

AMENDED IN ASSEMBLY JUNE 17, 2010

AMENDED IN ASSEMBLY JUNE 7, 2010

SENATE BILL

No. 1482

Introduced by ~~Committee on Governmental Organization (Senators Wright (Chair), Calderon, Denham, Florez, Harman, Negrete McLeod, Oropeza, Padilla, Price, Wyland, and Yee) Senator Wright~~

March 8, 2010

An act to amend Section 4326 of the Family Code, relating to spousal support.

LEGISLATIVE COUNSEL'S DIGEST

SB 1482, as amended, ~~Committee on Governmental Organization~~ *Wright*. Spousal support: modification: change of circumstances.

Existing law provides that in a proceeding for dissolution of marriage or for legal separation, the court may order a party to submit to an examination by a vocational training counselor upon a noticed motion, for good cause, by one of the parties. Existing law authorizes a 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 provides, 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 shall constitute a

change of circumstances that may be the basis for a request for modification of spousal support.

This bill would delete the above repeal date, and would require that a motion to modify spousal support on the basis of the change in circumstances caused by the termination of a child support order be filed within 6 months of the termination of the child support order. The bill would authorize either party to request the appointment of a vocational training counselor if a motion to modify spousal support on that basis is filed.

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 4326 of the Family Code is amended to
2 read:
3 4326. (a) In a proceeding in which a spousal support order
4 exists or in which the court has retained jurisdiction over a spousal
5 support order, if a companion child support order is in effect, the
6 termination of child support pursuant to subdivision (a) of Section
7 3901 constitutes a change of circumstances that may be the basis
8 for a request by either party for modification of spousal support.
9 (b) A motion to modify spousal support based on the change of
10 circumstances described in subdivision (a) shall be filed by either
11 party no later than six months from the date the child support order
12 terminates.
13 (c) If a motion to modify a spousal support order pursuant to
14 subdivision (a) is filed, either party may request the appointment
15 of a vocational training counselor pursuant to Section 4331.

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