



Judicial Council of California

ADMINISTRATIVE OFFICE OF THE COURTS

OFFICE OF GOVERNMENTAL AFFAIRS

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TANI CANTIL-SAKAUYE
Chief Justice of California
Chair of the Judicial Council

WILLIAM C. VICKREY
Administrative Director of the Courts

RONALD G. OVERHOLT
Chief Deputy Director

CURTIS L. CHILD
Director, Office of Governmental Affairs

April 6, 2011

Hon. Mike Feuer, Chair
Assembly Judiciary Committee
State Capitol, Room 2013
Sacramento, California 95814

Subject: AB 1406 (Committee on Judiciary), as introduced - Support
Hearing: Assembly Judiciary Committee – April 12, 2011

Dear Assembly Member Feuer,

The Judicial Council is pleased to support AB 1406, which would require parties filing a petition or response in a marital dissolution matter to serve upon the other party the preliminary declaration of disclosure, and requires that disclosure to include the declarant's tax returns for the two years prior to service, because it will improve the ability of the family courts to manage the flow of dissolution cases and prevent unnecessary litigation regarding financial discovery in these matters. AB 1406 would implement a recommendation of the Judicial Council's Elkins Family Law Task Force (EFLTF). The EFLTF, chaired by Justice Laurie Zelon of the Second District Court of Appeal, was appointed to gather information about the handling of family law matters and make recommendations for reforms in these cases that would improve procedural fairness and better align the processes in the system with the reality that the majority of its litigants are self-represented. The EFLTF recommendation contained in AB 1406 would advance this objective by setting clear timelines for litigants to follow in order to resolve their cases.

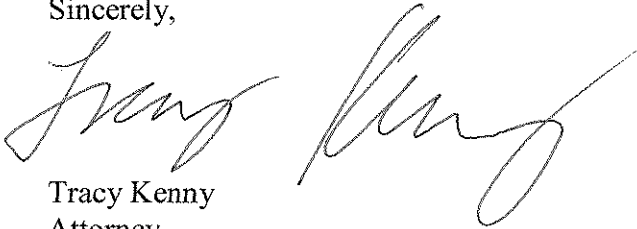
Currently, many litigants file their petitions for dissolution and then fail to take any action on them for significant periods of time. By setting forth a clear timeframe for the requirement that

the parties serve a preliminary declaration of financial disclosure, self-represented litigants will have better information about the next steps in their case. In addition, the court will have a tool to utilize as it seeks to manage the flow of dissolution matters, as the court will be able to inquire about compliance with disclosure requirements, and will have clarity about when it is appropriate to entertain a motion to compel the other party to comply with the disclosure requirements or to accept a waiver for a defaulting party. Moreover, much time is currently spent in family law arguing about discovery matters that would be moot if the parties simply complied with existing financial disclosure requirements. Clarifying the timeframe for completion of this disclosure, and the fact that it must include the last two years tax returns, will obviate the need for much of this litigation over discovery issues.

The changes contained in AB 1406, taken with many of the other EFLTF recommendations which are currently being implemented, will improve and streamline the handling of these cases and assist self-represented parties in understanding what is required of them to complete their cases.

For these reasons, the Judicial Council is in support of AB 1406.

Sincerely,

A handwritten signature in black ink, appearing to read "Tracy Kenny", written in a cursive style.

Tracy Kenny
Attorney

TK/yt

cc: Members, Assembly Judiciary Committee

Ms. Leora Gershenzon, Counsel, Assembly Judiciary Committee

Mr. Aaron Maguire, Deputy Legislative Affairs Secretary, Office of the Governor

Ms. Kirsten Kolpitcke, Deputy Director of Legislation, Governor's Office of Planning and Research

Mr. Mark Redmond, Consultant, Assembly Republican Office of Policy



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Chair of the Judicial Council

JODY PATEL
Interim Administrative Director of the Courts

CURT SODERLUND
Interim Chief Deputy Director

CURTIS L. CHILD
Director, Office of Governmental Affairs

June 13, 2012

Hon. Noreen Evans, Chair
Senate Judiciary Committee
State Capitol, Room 4032
Sacramento, California 95814

Subject: AB 1406 (Committee on Judiciary), as amended June 6, 2012 - Support
Hearing: Senate Judiciary Committee – June 19, 2012

Dear Senator Evans:

The Judicial Council is pleased to support AB 1406, which would require parties filing a petition or response in a marital dissolution matter to serve upon the other party the preliminary declaration of disclosure within 60 days of filing the petition or response unless extended by agreement or court order, and requires that disclosure to include the declarant's tax returns for the two years prior to service, because it will improve the ability of the family courts to manage the flow of dissolution cases and prevent unnecessary litigation regarding financial discovery in these matters. AB 1406 would implement a recommendation of the Judicial Council's Elkins Family Law Task Force (EFLTF). The EFLTF, chaired by Justice Laurie Zelon of the Second District Court of Appeal, was appointed to gather information about the handling of family law matters and make recommendations for reforms in these cases that would improve procedural fairness and better align the processes in the system with the reality that the majority of its litigants are self-represented. The EFLTF recommendation contained in AB 1406 would advance this objective by setting clear timelines for litigants to follow in order to resolve their cases.

Currently, many litigants file their petitions for dissolution and then fail to take any action on them for significant periods of time. By setting forth a clear timeframe for the requirement that the parties serve a preliminary declaration of financial disclosure, self-represented litigants will

Hon. Noreen Evans

June 13, 2012

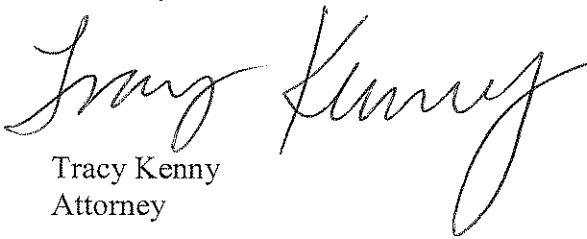
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have better information about the next steps in their case. In addition, the court will have a tool to utilize as it seeks to manage the flow of dissolution matters, as the court will be able to inquire about compliance with disclosure requirements, and will have clarity about when it is appropriate to entertain a motion to compel the other party to comply with the disclosure requirements or to accept a waiver for a defaulting party. Moreover, much time is currently spent in family law arguing about discovery matters that would be moot if the parties simply complied with existing financial disclosure requirements. Clarifying the timeframe for completion of this disclosure, and the fact that it must include the last two years tax returns, will obviate the need for much of this litigation over discovery issues.

AB 1406 will also implement clarifying changes that are consistent with the provisions of AB 939 (Ch. 352, Statutes of 2010) to ensure consistency across the Family Code with reference to role of minor's counsel, and the court's evaluation of requests by a party for an order requiring the other party to pay attorney's fees. These changes will clarify existing law and ensure consistent treatment of attorney fee requests in all family law matters.

For these reasons, the Judicial Council is in support of AB 1406.

Sincerely,

A handwritten signature in cursive script, appearing to read "Tracy Kenny".

Tracy Kenny
Attorney

TK/yc

cc: Members, Senate Judiciary Committee

Hon. Mike Feuer, Chair, Assembly Judiciary Committee

Ms. Nichole Rapiere, Counsel, Senate Judiciary Committee

Ms. June Clark, Deputy Legislative Affairs Secretary, Office of the Governor

Mr. Mike Petersen, Consultant, Senate Republican Office of Policy



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Director, Office of Governmental Affairs

July 10, 2012

Hon. Edmund G. Brown, Jr.
Governor of California
State Capitol, First Floor
Sacramento, California 95814

Subject: AB 1406 (Committee on Judiciary) – Request for Signature

Dear Governor Brown:

The Judicial Council is pleased to support AB 1406, which would require parties filing a petition or response in a marital dissolution matter to serve upon the other party the preliminary declaration of disclosure within 60 days of filing the petition or response, and requires that disclosure to include the declarant's tax returns for the two years prior to service. AB 1406 will improve the ability of the family courts to manage the flow of dissolution cases and prevent unnecessary litigation regarding financial discovery in these matters. AB 1406 would implement a recommendation of the Judicial Council's Elkins Family Law Task Force (EFLTF), established to gather information about the handling of family law matters and make recommendations for reforms that would improve procedural fairness and better align the processes in the system, recognizing that the majority of its litigants are self-represented. The EFLTF recommendation contained in AB 1406 would advance this objective by setting clear timelines for litigants to follow in order to resolve their cases.

Currently, many litigants file their petitions for dissolution and then fail to take any action on them for significant periods of time. By setting forth a clear timeframe for the requirement that the parties serve a preliminary declaration of financial disclosure, self-represented litigants will have better information about the next steps in their case. In addition, the court will have a tool to utilize as it seeks to manage the flow of dissolution matters, as the court will be able to inquire

Hon. Edmund G. Brown, Jr.

July 10, 2012

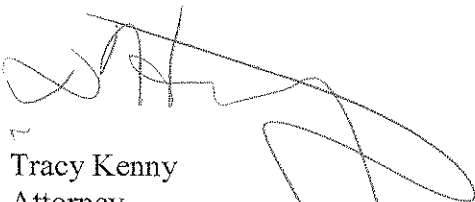
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about compliance with disclosure requirements, and will have clarity about when it is appropriate to entertain a motion to compel the other party to comply with the disclosure requirements or to accept a waiver for a defaulting party. Moreover, much time is currently spent in family law arguing about discovery matters that would be moot if the parties simply complied with existing financial disclosure requirements. Clarifying the timeframe for completion of this disclosure, and the fact that it must include the last two years tax returns, will obviate the need for much of this litigation over discovery issues.

AB 1406 will also implement clarifying changes that are consistent with the provisions of AB 939 (Ch. 352, Statutes of 2010) to ensure consistency across the Family Code with reference to role of minor's counsel, and the court's evaluation of requests by a party for an order requiring the other party to pay attorney fees. These changes will clarify existing law and ensure consistent treatment of attorney fee requests in all family law matters.

For these reasons, the Judicial Council requests your signature on AB 1406.

Sincerely,


For
Tracy Kenny
Attorney

TK/yc

cc: Hon. Mike Feuer, Chair, Assembly Judiciary Committee

Ms. June Clark, Deputy Legislative Affairs Secretary, Office of the Governor