

**ASSEMBLY BILL**

**No. 1407**

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**Introduced by Assembly Member Atkins**

February 27, 2015

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An act to amend Section 2104 of the Family Code, relating to family law.

LEGISLATIVE COUNSEL'S DIGEST

AB 1407, as introduced, Atkins. Family law: dissolution: declaration of disclosure.

Existing law requires each party to a proceeding for dissolution of marriage or legal separation of the parties to serve on the other party a preliminary declaration of disclosure of assets, as specified, either concurrently with the petition for dissolution, or within 60 days of filing the petition.

This bill would clarify that the petitioner is required to serve the preliminary declaration of disclosure either concurrently with the petition for dissolution or legal separation or within 60 days of filing the petition.

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 2104 of the Family Code is amended to
- 2 read:
- 3 2104. (a) Except by court order for good cause, as provided
- 4 in Section 2107, in the time period set forth in subdivision (f), each
- 5 party shall serve on the other party a preliminary declaration of
- 6 disclosure, executed under penalty of perjury on a form prescribed

1 by the Judicial Council. The commission of perjury on the  
2 preliminary declaration of disclosure may be grounds for setting  
3 aside the judgment, or any part or parts thereof, pursuant to Chapter  
4 10 (commencing with Section 2120), in addition to any and all  
5 other remedies, civil or criminal, that otherwise are available under  
6 law for the commission of perjury. The preliminary declaration of  
7 disclosure shall include all tax returns filed by the declarant within  
8 the two years prior to the date that the party served the declaration.

9 (b) The preliminary declaration of disclosure shall not be filed  
10 with the court, except on court order. However, the parties shall  
11 file proof of service of the preliminary declaration of disclosure  
12 with the court.

13 (c) The preliminary declaration of disclosure shall set forth with  
14 sufficient particularity, that a person of reasonable and ordinary  
15 intelligence can ascertain, all of the following:

16 (1) The identity of all assets in which the declarant has or may  
17 have an interest and all liabilities for which the declarant is or may  
18 be liable, regardless of the characterization of the asset or liability  
19 as community, quasi-community, or separate.

20 (2) The declarant's percentage of ownership in each asset and  
21 percentage of obligation for each liability where property is not  
22 solely owned by one or both of the parties. The preliminary  
23 declaration may also set forth the declarant's characterization of  
24 each asset or liability.

25 (d) A declarant may amend his or her preliminary declaration  
26 of disclosure without leave of the court. Proof of service of any  
27 amendment shall be filed with the court.

28 (e) Along with the preliminary declaration of disclosure, each  
29 party shall provide the other party with a completed income and  
30 expense declaration unless an income and expense declaration has  
31 already been provided and is current and valid.

32 (f) The petitioner shall serve the other party with the preliminary  
33 declaration of disclosure either concurrently with the petition for  
34 ~~dissolution~~, *dissolution or legal separation*, or within 60 days of  
35 filing the petition. The respondent shall serve the other party with  
36 the preliminary declaration of disclosure either concurrently with  
37 the response to the petition, or within 60 days of filing the response.

- 1 The time periods specified in this subdivision may be extended by
- 2 written agreement of the parties or by court order.

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