

AMENDED IN ASSEMBLY JANUARY 4, 2006

AMENDED IN ASSEMBLY APRIL 14, 2005

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

ASSEMBLY BILL

No. 1502

Introduced by Assembly Member Salinas

February 22, 2005

An act to add Section 3150.5 to the Family Code, relating to family law.

LEGISLATIVE COUNSEL'S DIGEST

AB 1502, as amended, Salinas. Family law proceedings: San Benito County pilot project.

Existing law provides for appointment of investigators and child custody evaluators in contested family law proceedings in which child custody or visitation is in dispute.

This bill would create in San Benito County, until January 1, ~~2009~~ 2010, a pilot project in which a family law court would, *in the court's discretion*, appoint an attorney and a multidisciplinary team of professionals who shall support the attorney to represent the best interests of a child in family law matters when the custody of the child is in dispute and either one party to the action has accused the other party of domestic violence or ~~there are allegations~~ of child abuse ~~by one of the parties~~ against the child who is the subject of the custody dispute, as specified.

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 3150.5 is added to the Family Code, to
2 read:

3 3150.5. (a) There is hereby created in San Benito County a
4 pilot project in which a family law court shall appoint an attorney
5 and a multidisciplinary team of professionals who shall support
6 the attorney to represent the best interests of a child in family law
7 matters when the custody of the child is in dispute and either ~~one~~
8 *of the following applies:*

9 (1) *One party to the action has accused the other party of*
10 ~~domestic violence or there are allegations of child abuse by one~~
11 ~~of the parties~~ *domestic violence.*

12 (2) *One party has alleged that the other party has committed*
13 *child abuse against the child who is the subject of the custody*
14 *dispute.*

15 (b) The multidisciplinary team shall be assembled by a
16 nonprofit organization and appointed by, *and only at the*
17 *discretion of,* the court. The multidisciplinary team shall include
18 professionals who shall meet minimum experience and training
19 criteria established by the nonprofit organization. The team shall
20 include a paralegal, a psychologist, an investigator, a social
21 worker, a counselor or therapist, and a medical professional each
22 of whom shall have experience in assessing and presenting
23 evidence on child abuse ~~and domestic violence.~~ ~~Each member of~~
24 ~~the team shall be deemed to be and shall be appointed as a~~
25 ~~court-appointed investigator within the meaning of Section 3110~~
26 ~~and as an expert pursuant to Section 730 of the Evidence Code.~~
27 *and domestic violence.*

28 (c) The multidisciplinary team shall investigate and present
29 evidence supporting the investigation into the issue of the child's
30 best interest as it relates to the allegations of child abuse and
31 domestic violence.

32 (d) The pilot project shall include a research component that
33 shall result in the creation of a protocol and a policy that may be
34 implemented in other counties throughout the state.

35 (e) All funding for the pilot project shall be obtained from ~~fees~~
36 ~~imposed upon the parties to any action in San Benito County to~~
37 ~~which this section applies or from private, nonprofit~~
38 ~~organizations.~~ There shall be no cost to the county for the

1 implementation of this pilot project. *This section shall become*
2 *operative only after independent sources of funding are identified*
3 *or become available.*

4 (f) This section shall remain in effect only until January 1,
5 ~~2009~~ 2010, and as of that date is repealed, unless a later enacted
6 statute, that is enacted before January 1, ~~2009~~ 2010, deletes or
7 extends that date.

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