



Judicial Council of California

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April 15, 2026

Hon. Natasha Johnson
Member of the Assembly, District 63
1021 O Street, Suite 4520
Sacramento, California 95814

Subject: Assembly Bill 1978 (Johnson), as introduced – Oppose

Dear Assembly Member Johnson:

The Judicial Council must regretfully oppose Assembly Bill 1978 (Johnson), which would, for child custody proceedings filed on or after January 1, 2027, establish a rebuttable presumption that equal parenting time is in the best interest of the child if (1) both parents are found fit, willing, and able to parent and (2) both parents reside within 25 miles of the child’s primary school or educational institution.

Assembly Bill 1978 would overly restrict judicial discretion in child custody matters. Under current law, the court is required to make custody orders in the best interest of the child with a focus on the health, safety, and the welfare of the child, as well as ensuring that “children have frequent and continuing contact with both parents after the parents have separated or dissolved their marriage, or ended their relationship, and to encourage parents to share the rights and responsibilities of child rearing in order to effect this policy, except when the contact would not be in the best interests of the child.” When these two objectives are in conflict the court is required to prioritize the health, safety, and welfare of the child (see Family Code section 3020).

Without making any change to section 3020, AB 1978 would layer on top of existing law a strong presumption of equally shared parenting time if certain conditions are met, namely that the parent is “fit, willing, and able” and that they reside within 25 miles of the child’s school. Each of these conditions is concerning on its own because it will lead to litigation about the precise meaning of these terms and conditions and whether they apply, much of which will not assist the court in its primary duty of determining the best interest of the child. Thus AB 1978 appears to focus on the rights of the parents rather than the needs of the child, bringing

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those interests in only as a means to rebut the strong presumption. In addition, the prevalence of self-represented litigants in family law matters makes such a presumption more likely to interfere with the court's ability to protect the best interest of the child because a self-represented litigant will face procedural difficulty rebutting a presumption with clear and convincing evidence.

For these reasons, the Judicial Council opposes AB 1978.

Should you have any questions or require additional information, please contact me at 916-323-3121.

Sincerely,



Tracy Kenny
Attorney, Governmental Affairs
Judicial Council

TK/lmm

cc: Dylan Davis, Legislative Director, Office of Assembly Member Johnson
Jith Meganathan, Deputy Legislative Secretary, Office of the Governor
Michelle Curran, Administrative Director, Judicial Council of California