

AMENDED IN ASSEMBLY APRIL 21, 2016

AMENDED IN ASSEMBLY MARCH 15, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1735

Introduced by Assembly Member Waldron

February 1, 2016

An act to amend Section 215 of the Family Code, relating to dissolution of marriage.

LEGISLATIVE COUNSEL'S DIGEST

AB 1735, as amended, Waldron. Dissolution of marriage: bifurcated judgment: service.

Existing law, ~~when if~~ there is a modification of a judgment or order or a subsequent order in a specified proceeding relating to marriage, including dissolution of marriage, *or in any other proceeding in which there was at issue the visitation, custody, or support of a child*, requires that service for the new order or proceeding be made ~~to~~ *upon* 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 *to be* upon the attorney of record, ~~and not the party, in the case of a bifurcated judgment of dissolution. record for represented parties or upon the parties themselves if unrepresented when the court has ordered an issue or issues bifurcated for separate trial in advance of the disposition of the entire case. The bill, however, would require service to be upon both the party and the attorney of record if a pleading has not been filed in the action for a period of 6 months after the entry of the bifurcated judgment.~~

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) 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 *shall* 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. if the court has ordered an issue or~~
22 ~~issues bifurcated for separate trial in advance of the disposition~~
23 ~~of the entire case. In those cases, service of a motion on any~~
24 ~~outstanding matter shall be served either upon the attorney of~~
25 ~~record, if the parties are represented, or upon the parties, if~~
26 ~~unrepresented. However, if there has been no pleading filed in the~~
27 ~~action for a period of six months after the entry of the bifurcated~~
28 ~~judgment, service shall be upon both the party, at the party's last~~
29 ~~known address, and the attorney of record.~~