

AMENDED IN SENATE MAY 14, 2002

SENATE BILL

No. 1658

Introduced by Senator Soto

February 21, 2002

An act to ~~add Section 4502.5 to~~ *amend Section 4502 of the Family Code, relating to support.*

LEGISLATIVE COUNSEL'S DIGEST

SB 1658, as amended, Soto. Support: laches.

Existing law provides that a judgment for child, family, or spousal support is enforceable until paid in full and is exempt from any requirement that judgments be renewed.

~~This bill would prohibit a person who has violated a court order for the payment of child, family, or spousal support from raising the defense of laches in any action brought against him or her for payment of child, family, or spousal support. The bill would also prohibit a court from making a finding regarding the lack of diligence of a party seeking to enforce an order for child, family, or spousal support or applying the doctrine of laches in any action brought to enforce an order for child, family, or spousal support~~ *permit in an action to enforce a judgment for child, family, or spousal support the defendant to raise, and the court to consider, the defense of laches only with respect to any interest accruing on the judgment.*

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. ~~Section 4502.5 is added to the Family Code, to~~
2 ~~read:~~

3 ~~4502.5. (a) Any person who has violated a court order for the~~
4 ~~payment of child, family, or spousal support may not raise the~~
5 ~~defense of laches in any action brought against that person for~~
6 ~~payment of child, family, or spousal support.~~

7 ~~(b) A court may not make a finding regarding the lack of~~
8 ~~diligence of a party seeking to enforce an order for child, family,~~
9 ~~or spousal support, nor apply the doctrine of laches in any action~~
10 ~~brought to enforce an order for child, family, or spousal support.~~

11 SECTION 1. *Section 4502 of the Family Code is amended to*
12 *read:*

13 4502. (a) Notwithstanding any other provision of law, a
14 judgment for child, family, or spousal support, including a
15 judgment for reimbursement that includes, but is not limited to,
16 reimbursement arising under Section 17402 or other arrearages,
17 including all lawful interest and penalties computed thereon, is
18 enforceable until paid in full and is exempt from any requirement
19 that judgments be renewed.

20 (b) Although not required, a judgment described in subdivision
21 (a) may be renewed pursuant to the procedure applicable to money
22 judgments generally under Article 2 (commencing with Section
23 683.110) of Chapter 3 of Division 1 of Title 9 of Part 2 of the Code
24 of Civil Procedure. As provided in subdivision (a), the option of
25 renewing the judgment has no effect on the enforceability of the
26 amount due. An application for renewal of a judgment described
27 in subdivision (a), whether or not payable in installments, may be
28 filed:

29 (1) If the judgment has not previously been renewed as to past
30 due amounts, at any time.

31 (2) If the judgment has previously been renewed the amount of
32 the judgment as previously renewed and any past due amount that
33 became due and payable after the previous renewal may be
34 renewed at any time after a period of at least five years has elapsed
35 from the time the judgment was previously renewed.

36 (c) *In an action to enforce a judgment for child, family, or*
37 *spousal support, the defendant may raise, and the court may*



- 1 *consider; the defense of laches only with respect to any interest*
- 2 *accruing on the judgment.*

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