

Memorandum 92-7

Subject: Study F-1000 - Family Code (Status of Project)

December 1991 Staff Working Draft

Attached to this memorandum is a copy of the December 1991 Staff Working Draft of the Family Code. This draft incorporates decisions made at the last Commission meeting, corrects errors discovered by the staff and various commentators, and makes many editorial improvements. The draft has been reorganized, in large part in response to comments considered at the last meeting. A description of the structural differences between the August and December working drafts and a table for converting renumbered sections are attached as Exhibit 1.

The draft is still a "working" draft, and the staff continues to check for errors and needed improvements to achieve consistency in the language of the statute and the comments.

Preparation of Bill

At the last meeting the Commission decided to do what needs to be done to prepare a bill for the 1992 legislative session. This represented a one-year acceleration of the Commission's earlier schedule. In order to meet this deadline, the staff prepared the text of the bill for submission to the Legislative Counsel's Office from the December Family Code draft that is attached. It is recognized that many changes will probably need to be made after the bill is introduced. Legislative Counsel is currently working to prepare the bill for introduction by Assembly Member Speier or as a committee bill.

We are also preparing the text of a separate bill that will contain the conforming revisions in other statutes. This will be a large set of technical amendments and the staff plans to submit it to Legislative Counsel so that a bill can be prepared for introduction in the near future. If any substantive issues arise, we will present them to the Commission for resolution.

Technical Workshops with Interested Persons

Several workshops have been scheduled to deal with technical drafting issues and identify substantive issues for Commission review. (The announcement concerning these workshops and the tentative schedule is attached to this memorandum as Exhibit 2.) The workshops have been divided by subject, with references to the relevant divisions of the December draft of the Family Code. As reflected in the minutes of the November-December meeting, we had hoped to review the comments of interested persons at the January Commission meeting. This assumed that the workshops would have been conducted before the Commission meeting. However, we have found that there was not enough time between completion of the December draft and the January Commission meeting for the State Bar and other interested persons to review the draft and attend the workshops, or for the staff to prepare background memorandums on substantive issues for Commission consideration. Under the current meeting schedule, we will need to consider Family Code bill amendments at the March meeting.

While the workshops are intended to alleviate the need for the Commission to deal with the technical drafting issues, any Commissioner who so desires can attend any or all of the workshops. Anyone who wants to attend should inform the staff so that we can make sure you get notice of any change in the schedule.

At the January meeting, we will be able to give an oral report on the first workshop which is scheduled right before the Commission meeting.

Commission Action at this Meeting

The Commission needs to give its formal approval for introduction of the bill based on the December 1991 draft. Approval of introduction of the bill does not, in this case, mean Commission approval of all the details of the bill.

Respectfully submitted,

Stan Ulrich
Assistant Executive Secretary

CALIFORNIA LAW REVISION COMMISSION

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January 6, 1992

To: Persons Interested in Family Code
Fr: Stan Ulrich, Assistant Executive Secretary
Re: Reorganization of Family Code draft

The Family Code draft was reorganized as a result of Commission consideration of comments on the August draft and additional staff review. Those who were familiar with the organization of the August draft will need to reorient themselves in the December draft. A table for converting section numbers in the August draft to numbers in the December draft is attached.

The reorganization of the August draft may be summarized as follows:

Division 1 (Preliminary Provisions and Definitions)

Mostly unchanged.

Division 2 (General Provisions)

Provisions relating to particular types of proceedings have been moved to the appropriate part of the code. Only truly generalizable sections have been retained in Division 2.

Division 3 (Solemnization of Marriage)

The title of this division has been simplified to "Marriage" and some internal reorganization has been done.

Division 4 (Husband and Wife)

This division is largely unchanged.

Division 5 (Parent and Child Relationship)

This division has been relocated as Division 12 (Parent and Child) since its provisions relate to determination of a parent child relationship, paternity, termination of parental rights in adoption, and other issues unrelated to the marital situation. The division has been reorganized and the provisions concerning freedom from parental custody and control have been relocated from the custody division to this division.

Division 5 in the December draft is Conciliation Proceedings (formerly Division 12).

Division 6 (Provisions Common to Nullity and Dissolution Proceedings)

Division 7 (Judicial Determination of Void or Voidable Marriage)

Division 8 (Dissolution of Marriage)

These divisions have been combined into one division, Division 6 (Nullity, Dissolution, and Legal Separation). Thus, the former divisions are now parts, parts are chapters, and chapters are articles in the new division.

Division 9 (Division of Community Estate)

This division is now Division 7 and is largely unchanged.

Division 10 (Custody of Children)

This division is now Division 8 and is largely unchanged, except that the statutes concerning freedom from parental custody and control (Section 3200 et seq. in the August draft) have been moved to Division 12 (Parent and Child) in the December draft where related provisions are grouped.

Division 11 (Support)

This division is now Division 9 and is largely unchanged.

Division 12 (Prevention of Domestic Violence)

This division is now Division 10 and is largely unchanged.

Division 13 (Reserved for Expansion)

This blank division has been eliminated.

Division 14 (Conciliation Proceedings)

This division is now Division 5.

Division 15 (Minors)

This division is now Division 11 and is largely unchanged.

Division 16 (Adoption)

This division is now Division 13 and is largely unchanged. To make room for reorganization in the December draft, section numbers in the adoption division have been increased by 1000.

FAMILY CODE CONVERSION TABLE
(August Version to December Version)

NOTE: This table includes only changed and new section numbers. Section numbers not listed are the same in the August and December versions of the Family Code draft.

<u>AUGUST DRAFT</u>	<u>DECEMBER DRAFT</u>
6	Eliminated
7	6
8	7
9	8
10	9
11	10
12	11
13	12
14	13
85	Eliminated
90	Eliminated
	127 (new)
200	2010
201	2060 (b)
202	2011
210	211
211	2020
212	213
213	2012
214	2021
215	214
216	2022
217	2023
219	2025
220	216
230	2030
231	7700
250	2060 (a)
251	2061
252	2062
253	2063
254	2064
255	2065
256	2070
257	2071
258	2072
259	2073
260	2074
292	2026
305	307
306	308
350	305

351	. . . . .	306
360	. . . . .	350
361	. . . . .	351
362	. . . . .	352
363	. . . . .	353
364	. . . . .	354
365	. . . . .	355
366	. . . . .	356
367	. . . . .	357
370	. . . . .	358
400	. . . . .	359
401	. . . . .	360
450	. . . . .	400
451	. . . . .	401
452	. . . . .	402
460	. . . . .	420
461	. . . . .	421
462	. . . . .	422
463	. . . . .	423
464	. . . . .	424
465	. . . . .	425
500	. . . . .	Eliminated
501	. . . . .	500
502 (a)	. . . . .	501
502 (b)	. . . . .	504
502 (c)	. . . . .	506 (a)
503	. . . . .	502
504 (a)	. . . . .	503
504 (b)	. . . . .	504
506 (a)	. . . . .	506 (b)
506 (b)	. . . . .	506 (c)
550	. . . . .	530
551	. . . . .	531
552	. . . . .	532
553	. . . . .	533
554	. . . . .	534
555	. . . . .	535
556	. . . . .	536
570	. . . . .	511
771	. . . . .	770
772	. . . . .	771
773	. . . . .	772
774	. . . . .	Eliminated
781 (d)	. . . . .	Eliminated
803	. . . . .	Eliminated
804	. . . . .	803
1700	. . . . .	7600
1701	. . . . .	7601
1702	. . . . .	7602
1703	. . . . .	7603
1704	. . . . .	7604
1710	. . . . .	7610
1711	. . . . .	7611
1712	. . . . .	7612
1713	. . . . .	7613
1714	. . . . .	7614

1720	7620
1730	7630
1731	7631
1732	7632
1733	7633
1734	7634
1735	7635
1736	7636
1737	7637 (a)-(b)
1737.5	4102, 7637 (c)
1738	7638
1739	7639
1740	7640
1741	7641
1742	7642
1743	7643
1750	7650
1760	7660
1761	7661
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1800	7710
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3291	7891
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3300	7900
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3302	7902
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3304	7904
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3306	7906
3307	7907
3308	7908
3309	7909
3310	7910
3350	7950
3351	7951
3352	7952
3353	7953
3354	7954
3550	200
3551	3550
3552	3551
3553	3552
3554	3553
3555	3554
3556	3555
3557	3556
3655	Eliminated
		4050 to 4068 (new)
4101 (c)	4102
4102	4103
4103	4104
4104	4105
		4550 to 4573 (new)
		4720 to 4732 (new)
4823	200
5218	150
		5515.5 (new)
6400	1800
6401	1801
6402	1802
6410	1810
6411	1811
6412	1812
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6452	1852
6602	CC 43.1 & CCP 340.4
6603	6602
6923	Eliminated
7500	8500
7503	8503
7506	8506
7509	8509
7512	8512
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7518	8518
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7524	8524
7527	8527
7530	8530
7533	8533
7536	Eliminated
7539	Eliminated
7542	8542
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7548	8548
7600	8600
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January 8, 1992

*****FAMILY CODE WORKSHOPS*****

To: Persons Interested in Family Code
 From: Nathaniel Sterling, Executive Secretary
 Re: Workshop Sessions

The Law Revision Commission is scheduling workshop sessions on the proposed Family Code. The purpose of the workshops is to bring together the Commission's staff and representatives of the State Bar Family Law Section and other interested organizations that are reviewing the Family Code draft. The workshops will provide an opportunity for more detailed consideration of issues, concerns, and problems in the Family Code draft than can be given at Commission meetings or legislative hearings. Our objective will be either to reach a group consensus on matters raised or to identify matters that should go to the Commission or to legislative committees for resolution.

Copies of the latest staff revision of the Family Code draft (December 1991), geared to the text of the Code to be introduced in bill form, will be made available to attendees at the workshops. A correlation table showing the new location of any sections that have been reorganized since the August staff working draft will also be provided.

The tentative schedule of workshop sessions is:

<u>Date</u>	<u>Location</u>	<u>Topic</u>
January 21-22	San Francisco	Support (Div. 9)
February 1	Los Angeles	Custody (Div. 8, 12)
February 5	Sacramento	Adoption (Div. 13)
February 10	San Francisco	Property (Div. 4, 7)
February 13	San Francisco	Other Matters (Div. 1-3, 5-6, 10-11)

The exact times and places are to be announced. Please call Stan Ulrich, the Commission's Assistant Executive Secretary, for further workshop information.

§§§

California Law Revision Commission

Staff Working Draft

Family Code

December 1991

Note: This Working Draft has not been reviewed by the Commission. Accordingly, it does not represent or reflect the Commission's opinions, conclusions, or recommendations.

This Working Draft supersedes the August 1991 Draft which was made available to interested persons and organizations for review and comment.

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General Outline

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DIVISION 2. GENERAL PROVISIONS [§§ 200-291]

DIVISION 3. MARRIAGE [§§ 300-594]

DIVISION 4. HUSBAND AND WIFE [§§ 700-1620]

DIVISION 5. CONCILIATION PROCEEDINGS [§§ 1800-1852]

DIVISION 6. NULLITY, DISSOLUTION, AND LEGAL SEPARATION [§§ 2000-2406]

DIVISION 7. DIVISION OF COMMUNITY ESTATE [§§ 2500-2660]

DIVISION 8. CUSTODY OF CHILDREN [§§ 3000-3425]

DIVISION 9. SUPPORT [§§ 3500-5295]

DIVISION 10. PREVENTION OF DOMESTIC VIOLENCE [§§ 5500-5807]

DIVISION 11. MINORS [§§ 6500-7143]

DIVISION 12. PARENT AND CHILD [§§ 7500-7954]

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