

AMENDED IN SENATE MAY 14, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 380**

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**Introduced by Assembly Member Waldron**

February 18, 2015

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An act to amend Section 2251 of the Family Code, relating to marriage.

LEGISLATIVE COUNSEL’S DIGEST

AB 380, as amended, Waldron. Marriage: putative spouses.

Existing law specifies the circumstances under which a marriage is void or voidable. Existing law requires a court, if a determination is made that a marriage is void or voidable and either party believed in good faith that the marriage was valid, to declare the party or parties to have the status of *a* putative spouse and to divide the *quasi-marital* property that would have been community property *or quasi-community property* if the marriage was valid as if it were community property.

This bill would ~~prohibit the court from making these declarations or orders unless the party or parties that believed in good faith that the marriage was valid request the court to do so.~~ *instead require the court, only upon request of a party who is declared a putative spouse, to divide the quasi-marital property that would have been community property or quasi-community property if the marriage was valid as if it were community property.*

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 2251 of the Family Code is amended to  
2 read:

3     2251. (a) If a determination is made that a marriage is void or  
4 voidable and the court finds that either party or both parties  
5 believed in good faith that the marriage was valid, the court shall:

6     (1) Declare the party or ~~parties~~ *parties, who believed in good*  
7 *faith that the marriage was valid*, to have the status of a putative  
8 spouse.

9     (2) If the division of property is in issue, divide, in accordance  
10 with Division 7 (commencing with Section 2500), that property  
11 acquired during the union ~~which~~ *that* would have been community  
12 property or quasi-community property if the union had not been  
13 void or ~~voidable~~. *voidable, only upon request of a party who is*  
14 *declared a putative spouse under paragraph (1).* This property is  
15 known as “quasi-marital property.”

16     (b) If the court expressly reserves jurisdiction, it may make the  
17 property division at a time after the judgment.

18     ~~(c) A court shall not make the orders or declarations authorized~~  
19 ~~in subdivision (a) unless the party or parties that believed in good~~  
20 ~~faith that the marriage was valid request the court to do so.~~