

Senate Bill No. 415

CHAPTER 247

An act to add and repeal Section 4326 of the Family Code, relating to spousal support.

[Approved by Governor September 26, 2007. Filed with
Secretary of State September 26, 2007.]

LEGISLATIVE COUNSEL'S DIGEST

SB 415, Harman. Spousal support: change of circumstances.

Existing law authorizes a court to award child support and spousal support. Existing law also authorizes the court to terminate or modify an award of child or spousal support at any time as the court determines to be necessary, except as specified. In this regard, existing case law requires that the court grant a request for modification of spousal support only if there is a material change of circumstances, other than those accounted for in the previous order.

Existing law also provides that the duration of child support continues as to an unmarried child who has attained the age of 18 years, is a full-time high school student, and is not self-supporting, until the child completes the 12th grade or attains the age of 19 years, whichever occurs first.

This bill would provide, until January 1, 2011, that in a proceeding in which a spousal support order exists or in which the court has retained jurisdiction over a spousal support order, if a companion child support order is in effect, the termination of child support pursuant to the latter provision described above specifying the duration of child support shall constitute a change of circumstances that may be the basis for a request for modification of spousal support.

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

SECTION 1. Section 4326 is added to the Family Code, to read:

4326. (a) In a proceeding in which a spousal support order exists or in which the court has retained jurisdiction over a spousal support order, if a companion child support order is in effect, the termination of child support pursuant to subdivision (a) of Section 3901 constitutes a change of circumstances that may be the basis for a request for modification of spousal support.

(b) This section shall remain in effect only until January 1, 2011, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2011, deletes or extends that date.