



# Judicial Council of California

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March 27, 2025

Hon. Thomas J. Umberg  
Chair, Senate Judiciary Committee  
1021 O Street, Room 3240  
Sacramento, California 95814

**Subject: Senate Bill 589 (Alvarado-Gil), as introduced—Oppose**

Dear Senator Umberg:

The Judicial Council regrettably opposes Senate Bill 589 which would extend current prohibitions on an award of spousal support and specific limitations on the award of community property and attorneys fees that apply to those who have been convicted of a sexually violent felony against the other spouse and make them apply when the court in the family law action finds that such a felony has been committed without a conviction. The council opposes SB 589 because a family court proceeding is not an appropriate forum to adjudicate whether a person has committed a sexually violent felony.

Under current law the loss of property rights is conditioned upon a criminal court finding beyond a reasonable doubt that a felony has been committed and in those proceedings the defendant has the right to counsel as well as a right to a jury trial. Litigants whose cases are not tried in criminal court because the district attorney is unwilling to pursue a criminal case have alternative options for seeking compensation for any harms caused by their spouses. First, an award of spousal support is discretionary, and the court can weigh the conduct of the spouse seeking support when determining what is appropriate without needing to find that all of the elements of a felony offense have been proven. If the injured spouse wants to recoup additional compensation for any harms that have been committed, that spouse can also file a tort claim for sexual assault to recover monetary damages. One benefit of resolving this type of factual dispute in a general civil matter is that the initial filing would immediately put the defendant spouse on notice that the case would be adjudicating specific factual claims. A petition for dissolution, however, is not designed to highlight these kinds of allegations, but rather to adjudicate property, support, and child custody matters in as non-adversarial a context as possible.

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California is a community property state and thus each spouse is entitled to half of the community property absent an agreement executed by both parties before the marriage. The exceptions to this rule in existing law are for cases in which there has been a criminal conviction of one of the spouses for a felony conviction for a crime against the other spouse. Such a conviction is easy to prove and represents the judgment of the Legislature that in cases where such conduct has been proven beyond a reasonable doubt and is close in time to the dissolution proceeding, the perpetrator has essentially forfeited their claim to community retirement assets directly earned by the injured spouse.

Extending this forfeiture of community property rights to cases in which this conduct is alleged for the first time in the family law proceeding will seriously overburden family courts and undermine the due process rights of the alleged perpetrator spouse by requiring them to defend against allegations of serious criminal conduct without the benefit of representation or a jury to weigh the factual evidence. Family law proceedings are intended to reduce adversarial conflict. Family Code section [2335](#) sets a general rule that “[e]xcept as otherwise provided by statute, in a pleading or proceeding for dissolution of marriage or legal separation of the parties, including depositions and discovery proceedings, evidence of specific acts of misconduct is improper and inadmissible.” SB 589 is directly at odds with this orientation and would require family courts to conduct quasi-criminal proceedings with significant consequences, and it is not necessary as there are both civil and criminal proceedings available to address these allegations directly. Thus, SB 589 would set a negative precedent by bootstrapping criminal matters into a forum that is not designed to adjudicate them.

For these reasons the Judicial Council is opposed to SB 589.

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

Sincerely,



Cory T. Jaspersen  
Director  
Governmental Affairs

CTJ/TK/lmm

cc: Members, Senate Judiciary Committee  
Hon. Marie Alvarado-Gil, Member of the Senate, 4th District  
Margie Estrada, Chief Counsel, Senate Judiciary Committee  
Morgan Branch, Consultant, Senate Republican Office of Policy  
Jith Meganathan, Deputy Legislative Secretary, Office of the Governor  
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