

ASSEMBLY BILL

No. 1050

Introduced by Assembly Member Ma

February 27, 2009

An act to amend Section 3042 of the Family Code, relating to child custody.

LEGISLATIVE COUNSEL'S DIGEST

AB 1050, as introduced, Ma. Child custody: preferences of child.

Existing law requires the family court, if a child is of sufficient age and capacity to form an intelligent preference as to custody, to consider and give due weight to the wishes of the child in making an order granting or modifying custody. The court is required to control the examination of a child witness to protect the best interests of the child, and may preclude the calling of the child as a witness if it is in the best interest of the child.

This bill would make technical, nonsubstantive changes to those provisions.

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 3042 of the Family Code is amended to
2 read:
3 3042. (a) If a child is of sufficient age and capacity to reason
4 so as to form an intelligent preference as to custody, the court shall
5 consider, and give due weight to, the wishes of the child in making
6 an order granting or modifying custody.

1 (b) In addition to the requirements of subdivision (b) of Section
2 765 of the Evidence Code, the court shall control the examination
3 of ~~the~~ *a* child witness so as to protect the best interests of the child.
4 The court may preclude the calling of the child as a witness ~~where~~
5 *if* the best interests of the child so dictate and may provide
6 alternative means of obtaining information regarding the child's
7 preferences.

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