

AMENDED IN SENATE JUNE 19, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 2745

Introduced by Committee on Judiciary (Assembly Members Wieckowski (Chair), Alejo, Chau, Dickinson, Garcia, Muratsuchi, and Stone)

March 4, 2014

An act to amend Section 2452 of the Family Code, ~~and to amend Sections 69614 and 69614.2 of, and to add Section 69618 to to,~~ the Government Code, relating to courts.

LEGISLATIVE COUNSEL'S DIGEST

AB 2745, as amended, Committee on Judiciary. Courts.

(1) Existing law authorizes courts to order a family centered case resolution to provide judicial assistance and management to parties in actions for dissolution of marriage. Existing law requires a court-ordered family centered case resolution plan to conform with due process requirements and authorizes the plan to include, among other things, an early neutral case evaluation and alternative dispute resolution, as specified. Existing law requires the Judicial Council to adopt a statewide rule of court to implement these provisions by January 1, 2012, and also authorizes the council, by rule, to modify the procedures described above.

This bill would instead authorize the Judicial Council, by rule, to increase the procedures described above.

(2) Existing law specifies the number of judges of the superior court for each county, and allocates additional judgeships to the various counties in accordance with uniform standards for factually determining additional need in each county, as approved by the Judicial Council,

and other specified criteria. Existing law provides for the conversion of 146 subordinate judicial officer positions in eligible superior courts upon the occurrence of specified conditions, including that the proposed action is ratified by the Legislature, except that no more than 16 positions may be converted to judgeships in any fiscal year. Notwithstanding this provision, existing law authorizes up to 10 additional subordinate judicial officer positions to be converted to judgeships in any fiscal year, *year* if the conversions will result in a judge being assigned to a family law or juvenile law assignment previously presided over by a subordinate judicial officer and the proposed action is ratified by the Legislature.

This bill would ratify the authority of the Judicial Council to convert 10 subordinate judicial officer positions to judgeships in the 2014–15 fiscal year when the conversion will result in a judge being assigned to a family law or juvenile law assignment previously presided over by a subordinate judicial officer.

Vote: majority. Appropriation: no. Fiscal committee: yes.
 State-mandated local program: no.

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

- 1 SECTION 1. Section 2452 of the Family Code is amended to
- 2 read:
- 3 2452. The Judicial Council may, by rule, increase the
- 4 procedures set forth in this chapter.
- 5 *SEC. 2. Section 69614 of the Government Code is amended to*
- 6 *read:*
- 7 69614. (a) Upon appropriation by the Legislature in the
- 8 2006–07 fiscal year, there shall be 50 additional judges allocated
- 9 to the various superior courts pursuant to the uniform criteria
- 10 described in subdivision (b) for determining the need for additional
- 11 superior court judges.
- 12 (b) The judges shall be allocated, in accordance with the uniform
- 13 standards for factually determining additional judicial need in each
- 14 county, ~~as approved by the Judicial Council in August 2001, and~~
- 15 ~~as modified and updated and approved by the Judicial Council in~~
- 16 ~~August 2004, Council~~, pursuant to the Update of Judicial Needs
- 17 Study, based on the following criteria:
- 18 (1) Court filings data averaged over a period of three years.

1 (2) Workload standards that represent the average amount of
2 time of bench and nonbench work required to resolve each case
3 type.

4 (3) A ranking methodology that provides consideration for
5 courts that have the greatest need relative to their current
6 complement of judicial officers.

7 (c) (1) The Judicial Council shall report to the Legislature and
8 the Governor on or before November 1 of every even-numbered
9 year on the factually determined need for new judgeships in each
10 superior court using the uniform criteria for allocation of judgeships
11 described in subdivision (b), as updated and applied to the average
12 of the prior three years' filings.

13 (2) On or before November 30, 2011, the Judicial Council shall
14 provide to the Legislature a special assessment of the need for new
15 judgeships in the family law and juvenile law assignments for each
16 superior court.

17 (3) The Judicial Council shall report, beginning with the report
18 due to the Legislature on November 1, 2012, on the implementation
19 and effect of subparagraph (C) of paragraph (1) of subdivision (c)
20 of Section 69615.

21 *SEC. 3. Section 69614.2 of the Government Code is amended*
22 *to read:*

23 69614.2. Upon appropriation by the Legislature in the 2007–08
24 fiscal year, there shall be 50 additional judges allocated to the
25 various county superior courts, pursuant to the uniform criteria
26 described in subdivision (b) of Section 69614, as updated and
27 approved by the Judicial Council on February 23, 2007. *Council.*

28 ~~SEC. 2.~~

29 *SEC. 4.* Section 69618 is added to the Government Code, to
30 read:

31 69618. (a) The Legislature hereby ratifies the authority of the
32 Judicial Council to convert 10 subordinate judicial officer positions
33 to judgeships in the 2014–15 fiscal year when the conversion will
34 result in a judge being assigned to a family law or juvenile law
35 assignment previously presided over by a subordinate judicial
36 officer, pursuant to subparagraph (C) of paragraph (1) of
37 subdivision (c) of Section 69615.

38 (b) The action described in subdivision (a) shall be in addition
39 to any action that may be taken pursuant to the authority described
40 in subparagraph (B) of paragraph (1) of subdivision (c) of Section

- 1 69615 to convert up to 16 subordinate judicial officer positions to
- 2 judgeships.

O