

ASSEMBLY BILL

No. 2689

**Introduced by Committee on Judiciary (Assembly Members Feuer
(Chair), Atkins, Dickinson, Huber, Monning, and Wieckowski)**

March 13, 2012

An act to repeal Section 3151.5 of the Family Code, relating to child custody and visitation.

LEGISLATIVE COUNSEL'S DIGEST

AB 2689, as introduced, Committee on Judiciary. Family law: child custody and visitation.

Existing law governs determinations of child custody in proceedings for dissolution of marriage, nullity of marriage, legal separation of the parties, petitions for exclusive custody of the child, and under the Domestic Violence Prevention Act. Under existing law, a court is authorized to appoint private counsel to represent the child's interests in a custody or visitation proceeding if the court determines that appointing counsel would be in the best interest of the child. The child's appointed counsel is required to gather and present facts that bear on the best interest of the child, including the child's wishes if the child so desires. Under existing law, the court is required to consider a statement of issues and contentions of the child's counsel when the court determines custody or visitation.

This bill would eliminate the requirement that the court consider a child's attorney's statement of issues and contentions when the court determines custody or visitation.

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 Section 3151.5 of the Family Code is repealed.
2 3151.5. ~~If a child is represented by court appointed counsel,~~
3 ~~at every hearing in which the court makes a judicial determination~~
4 ~~regarding custody or visitation the court shall consider any~~
5 ~~statement of issues and contentions of the child's counsel. Any~~
6 ~~party may subpoena as a witness any person listed in the statement~~
7 ~~of issues and contentions as having provided information to the~~
8 ~~attorney, but the attorney shall not be called as a witness.~~

O