

AMENDED IN ASSEMBLY MARCH 15, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1735**

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**Introduced by Assembly Member Waldron**

February 1, 2016

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An act to amend Section ~~1798.60~~ of the Civil Code, relating to ~~information practices~~; 215 of the Family Code, relating to dissolution of marriage.

LEGISLATIVE COUNSEL'S DIGEST

AB 1735, as amended, Waldron. ~~Information Practices Act of 1977; personal information~~. *Dissolution of marriage: bifurcated judgment: service.*

*Existing law, when there is a modification of a judgment or order or a subsequent order in a specified proceeding relating to marriage, including dissolution of marriage, requires that service for the new order or proceeding be made to the party in the same manner as the notice is otherwise permitted to be served. Existing law specifies that service upon the attorney of record is not sufficient.*

*This bill would require service upon the attorney of record, and not the party, in the case of a bifurcated judgment of dissolution.*

~~The Information Practices Act of 1977 prescribes requirements for state agencies for the maintenance of personal information, as defined, and restricts a state agency from disclosing personal information contained in its records, as specified. The act, among other things, prohibits a state agency from distributing for commercial purposes, selling, or renting an individual's name and address unless specifically authorized by law.~~

~~This bill would make technical, nonsubstantive changes to that provision.~~

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 215 of the Family Code is amended to*  
2 *read:*

3 215. (a) Except as provided in subdivision ~~(b)~~, (b) or (c), after  
4 entry of a judgment of dissolution of marriage, nullity of marriage,  
5 legal separation of the parties, or paternity, or after a permanent  
6 order in any other proceeding in which there was at issue the  
7 visitation, custody, or support of a child, no modification of the  
8 judgment or order, and no subsequent order in the proceedings, is  
9 valid unless any prior notice otherwise required to be given to a  
10 party to the proceeding is served, in the same manner as the notice  
11 is otherwise permitted by law to be served, upon the party. For the  
12 purposes of this section, service upon the attorney of record is not  
13 sufficient.

14 (b) A postjudgment motion to modify a custody, visitation, or  
15 child support order may be served on the other party or parties by  
16 first-class mail or airmail, postage prepaid, to the persons to be  
17 served. For any party served by mail, the proof of service must  
18 include an address verification.

19 (c) *This section does not apply to a bifurcated judgment of*  
20 *dissolution pursuant to Section 2337, service for which shall be*  
21 *upon the attorney of record.*

22 ~~SECTION 1. Section 1798.60 of the Civil Code is amended~~  
23 ~~to read:~~

24 ~~1798.60. An individual's name and address shall not be~~  
25 ~~distributed for commercial purposes, sold, or rented by an agency~~  
26 ~~unless that action is specifically authorized by law.~~