

**Introduced by Senator Wright**

February 19, 2010

---

---

An act to add Section 4007.5 to the Family Code, relating to child support.

LEGISLATIVE COUNSEL'S DIGEST

SB 1355, as introduced, Wright. Child support: suspension of support order.

Existing law provides that if a court orders a person to make payments for child support until the occurrence of a specified event, the obligation of the person ordered to pay support terminates on the happening of the contingency.

This bill would provide that the obligation of a person ordered to pay child support is suspended for the period of time in which the person ordered to pay support is incarcerated or institutionalized, with a specified exception.

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 4007.5 is added to the Family Code, to
- 2 read:
- 3 4007.5. (a) Every money judgment or order for support of a
- 4 child shall provide that the obligation of the person ordered to pay
- 5 support shall be suspended for any period exceeding 30 consecutive
- 6 days in which the person ordered to pay support is incarcerated or
- 7 institutionalized.

1 (b) Notwithstanding subdivision (a), the court may continue the  
2 obligation of the person ordered to pay support of a child during  
3 a period in which the person ordered to pay support is incarcerated  
4 or institutionalized upon the request of the person to whom the  
5 support payments are to be made, and upon a finding that the  
6 obligor has the means to pay support while incarcerated or  
7 institutionalized.

8 (c) For purposes of this section, “incarcerated or  
9 institutionalized” includes, but is not limited to, involuntary  
10 confinement to a state prison, county jail, juvenile facility operated  
11 by the Division of Juvenile Facilities in the Department of  
12 Corrections and Rehabilitation, or a mental health facility.