of the parties before or during the marriage or adopted by the parties during the marriage and neither party, to that party's knowledge, is pregnant.
 - b) The marriage is not more than five years in duration as of the date of separation of the parties.
 - c) Neither party has any interest in real property, with the exception of a lease of a residence occupied by either party, with certain restrictions.
 - d) The total fair market value of all community property assets, excluding all encumbrances and automobiles, including any deferred compensation or retirement plan, is less than \$25,000, and neither property has separate assets, excluding encumbrances and automobiles, in excess of \$25,000.
 - e) The parties have executed an agreement setting forth the division of assets and the assumption of liabilities of the community, and have executed any documents, title certificates, bills of sale, or other evidence of transfer necessary to effectuate the agreement.
 - f) The parties waive any rights to spousal support, and any right to appeal or move for a new trial. (Fam. Code, § 2400.)
- 12) Provides that a proceeding for summary dissolution of marriage is commenced by filing a joint petition, signed under oath by both spouses and containing certain information. At any time before the parties apply for a judgment, either party may revoke the joint petition and terminate the summary dissolution. (Fam. Code, §§ 2402, 2402.)
- 13) Provides that, six months from the date of the filing of the joint petition for summary dissolution, the court shall, unless a revocation has been filed, enter the judgment dissolving the marriage. (Fam. Code, § 2403.)
- 14) Permits the court to, on any terms that may be just, relieve a spouse from a judgment, or any part or parts thereof, adjudicating support or division of property, after the six-month time limit of section 473 of the Code of Civil Procedure, for

enumerated reasons, including actual fraud, perjury in the preliminary or final disclosure, duress, or mental incapacity. (Fam. Code, §§ 2121, 2122.)

This bill:

- 1) Establishes a joint petition procedure for dissolution of marriage or legal separation of the parties.
- 2) Requires a joint petition for dissolution of marriage or legal separation (joint petition) to set forth all of the following, as nearly as can be ascertained:
 - a) The date of the marriage.
 - b) If there are children of the marriage, the number of children and the age and birth date of each child; if there are no children, a statement of that fact.
 - c) A list of issues that the parties intend to resolve by agreement, including, but not limited to:
 - i. The legal grounds for divorce, dissolution, or legal separation.
 - ii. The date of separation.
 - iii. Child custody.
 - iv. Spousal support or domestic partner support.
 - v. Separate property.
 - vi. Community property and quasi-community property.
 - vii. Restoration of former name.
 - viii. Attorney's fees and costs.
- 3) Provides that parties filing a joint petition pursuant to 1) and a joint summons, in a form and content approved by the Judicial Council, the joint petition shall be deemed to be served on both parties upon the filing of the joint petition with the court, and both parties shall be determined to have appeared in the matter.
 - a) The joint summons must include the temporary restraining orders relating to children and assets required in 3)b)i) of the "Existing law" section.
 - b) Code of Civil Procedure section 412.20, which requires service of a summons, does not apply to a summons for a joint petition.
- 4) Provides that, if the parties file a joint petition in accordance with 2) and 3), for identification purposes, including to identification on Judicial Council forms, the first joint petitioner shall be deemed "petitioner" and the second joint petitioner shall be deemed "respondent."
- 5) Permits either party to the joint petition, at any time before the entry of judgment, to file an amended petition or amended response without leave of court, which serves to revoke the joint petition and transform the proceeding into a standard proceeding for dissolution or legal separation.
 - a) If either party is served with an amended petition or amended response, the party served shall file an amended petition (if the party deemed responded

- filed the amended response) or an amended response (if the party deemed petitioner filed the amended petition) within 30 days, in a form and content approved by the Judicial Council.
- b) The amended filing shall set the order of proof, subject to the court's discretion to regulate the order of proof pursuant to section 320 of the Evidence Code.
 - c) The filing date of the joint petition shall remain the filing date of the action for all relevant deadlines, including the six-month waiting period.
- 6) Permits the parties to file an amended joint petition, which does not affect the parties' ability to remain in the joint petition process.
 - 7) Provides that, if either party requests an order, including, but not limited to, a request for a motion to compel or other discovery motion, or a request for trial setting, the party seeking the order shall file an amended petition or amended response, as applicable, pursuant to 5) before making, or simultaneously with, the request. The request for order will revoke the joint petition status, consistent with 5).
 - 8) Provides that a judgment based on the agreement of the parties shall be in the same form as if one party filed a petition for dissolution or legal separation and the other party responded (i.e., not a default), because the filing of the joint petition constitutes an appearance in the case.
 - 9) Provides that the provisions of Division 6 of the Family Code that apply to a petition for dissolution or legal separation govern the joint petition process, unless otherwise provided in 3)-12), in which case those provisions govern.
 - 10) Provides that the filing of a joint petition shall be accompanied by the fees and supplemental fees required for the filing of petitions and responses in standard dissolution or legal separation matters, unless the parties have been granted a fee waiver.
 - 11) Requires Judicial Council to adopt or amend any rules or forms necessary to implement 3)-10) on or before January 1, 2026.
 - 12) Provides that 3)-11) become operative on January 1, 2026.
 - 13) Modifies existing references to the joint summary dissolution process, to distinguish it from the new joint dissolution process established by the bill.

COMMENTS

1. Author's comment

According to the author:

Divorce, marital dissolution, and legal separation can be incredibly stressful and emotionally taxing experiences. To initiate a divorce, one party must file suit against the other and make claims for relief such as child support and custody at the outset of the proceeding. While the service of the process itself may be traumatic for the responding spouse, basic negotiation principles have made clear that taking positions too early may negatively impact negotiations and sour any opportunity for a mutually agreeable resolution.

SB 1427 provides a simplified avenue for cooperative parties who wish to pursue a legal separation or divorce to file a joint petition and joint summons. Because there is no petitioner and respondent dynamic, both parties can appear before the Court with the dignity of equal footing and commit their intention to resolve matters of relief by agreement. Following the principles of voluntary mediation, if the parties cannot agree, SB 1427 also provides for an exit plan that will transfer them into the traditional divorce process while preserving their existing rights under Family Code. By serving as a new tool to empower parties in reaching fair and balanced agreements, SB 1427 helps ensure that after a divorce or separation is finalized, parties can maintain a positive, healthy relationship.

2. Ending a marriage or legally separating in California

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.³ Both dissolution and nullity require a petition and judgment issued by a court.⁴ If a marriage is dissolved, the marriage is ended and the parties return to an unmarried state;⁵ if a marriage is nullified, the marriage is deemed never to have existed and the parties resume the status of unmarried persons.⁶ Parties who wish to live separately without divorcing have the option of petitioning for legal separation; after the entry of a judgment of legal separation of the parties, the earnings of each spouse are their own separate property, rather than community property under California's general community property rule.⁷ Because this bill addresses only dissolution and legal separation, this analysis does not set forth the procedures for obtaining a judgment of nullity.

³ Fam. Code, § 310.

⁴ *Id.*, div. 6, §§ 2000 et seq.

⁵ *Id.*, § 2300.

⁶ *Id.*, § 2212; *Millar v. Millar* (1917) 175 Cal. 797, 907.

⁷ Fam. Code, § 760, 772.

California's default procedure for a dissolution of marriage or legal separation begins with a petition from one spouse (the petitioner).⁸ The petition must be served with a summons and a temporary restraining order that prevents either party from taking actions to harm the marital property or remove the children from the state without the other spouse's consent or a court order.⁹ The party served with the petition (the respondent) may file a response to the petition. Both parties are required to serve each other with preliminary and final declarations of assets, which establish the property and liabilities at issue in the dissolution proceeding. Ultimately, the matter may end through a trial, at which the court determines the division of assets; an agreement of the parties; or, if one party fails to make an appearance, a default.¹⁰ A judgment dissolving a marriage does not take effect until six months from the earlier of the filing of the petition or the appearance of the respondent, subject to certain exceptions. If the petition was for legal separation, the court may not enter a judgment unless both parties consent; if such consent is obtained, the court's judgment leaves the marriage intact but provides that each party's earnings are separate, rather than community, property going forward.¹¹

The Family Code also offers a more streamlined dissolution proceeding, known as summary dissolution.¹² Married persons qualify for summary dissolution if they meet certain criteria, including (1) the marriage lasting no more than five years before the parties' separation, (2) neither party owning property, including a residence, (3) the parties do not have community property totaling more than \$25,000, and (4) the parties have no children or adopted children from the marriage.¹³ Parties who qualify for the summary dissolution procedure are able to jointly file a petition for dissolution that sets forth the parties' desired division of assets.¹⁴ After a six-month waiting period – provided that neither party revokes the petition – the court enters judgment dissolving the marriage and dividing assets on the basis of the parties' agreement.¹⁵

Although there is no comprehensive tally of the number of marriages that end through dissolution as compared to summary dissolution, data provided by stakeholders indicate that only a small fraction of marriages end through the summary dissolution process. This is likely due to a number of factors, including (1) that the eligibility criteria are so narrow, and (2) summary dissolution is available only for couples who are able to agree on the terms of the dissolution without court intervention.

⁸ *Id.*, §§ 2024, 2330.

⁹ Code Civ. Proc., § 412.20; Fam. Code, § 2040.

¹⁰ Fam. Code, §§ 2333, 2334, 2336.

¹¹ *Id.*, §§ 772, 2338, 2345.

¹² *Id.*, div. 6, pt. 5, ch. 5, §§ 2400 et seq.

¹³ *Id.*, § 2400.

¹⁴ *Ibid.*

¹⁵ *Id.*, § 2403.

Additionally, it is possible for parties who file a standard petition for dissolution to work things out with little or no court involvement. Forms developed by the Judicial Council provide the option of an uncontested dissolution, whereby the parties stipulate to the terms of their divorce and the court enters judgment on those terms.¹⁶

3. This bill establishes, on January 1, 2026, a joint petition for dissolution procedure, for parties who do not qualify for summary dissolution but wish to proceed collaboratively

This bill is intended to create a cooperative dissolution procedure available to parties who are not eligible for the summary dissolution process, which will take effect January 1, 2026. The bill provides, as an alternative to the standard petition for dissolution, the option for parties to file a “joint petition” that sets forth specified information about the marriage and the matters that the parties intend to work out among themselves. Unlike a standard petition for dissolution, which is filed by one party and served with a summons, a joint petition is filed by both parties and service is deemed to have occurred as of the date of filing. The summons, which is still provided upon filing, will still include the temporary restraining orders issued in all dissolution cases regarding children and marital assets. The filing of the petition will also constitute an appearance by both parties, so neither party needs to file an additional document or appear in court to avoid a default.

Once a joint petition is filed, the parties may proceed with working out the terms of the dissolution without involving the court. Parties to a joint petition retain the right to seek discovery from each other. If, however, either party needs to seek court intervention – on a discovery motion, or through some other request for order or a trial setting – that party must file an amended pleading that revokes the joint petition status and converts the action to a standard procedure for dissolution. Additionally, either party to a joint petition may, at any time, file an amended pleading that converts the action to a standard dissolution procedure.

To lessen the burden on Judicial Council, the bill provides that the parties to a joint petition may still be referred to as a petitioner and respondent on relevant forms. The bill also requires Judicial Council to make or amend any rules and forms before the operative date of the bill.

Because parties in the standard dissolution process already have the option to obtain a judgment of dissolution by presenting an agreement in an uncontested case, the joint petition process established by this bill would not meaningfully change the end result of a dissolution proceeding. Instead, the major effects of the joint petition process would be felt on the front end of a dissolution procedure: instead of having one party file a petition and the other file a response, the parties would be filing together. According to the author, avoiding the petitioner/respondent dynamic will reduce friction between

¹⁶ Judicial Council Forms, forms FL-170, FL-182.

the parties and help them maintain a cooperative attitude throughout their dissolution proceeding.

The author has agreed to several minor amendments to clarify the bill, including by eliminating the reference to “divorce” (which is not a legal category in this state) and ensuring that Judicial Council will be able to have forms and rules ready as of the January 1, 2026, effective date. The amendments also clarify that the joint petition process is available only for individuals who intend to resolve all of the terms of dissolution without court involvement.

4. Amendments

The amendments discussed above are as follows, with additions in bold/underline and deletions in strikethrough, subject to any nonsubstantive changes the Office of Legislative Counsel may make:

Amendment 1

At page 2, lines 29-33, and page 3, lines 1-6, modify the new Family Code section 2330(c)(3) as follows:

(c)(3)(A) A list of issues upon which the parties intend to resolve by agreement, ~~including, but~~ **which may include, but is** not limited to, ~~all of~~ the following:

~~(A)~~**(i)** The legal grounds for ~~divorce, dissolution,~~ **dissolution** or legal separation.

~~(B)~~**(ii)** The date of separation.

~~(C)~~**(iii)** Child custody.

~~(D)~~**(iv)** Spousal support or domestic partner support.

~~(E)~~**(v)** Separate property.

~~(F)~~**(vi)** Community and quasi-community property.

~~(G)~~**(vii)** Restoration of former name.

~~(H)~~**(viii)** Attorney’s fees and costs.

(B) The list of issues required by subparagraph (A) shall represent all of the matters at issue in the dissolution. If the parties have an issue that they do not intend to solve by agreement, they shall file a petition pursuant to subdivision (b).

Amendment 2

At page 6, delete lines 17-19 (subdivision (i)) and make the current subdivision (j) the new subdivision (i).

Amendment 3

After page 6, line 20, add a new section 5 to the bill, adding Section 2342.51 to the Family Code, to read:

2342.51. The Judicial Council shall adopt or amend any rules or forms necessary to implement Section 2342.5 on or before January 1, 2026.

5. Arguments in support

According to the Los Angeles Consensual Dispute Resolution Family Law Association:

LACFLA supports SB1427 because it aligns with our mission. The current Petition and Response system is based on an adversarial model and often triggers an adversarial reaction since people are often in a heightened emotional state when commencing their dissolution of marriage. It arouses suspicion in parties and can derail them from utilizing a non-adversarial process.

We cannot emphasize how critical the initial phase of a dissolution case is to how it ends. A relatively benign case can escalate quickly into a high conflict case and a more emotionally challenging case can be channeled to calmer waters. Generally, who pays the highest price are the children of divorcing parents. They end up in an emotional tug-of-war between their parents as well as having their college funds drained. The after-effects of a contested dissolution can impact parties and their children for the rest of their lives.

SUPPORT

Family Divorce Solutions
Family Law Section, Los Angeles County Bar Association
Latkin Spears
Los Angeles Consensual Dispute Resolution Family Law Association
Pasadena Collaborative Divorce
Two individuals

OPPOSITION

None received

RELATED LEGISLATION

Pending Legislation: SB 1150 (Laird, 2024) clarifies that the provisions permitting the restoration of a party's prior last name in a proceeding for dissolution or nullity of marriage apply to either partner in the marriage, regardless of gender. SB 1150 is pending before this Committee and is set to be heard on the same date as this bill.

Prior Legislation:

SB 536 (Rubio, 2021) would have required a court, in a proceeding for dissolution of marriage, to order a judgment of dissolution of marriage to be entered before the

expiration of the statutory 6-month period if the moving party establishes either that the moving party was a victim of a felony or misdemeanor offense for an act of abuse perpetrated by the other spouse or the moving party submits to the court a protective order in effect against the other spouse, as specified. SB 536 died in the Senate Judiciary Committee.

AB 2373 (Acosta, 2018) would have allowed a party in a proceeding for dissolution of marriage or legal separation to waive the right to receive the required preliminary declaration of disclosure of assets or final declaration of disclosure of assets without the approval of the court, as specified. AB 2373 died in the Senate Judiciary Committee.
