

AMENDED IN ASSEMBLY APRIL 25, 1995

AMENDED IN ASSEMBLY APRIL 17, 1995

CALIFORNIA LEGISLATURE—1995–96 REGULAR SESSION

**ASSEMBLY BILL**

**No. 413**

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**Introduced by Assembly Member Kuehl**

February 15, 1995

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An act to add Section 1567 to the Evidence Code, and to amend ~~Section 3664~~ *Sections 3664 and 3667* of the Family Code, relating to family law.

LEGISLATIVE COUNSEL'S DIGEST

AB 413, as amended, Kuehl. Family law: support.

Existing law authorizes, at any time following a judgment of dissolution of marriage or legal separation, a party ordered to pay child, family, or spousal support or the party to whom support was ordered to be paid to serve, without leave of court, a request for the production of a completed current income and expense declaration in the form adopted by the Judicial Council, as specified. Existing law requires the Judicial Council to adopt forms or notices for purposes of these provisions.

This bill would authorize ~~either~~ *the requesting* party to serve on the employer of the other party a request for information regarding the other party's income and benefits in the form adopted by the Judicial Council *where there is no response within 35 days or if the responsive income and expense declaration is incomplete, as provided. The bill would*

require the Judicial Council form adopted for these purposes to state that compliance by the employer with the request is voluntary. This bill would authorize service of either request at any time after a determination of paternity as well as the times authorized by existing law. *The bill would make a related and conforming change.*

This bill would also authorize the admission of this information form completed by the employer in a proceeding for modification or termination of an order for child, family, or spousal support if specified requirements are met.

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 1567 is added to the Evidence  
2 Code, to read:

3 1567. A completed form described in Section 3664 of  
4 the Family Code for income and benefit information  
5 provided by the employer may be admissible in a  
6 proceeding for modification or termination of an order  
7 for child, family, or spousal support if both of the following  
8 requirements are met:

9 (a) The completed form complies with Sections 1561  
10 and 1562.

11 (b) A copy of the completed form was served on the  
12 employee named therein at least 15 days before the date  
13 set for the hearing or trial, unless an order for shortening  
14 time was granted. If this order was granted, then the form  
15 shall be served at the same time as the notice of hearing.

16 SEC. 2. Section 3664 of the Family Code is amended  
17 to read:

18 3664. (a) At any time following a judgment of  
19 dissolution of marriage or legal separation of the parties,  
20 or a determination of paternity, that provides for  
21 payment of support, either the party ordered to pay  
22 support or the party to whom support was ordered to be  
23 paid or that party's assignee, without leave of court, may  
24 ~~serve one or both of the following:~~



1 ~~(1) A~~ serve a request on the other party for the  
2 production of a completed current income and expense  
3 declaration in the form adopted by the Judicial Council.

4 ~~(2) A~~

5 (b) *If there is no response within 35 days of service of*  
6 *the request or if the responsive income and expense*  
7 *declaration is incomplete as to any wage information,*  
8 *including the attachment of pay stubs and income tax*  
9 *returns, the requesting party may serve a request on the*  
10 *employer of the other party for information regarding*  
11 *the income and benefits provided to the party in the form*  
12 *adopted by the Judicial Council. The employer may*  
13 *require the requesting party to pay the reasonable costs*  
14 *of copying this information for the requesting party.*

15 ~~(b)~~

16 (c) Service of a request for production of an income  
17 and expense declaration or for income and benefit  
18 information pursuant to this section shall be by certified  
19 mail, postage prepaid, return receipt requested, to the  
20 last known address of the party to be served, or by  
21 personal service.

22 (d) *The form adopted by the Judicial Council for*  
23 *purposes of the request on an employer described in*  
24 *subdivision (b) shall state that compliance with the*  
25 *request is voluntary.*

26 *SEC. 3. Section 3667 of the Family Code is amended*  
27 *to read:*

28 3667. Upon the subsequent filing of a motion for  
29 modification or termination of the support order by the  
30 requesting party, if the court finds that the income and  
31 expense declaration submitted by the responding party  
32 pursuant to this article was incomplete, inaccurate, or  
33 missing the prior year's federal and state personal income  
34 tax returns, or that the declaration was not submitted in  
35 good faith, the court may order sanctions against the  
36 responding party in the form of payment of all costs of the  
37 motion, including the filing fee and the costs of the  
38 depositions and subpoenas necessary to be utilized in  
39 order to obtain complete and accurate information. *This*



- 1 *section is applicable regardless of whether a party has*
- 2 *utilized subdivision (b) of Section 3664.*

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