

Assembly Bill No. 522

CHAPTER 40

An act to amend Section 583.161 of the Code of Civil Procedure, relating to civil actions.

[Approved by Governor June 28, 2013. Filed with
Secretary of State June 28, 2013.]

LEGISLATIVE COUNSEL'S DIGEST

AB 522, Bloom. Civil actions: exceptions to dismissal for delay in prosecution.

Existing law authorizes a court to dismiss an action for delay in prosecution if, among other conditions, an action is not brought to trial within a specified period of time. Existing law prohibits dismissal of an action for dissolution of marriage or for legal separation of parties under specified conditions, including if a valid order for child or spousal support exists or, in an action for dissolution of marriage, a separate trial on the issue of the status of marriage has been conducted as provided by law.

This bill would expand the types of actions to which the exception to dismissal of an action for delay in prosecution would apply and would include an action for the dissolution of a domestic partnership, an action based on void or voidable marriage, and an action relating to a child custody or visitation order. The bill would prohibit those actions from being dismissed under the specified conditions that would also include if an order regarding child custody or visitation has been issued, as specified, or if a valid personal conduct restraining order exists and if an issue in the case has been bifurcated, as specified.

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

SECTION 1. Section 583.161 of the Code of Civil Procedure is amended to read:

583.161. A petition filed pursuant to Section 299, 2250, 2330, or 7600 of the Family Code shall not be dismissed pursuant to this chapter if any of the following conditions exist:

(a) An order for child support or an order regarding child custody or visitation has been issued in connection with the proceeding and the order has not been (1) terminated by the court or (2) terminated by operation of law pursuant to Sections 3022, 3900, 3901, 4007, and 4013 of the Family Code.

(b) An order for spousal support has been issued in connection with the proceeding and the order has not been terminated by the court.

(c) A personal conduct restraining order has been issued pursuant to the Domestic Violence Prevention Act (Division 10 (commencing with Section 6200) of the Family Code) and the order has not been terminated by operation of law or by the court.

(d) An issue in the case has been bifurcated and one of the following has occurred:

(1) A separate trial has been conducted pursuant to Section 2337 of the Family Code.

(2) A separate trial has been conducted pursuant to the California Rules of Court.