

Assembly Bill No. 414

CHAPTER 202

An act to add Section 4326 to the Family Code, relating to spousal support, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 15, 2014. Filed with
Secretary of State August 15, 2014.]

LEGISLATIVE COUNSEL'S DIGEST

AB 414, Fox. Spousal support: modifications.

Existing law, until January 1, 2014, provided 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 constitutes a change of circumstances that may be the basis for a request for modification of spousal support, except as specified. Existing law, until January 1, 2014, required that a motion to modify spousal support based on that change of circumstances be filed within 6 months of the termination of the child support order.

This bill would reenact these provisions and would authorize a party whose 6-month deadline to file expired between January 1, 2014, and September 30, 2014, to file a motion pursuant to these provisions until December 31, 2014.

This bill would declare that it is to take effect immediately as an urgency statute.

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) Except as provided in subdivision (d), 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 by either party for modification of spousal support.

(b) A motion to modify spousal support based on the change of circumstances described in subdivision (a) shall be filed by either party no later than six months from the date the child support order terminates.

(c) If a motion to modify a spousal support order pursuant to subdivision (a) is filed, either party may request the appointment of a vocational training counselor pursuant to Section 4331.

(d) Notwithstanding subdivision (a), termination of the child support order does not constitute a change of circumstances under subdivision (a) in any of the following circumstances:

(1) The child and spousal support orders are the result of a marital settlement agreement or judgment and the marital settlement agreement or judgment contains a provision regarding what is to occur when the child support order terminates.

(2) The child and spousal support orders are the result of a marital settlement agreement or judgment, which provides that the spousal support order is nonmodifiable or that spousal support is waived and the court's jurisdiction over spousal support has been terminated.

(3) The court's jurisdiction over spousal support was previously terminated.

(e) Notwithstanding subdivision (b), a party whose six-month deadline to file expired between January 1, 2014, and September 30, 2014, may file a motion pursuant to this section until December 31, 2014.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to prevent unnecessary disruption to the judicial system and to protect parties in family law cases who may be injured by the January 1, 2014, sunset of former Section 4326 of the Family Code, it is necessary that this act take effect immediately.