#34(L) 1/29/65

Memorandum 65-4

Subject: Study No. 34(L) - Uniform Rules of Evidence (Evidence Code)

On January 22 and 23 the committees of the Judicial Council and the Conference of California Judges that have been considering the Evidence Code held a joint meeting to consider their suggested revisions to the Evidence Code. John DeMoully and Joseph Harvey attended the meeting in order to explain the Commission's thinking and in order to provide the Commission with the thinking of the judges' committees. This memorandum presents the matters that the judges wish to have considered by the Commission. Justice John B. Molinari has been invited to the February meeting, and he has indicated that he will appear, to present those matters that the judges believe are of greatest importance. The matters considered by the judges to be of substantial importance are identified by asterisk below.

We have received a report from the Trial Practice Committee of the San Francisco Bar Association. This memorandum also presents the matters raised by that committee.

Section 2.5 (Proposed)

The Conference of Judges Committee suggested that the Commission consider the addition of a new section following Section 2 of the Evidence Code to designate the law applicable in the event that there is no provision in the Evidence Code that applies. The suggestion was that something similar to Commercial Code Section 1103 or Corporations Code Section 15005 be included. The suggested statute would indicate

that, first, the statutory law in existence at the time of the code's adoption would apply, next the decisional law, and then the common law.

The Judicial Council Committee had not previously considered the suggestion and took no position.

Section 12

The judges' committees concur in recommending that Section 12 be modified so that the previous rules of evidence would continue to be applicable in any hearing that had commenced prior to the effective date of the Evidence Code. New trials ordered on appeal or by the trial court would be governed by the Evidence Code. The staff suggests the following revision of Section 12 if the judges' recommendation is approved:

> 12. (a) This code shall become operative on January 1, 1967, and it shall govern proceedings in actions brought on or after that date and also, except as provided in subdivision (b), further proceedings in actions pending on that date.
>
> (b) Subject to subdivision (c), a trial commenced before January 1, 1967, shall not be governed by this code. For the purpose of this section, a trial is commenced when the first witness is sworn or the first exhibit is admitted into evidence and is terminated when the issue upon which such evidence is received is submitted to the trier of fact. A new trial, or a separate trial of a different issue, commenced on or after January 1, 1967, shall be governed by this code.
>
> (c) The provisions of Division 8 (commencing with Section 900) relating to privileges shall govern any claim of privilege made after December 31, 1966.

The comment of the San Francisco Bar Trial Practice Committee in regard to Section 12 should also be considered.

> The Committee felt that this code should become effective as soon as all laws become effective after the close of the 1965 Legislature. There is no need to delay the application of sound rules of evidence.

Section 115

The judges' committees were not satisfied with the draft of Section 115 appearing in the Evidence Code. There was no consensus as to how the draft would be changed, however. One suggestion was that the first paragraph be split into two sentences with the first stating a general principle and the second giving illustrations. Another suggestion was to develop the meaning of "rule of law" in the comment. A possible revision, utilizing our definition of "proof", might be:

> 115. "Burden of proof" means the obligation of a party to meet the requirement of a rule of law that he establish by evidence a requisite degree of belief concerning a fact in the mind of the trier of fact or the court. The burden of proof may require a party to raise a reasonable doubt concerning the existence or nonexistence of a fact or that he establish the existence or nonexistence of a fact by the preponderance of the evidence, by clear and convincing proof, or by proof beyond a reasonable doubt.
>
> Except as otherwise provided by law, the burden of proof requires proof by a preponderance of the evidence.

Sections 120, 130

The judges were concerned with the definitions of "civil action" and "criminal action". The definitions as they appear seemed to the judges to be substantive definitions when, in fact, they are not. They are intended merely to obviate the need for using "or proceeding". A suggestion was made that the use of the indefinite article "a" before each of these sections might eliminate the difficulty.

A suggestion was made that "civil action" be defined as "includes a civil proceeding" and "criminal action" be defined as "includes a criminal proceeding."

Section 145

The judges suggest the revision of Section 145 to read as follows:

145. "The hearing" means the hearing at which a question under this code arises for determination , and not some earlier or later hearing.

Section 160

The San Francisco Bar Trial Practice Committee suggests that the definition of "law" should include treaties.

Section 165

Judge McCoy suggests that the definition of "oath" be revised to include a declaration. Compare Section 165 with Section 710.

Section 190

The judges suggest that Section 190 might be modified as follows:

190. "Proof" is the establishment by evidence of a ~~requisite-degree-of-belief-concerning-a~~ fact in the mind of the trier of fact or the court.

Section 210

The judges suggest that the parenthetical expression "including evidence relevant to the credibility of a witness or hearsay declarant" might be moved to the end of the section in the interest of clarity.

Section 230

The San Francisco Bar Trial Practice Committee asks "What Constitution?" To meet the objection the section might be modified to read as follows:

230. "Statute" includes a constitutional provision ~~of-the-Constitution~~.

The San Francisco Bar Committee also asks "Does this include treaties, and is the administrative code also included?"

Section 245

The judges were concerned with the definition of "verbal" to include written words when in ordinary speech the word "verbal" is frequently

used to refer to oral expression only. The suggestion was made that the section be eliminated and that its substance be incorporated in Section 225 inasmuch as the only place where the defined term is used is Section 225.

Additional definitions

The judges asked the Commission to consider the possibility of adding a definition of the term "witness" to the Evidence Code.

The judges asked the Commission to consider adding cross-referring definitions (similar to the definition of hearsay in Section 150) of the terms "cross-examination" and "presumption".

The suggestion was also made that the term "person identified with a party" be defined in the definitions division instead of in Section 776.

The suggestion was also made that the term "preponderance of the evidence" be defined.

Section 300

The Trial Practice Committee of the San Francisco Bar reports:

> It was the feeling of the Committee that many administrative agencies should be included as subject to the provisions of this code especially where adversary proceedings are involved.

Section 311

The judges recommend that Section 311 be expanded to provide for use of California law in case the court is unable to determine the law of a sister state. This appears to be the law of California at the present time. See, e.g., Gagnon Co. Inc. v. Nevada Desert Inn, 45 Cal.2d 448, 453-454 (1955):

> Whether such a judgment is a bar--res judicata--as to another action on the same cause in this state is controlled

> by Nevada law. . . . We find no Nevada statute or case law covering the case we have here . . . . Under those circumstances we will assume the Nevada law is not out of harmony with ours and thus we look to our law for a solution of the problem.

Section 401

The judges request the Commission to consider whether the definition of "proffered evidence" is necessary or whether some phrase such as "tendered evidence" should be used in lieu thereof.

Section 403

It was suggested that the word "determines" be substituted for the word "finds" in the preliminary language of subdivision (a).

The suggestion was also made that the words "of a party" be added to subdivision (c)(1) after the word "request".

*Section 451

The judges strongly recommend that judicial notice of sister state law be made permissive or mandatory on request under Section 452 instead of mandatory in every instance in Section 451. Although the comment points out the doctrine of invited error, the implication from the sections involved is that the judge has a duty to determine sister state law for himself whether or not requested to.

The judges also suggest that subdivision (f) of Section 451 be placed in Section 452.

Section 452

The judges suggest that a reference to the common law be included in Section 452 inasmuch as Civil Code Section 22.2 makes the common law of England the rule of decision in all courts of this state.

The judges also suggested that the comment be revised to indicate more clearly what is meant by "territorial jurisdiction."

It was suggested that the word "specific" be eliminated from subdivisions (g) and (h).

Section 453

The judges asked the Commission to consider the deletion of the phrase "through the pleadings or otherwise."

Section 455

The judges suggest the addition of the word "trial" before the word "court" in subdivision (b).

Section 456

The San Francisco Committee suggests that the requirement that the judge indicate promptly those matters he proposes to notice should not be limited to those "reasonably subject to dispute" but, instead, the requirement should be applicable to all matters.

Section 550

The judges recommend a revision of the second sentence somewhat as follows:

> After the production of such evidence the burden of producing further evidence as to such fact is on the party against whom a finding on such fact would be made in the absence of further evidence.

Section 600

The San Francisco Trial Practice Committee reports as follows:

> Taking away a presumption as evidence was discussed at some length by the Committee. The consensus was that this was probably not a good idea and could have some harsh results. It was felt that a jury could grasp the concept easier in argument and instructions if certain presumptions were treated as evidence in the case.

The question of a presumption as evidence and the entire presumptions scheme was discussed at some length by the judges' committees. The consensus seemed to be that the scheme is all right. There was agreement that the instructions now given on the rule that a presumption is evidence do more

harm than good. Some concern was expressed over the fact that a person who is dead or otherwise incapacitated from testifying concerning an event may be unable to explain or deny evidence presented against him in regard to that event. But the judges opposed any addition to the code permitting comment on the fact that a person who is dead or incompetent or otherwise incapacitated cannot explain the evidence against him.

The judges suggest that subdivision (b), relating to inferences, and the last sentence of Section 604 be placed in a separate article relating to inferences.

Section 620

The judges suggest that Section 620 might be modified to read as follows:

> The presumptions established by this article, and all other presumptions declared by law to be conclusive, are conclusive presumptions and no evidence may be introduced solely to dispute facts established by them .

Section 622

The judges suggest that the word "valid" be inserted prior to the words "written instrument".

Some concern was expressed over the question whether this section states the existing California law correctly. There was some indication that most of the cases citing this section do so in order to declare a parol evidence exception. The judges asked the Commission to consider whether the section should be perpetuated and if so, whether it should be perpetuated in the Evidence Code.

Captions of Articles 3 and 4 (Sections 630-667)

The judges suggest the addition of the word "rebuttable" to the captions of the articles dealing with presumptions affecting the burden of producing evidence and presumptions affecting the burden of proof.

Section 643

The judges suggest the deletion of "real or personal" as unnecessary.

Section 665

Some concern was expressed over the statement of the presumption that an arrest without a warrant is unlawful. The concern was not with the allocation of the burden of proof, but with the bald form of the statement. Some judges indicated that the implications of the section might be avoided if it were placed among the burden of proof sections (520-522) instead of among the presumptions, even though it is technically a presumption. Another view was expressed, however, that perhaps law enforcement officers should feel that there is some onus upon them to obtain a warrant in order to avoid a presumption of unlawfulness.

Section 666

Some concern was expressed over the last sentence of this presumption, and a suggestion was made that the comment should indicate that this sentence reflects existing California law. See, City of Los Angeles v. Glassell, 203 Cal. 44 (1928).

Section 704

The judges expressed concern with Section 704 because the section as it is presently worded effectively precludes a district attorney from objecting to the testimony of a juror. If the district attorney objects, it is a motion for mistrial under Section 704 and the law relating to double jeopardy prevents a retrial of the defendant. A suggestion was made that the section be modified to provide that the calling of a juror to be a witness shall be deemed a consent to a mistrial.

Section 710

The judges suggest that the cross-reference to the oath or affirmation provisions of the Code of Civil Procedure be deleted. This could be accomplished by striking out the language following the word "declaration" and inserting in lieu thereof "as required by law".

Section 721

The Conference Committee suggests that cross-examination of an expert upon books be limited to those books relied on by the expert. There was some sentiment on the Judicial Council Committee for this view also; however, the Judicial Council Committee did not oppose the provision as drafted.

Section 731

The judges suggest that subdivision (b) be revised as follows:

> (b) In any county in which the ~~procedure prescribed in this subdivision has been authorized by the~~ board of supervisors so provides , the compensation fixed under Section 730 for medical experts in civil actions in such county shall be a charge against and paid out of the treasury of such county on order of the court.

The revision is suggested on the ground that no procedure is specified in the subdivision.

Section 767

The San Francisco Trial Practice Committee suggests enumerating some of the circumstances that would justify the use of leading questions on direct examination, such as age, physical infirmity, mental condition, preliminary matters, etc.

Sections 768 and 769

The judges suggest that these sections be redrafted as follows:

> 768. ~~(a)~~ In examining a witness concerning ~~a writing, including~~ a an oral or written statement or other conduct by him that is inconsistent with any part of his testimony at the hearing, it is not necessary to ~~shew, read, or~~ disclose to him any ~~part of the~~ writing , statement, or other information concerning the statement or other conduct .

~~(b)~~ 769. If a writing is shown to a witness, all parties to the action must be given an opportunity to inspect it before any question concerning it may be asked of the witness.

The effect of this revision is to combine the existing Section 769 with subdivision (a) of existing Section 768. Subdivision (b) of existing Section 768 then becomes new Section 769. The redraft seems to eliminate considerable duplication between Section 768(a) and Section 769 and significantly improves these sections.

The Conference Committee suggests the retention of the existing rule requiring that an inconsistent writing be shown to a witness before he can be asked questions concerning the writing.

Section 770

The San Francisco Trial Practice Committee is concerned with the practice of asking a witness about a prior inconsistent statement when the cross-examiner has no evidence that any prior inconsistent statement was ever made. It suggests that a second paragraph be added to Section 770 indicating that if no extrinsic evidence is offered of a prior inconsistent statement, at the very least a motion to strike the questions relating to this area of the testimony would be in order.

Section 772

The judges recommend that subdivision (c) be amended as follows:

(c) Subject to subdivision (d), a party may, in the discretion of the court, ~~during~~ interrupt his cross-examination, redirect-examination, or recross-examination of a witness, in order to examine the witness directly or under the provisions of Section 776 upon a matter not within the scope of a previous examination of the witness.

The judges also suggest that the words "without his consent" be added to subdivision (d) following the word "examined". If a co-defendant so desires, he should be able to appear as a witness for another co-defendant.

*Section 776

The judges strongly recommend that the last sentence of subdivision (a) be deleted. They indicate that the sentence causes considerable confusion in the actual trial of cases. If the sentence is not deleted it should at least be revised to read, "The party calling such witness does not vouch for his testimony . . .".

The judges suggest that subdivision (b) be revised by deleting the word "by" at the end of the preliminary language and inserting in lieu thereof "in the following instances". They suggest also the substitution of the word "such" for the word "the" immediately before the word "witness" as it appears in the last line of paragraph (1) of subdivision (b) and in the second line of paragraph (2) of subdivision (b). This change would also necessitate the inserting of the word "by" in paragraphs (1) and (2).

Section 785

The judges suggest that the word "impeach" be used in place of the word "attack" in the heading of Article 2, Chapter 6, Division 6, and throughout the sections dealing with the impeachment of witnesses.

Section 788

The judges concurred with the view that the convictions that should be permitted to be shown for impeachment purposes should be limited to those that reflect on the honesty of the witness in some way. There was disagreement among the judges in regard to subdivision (b)(3). Some of the judges pointed out that in practice proceedings are often dismissed under Penal Code Section 1204 on the basis of inadequate reports by probation departments when there has been in fact no rehabilitation. Other judges pointed out, however, that to strike (3) from the list is penalizing the person granted probation because of the failure of the probation department to perform its

job adequately. If persons sentenced to county jail cannot be impeached, if rehabilitated felons sentenced to state prison cannot be impeached, then probationers, too, should not be permitted to be impeached under this view.

Section 901

The judges asked the Commission to consider using the term "hearing" in place of the term "proceeding" throughout the privileges division. This is to avoid the use of a term which is used in defining "action" in Section 105.

Section 911

The judges suggested a revision of the section which would include the language "no person has a privilege" in the preliminary language of the section and delete the same language from each of the subdivisions.

Section 912

The judges suggested that the words "under this division" be deleted from subdivision (c). They also suggested that subdivision (b) be removed from the section and made a separate section.

Section 954

The judges asked the Commission to consider whether the privilege should survive the distribution of the client's estate and if the right to waive the posthumous privilege might be given to someone to exercise on the client's behalf.

Sections 956-961

The judges suggested the consolidation of these sections into one section in order to avoid the repetitious use of the language "there is no privilege under this article . . .".

Sections 982-987

The judges suggested the consolidation of these sections into one

section in order to avoid the repetitious use of the preliminary language.

Section 997

The judges asked the Commission to consider whether the word "fraud" should be included in Section 997 on the ground that there may be some frauds that are neither crimes nor torts.

Sections 998-1006, 1016-1026

The judges suggested the consolidation of these sections in order to avoid the repetitious use of the preliminary language.

Section 1050

The judges asked the Commission to consider the deletion of the preliminary words "if he claims the privilege" on the ground that they are redundant and unnecessary in this section.

Sections 1102-1103, 1200-1341, 1500-1510

The Conference of Judges suggested that the Commission consider revising these sections to eliminate the use of the double negative.

Section 1152

The Conference Committee urged the deletion of the words "as well as any conduct or statements made in negotiation thereof". The Judicial Council subcommittee, however, urged the retention of the section in its present form.

The San Francisco Trial Practice Committee also objects to the language excluding admissions made in the course of compromise negotiations. Their report states that the Commission's

> view is unrealistic. Today, few parties to accidents are unsophisticated, and it is rare to find an accident not covered by insurance. Moreover it would promote injustice. For example, suppose after an accident one driver stated: "It is entirely my fault. I will recommend that my insurance company pay your medical bills". This statement should be admissible as a spontaneous, untutored and frank acknowledgement of fault.

Another situation, with greater evil result, could arise in the interpretation of the word "liability". It is noted that Section 1151 prohibits evidence of subsequent remedial measures to prove "negligence or culpable conduct". On the other hand, Section 1152a would prohibit certain conduct or statements (made in connection with negotiations for settlement) to prove "liability" for a loss or damage. Was it intended that the words "negligence or culpable conduct" should be synonymous with the word "liability"? Or was it intended that "liability" goes further and includes all of the factors necessary to entitle one to judgment, such as "identity", "negligence or culpable conduct" of defendant, absence of "contributory negligence", "proximate cause", etc? The word "liability" is not defined in the proposed code. If we accept the latter interpretation we could have a situation where the section as written would be wholly unpalatable. Let us suppose an accident where A is forced to leave the road to avoid a car that suddenly crossed over the double line into his path. Assume that there is no evidence as to the identity of the offending vehicle, except evidence offered by the plaintiff that shortly after the accident X visited him in the hospital and said: "It was my car that crossed over the double line and that compelled you to leave the roadway, but I was forced over by another car. I would like to settle for the amount of your medical bills". Should not this admission of "identity" be admissible, although it is essential to the proof of liability? Would it not be proper that the doctrine of res ipsa loquitur apply to establish liability, although it depends for its very life on the admission?

Section 1202

The Conference Committee suggested the following redraft of Section 1202:

Evidence to impeach a declarant whose statement is admitted in evidence under one or more exceptions to the hearsay rule, is admissible in like manner as if such declarant were a witness and whether or not he has had opportunity to explain or deny such apparently impeaching evidence or to rehabilitate himself; but if such impeaching evidence consists of inconsistent statements, the same shall not be admitted to prove the truth of their content unless the declarant is or becomes a witness. Any other evidence offered to attack or support the credibility of the declarant is admissible if it would have been admissible had the declarant been a witness at the hearing. For the purposes of this section, the deponent of a deposition taken in the action in which it is offered shall be deemed to be a hearsay declarant.

Section 1203

The judges suggested that subdivision (c) be revised to refer to the subject matter of the articles referred to as well as to the numerical

designation. See for example Sections 912 and 915. See also Section 12.

Section 1227

The judges asked the Commission to consider adding a reference to wrongful death to Section 1227 so that the meaning of the section would be apparent without referring to Code of Civil Procedure Section 377. This could be accomplished by adding "for wrongful death" after the word "action".

*Section 1237

The judges strongly recommend that the existing Section 1237 be made a subdivision (a) and that a subdivision (b) be added as follows:

> (b) Written evidence of a statement described in subdivision (a) shall not be taken into the jury room unless offered in evidence by a party adverse to the party who produced such written evidence.

The judges suggest that writings containing recorded memory and writings that are used to refresh memory should be treated the same insofar as admission in evidence is concerned. As a practical matter, the distinction between a dead memory and a refreshed memory is seldom clear. Sometimes, a witness will remember some parts of a transaction and will not remember others. He will remember some matters specified in a writing and will not remember others. For ease of administration, the judges believe that neither kind of writing should be taken to the jury room unless offered in evidence by the adverse party. Moreover, the judges believe that recorded memory should be treated essentially the same as a deposition that is used at a trial. The deposition does not go to the jury room because it would place undue emphasis on the testimony of the deponent. Similarly, a witness' recorded memory should not go to the jury room because it would place too much emphasis on that portion of his testimony.

*Section 1241

The Conference of Judges Committee objected strongly to the exception for contemporaneous statements. They urged the Commission to confine the exception to the one recognized in existing law for statements accompanying

acts that are offered to explain such acts. (You will recall that the State Bar Committee suggested the deletion of this exception.)

Section 1251

The Conference of Judges Committee suggests that Section 1251 be limited to statements of past mental state and that statements of part pain or bodily health be deleted. Except for the unavailability condition, this would make the section consistent with the existing law.

Section 1291

The Conference of Judges Committee suggests that we consider the following revision of subdivision (b);

> The admissibility of former testimony under this section is subject to the same limitations and objections as though the declarant were testifying in person except for objections to the form of the question which were not made at the time the former testimony was given and objections based on competency or privilege which did not exist at that time.

Section 1292

The Conference Committee suggests the elimination of Section 1292. They believe that a party has adequate means now for protecting himself against witnesses who may disappear and that it is unfair to force him to rely on cross-examination conducted by another party.

Sections 1310-1313

The Conference Committee asked the Commission to consider leaving "family history" undefined in these sections. They expressed concern that the specifics listed are not extensive enough. Other matters of family history, such as military service, occupation, place of residence, etc., might properly be considered matters of family history, but apparently would be excluded by these sections.

Section 1315

The judges suggested that subdivision (c) be relocated as subdivision (a).

This would make it apparent at the outset that the section is dealing with church records.

Section 1401

The judges suggested redrafting Section 1401(a) as follows:

(a) Authentication ~~of a writing~~ is required before a writing otherwise admissible ~~it~~ may be received in evidence.

Section 1402

The judges suggested that the last sentence be deleted as unnecessary.

Section 1410

The judges suggested deleting the first clause of Section 1410 as unnecessarily duplicating the provisions of Sections 1400 and 1401.

Sections 1411-1412

The judges suggested the consolidation of these two sections inasmuch as they deal with the same problem.

Section 1413

The suggestion was made that this section be broadened to apply to tape recordings, photographs and similar writings that are not subscribed. This might be accomplished by deleting the reference to a subscribing witness and substituting the word "made" for the word "executed".

Section 1414

The judges suggested dividing subdivision (b) into two subdivisions inasmuch as custody alone may be sufficient authenticating evidence in some cases and a showing that a person has acted upon a writing as if authentic, without more, might be a sufficent showing of authentication in other cases.

Sections 1415-1419

The judges suggest that we use the word "authentic" and its various

forms in two different senses in these sections. In some of these sections we are actually concerned with genuineness in a strict sense. In these places, they believe that we should use the word "genuine" or "genuineness" in order to convey the precise meaning. Moreover, the use of "genuineness" in these sections would make it apparent that the sections do not deal with authentication only but actually set forth various methods of proving the genuineness of writings that are already in evidence.

Section 1421

The Conference Committee suggests that the words "that the contents or some part thereof" be substituted for the words "that the writing refers to or states facts that".

Title of Article 3, Chapter 1, Division 11

The judges suggest that the title of Article 3 be revised to read:

PRESUMPTIONS AFFECTING ACKNOWLEDGED WRITINGS AND OFFICIAL WRITINGS

The judges also asked the Commission to consider making the article a separate chapter.

Section 1452

The judges suggest that the Commission consider changing "public employee" to "public officer" because officers are usually thought to have seals while employees do not.

Section 1505

The judges request the Commission to consider requiring that reasonable diligence be shown under Section 1505 as well as under 1508.

Section 1530

The judges suggest changing "employee" to "officer" for the reasons mentioned in connection with Section 1452. In addition, the judges suggest

including a reference to territory under the administration of the United States Government instead of the specific references to the Ryukyu Islands, the Trust Territory of the Pacific, and the Panama Canal Zone. The substitution would avoid the need for revising the section to keep it up to date with changes in international affairs.

Section 1562

The judges suggest that our classification scheme for presumptions would indicate that the presumption in this section ought to be a presumption affecting the burden of producing evidence.

The judges also indicated that Section 1562 should indicate that the affidavit is presumed true only insofar as those facts are concerned that are required to be stated in the affidavit by Section 1561. Other facts that may be thrown in should not be presumed true.

Section 1564

The judges suggest that the quoted statement that may be appended to a subpoena under Section 1564 should be revised so that it can be readily understood by a layman. Moreover, the authorized procedure (under Sections 1562 et seq.) should be permitted only when the subpoena states that personal attendance is not required.

Section 1601

The judges suggest that subdivision (b) be revised in the interest of clarity as follows:

> (b) No proof of the loss of the original writing is required other than the fact that the existence of the original is not known to the party desiring to prove its contents ~~to be in existence~~.

Civil Code Section 164.5

The judges suggest the addition of the words "or annulment" after the word "divorce". The policy applicable in an annulment situation seems to be the same as it would be in a divorce situation.

Respectfully submitted,

Joseph B. Harvey
Assistant Executive Secretary