



Judicial Council of California

ADMINISTRATIVE OFFICE OF THE COURTS

OFFICE OF GOVERNMENTAL AFFAIRS

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RONALD M. GEORGE
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

March 21, 2008

Hon. Ellen Corbett, Chair
Member of the Senate
State Capitol, Room 3092
Sacramento, California 95814

Subject: SB 1233 (Harman), as introduced - Support
Hearing: Senate Judiciary Committee – March 25, 2008

Dear Senator Corbett:

The Judicial Council supports SB 1233, which eliminates the sunset date of January 1, 2009, on the statute authorizing the family court to order a person seeking custody or visitation of a child to undergo testing for drug or alcohol abuse in specified circumstances.

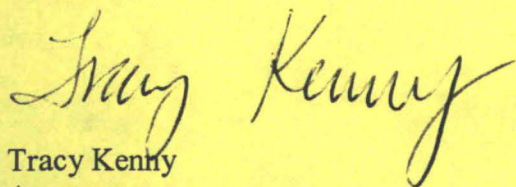
The council supports SB 1233 because the ability to order drug and alcohol testing is essential to the court as it determines the custodial arrangement that is in the best interest of the child involved. Family Code section 3011, which sets forth the specific considerations that the court must undertake in determining the best interest of the child, provides that “the habitual or continual illegal use of controlled substances or continual abuse of alcohol” by a parent is a key consideration to determining the child’s best interest. To determine whether drug or alcohol abuse is a relevant consideration, the court needs a reliable tool to confirm or rebut the allegations of a party. The Judicial Council report evaluating the implementation of this section found that “judicial officers value the availability of testing for drug or alcohol use,” and “need this authority to make decisions in the best interest of the child, particularly if there is a dispute

Hon. Ellen Corbett
March 21, 2008
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between the parties about whether substance abuse exists." The report also found that judges use their authority judiciously, and apply the information that is obtained from the courts in the context of the other factors in the case, rather than as the sole criterion for custody decisions. Given these findings, the council believes it is critical to make this authority a permanent tool for the family courts.

For these reasons, the Judicial Council supports SB 1233.

Sincerely,

A handwritten signature in cursive script, reading "Tracy Kenney".

Tracy Kenney
Attorney

TK/yt

cc: Members, Senate Judiciary Committee
California Judges Association
Ms. Kathy Banuelos, Counsel, Senate Judiciary Committee
Mr. Chris Ryan, Deputy Legislative Affairs Secretary, Office of the Governor
Mr. Brent Jamison, Director of Legislation, Governor's Office of Planning and Research
Mr. Mike Petersen, Consultant, Senate Republican Office of Policy



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March 21, 2008

Hon. Tom Harman
Member of the Assembly
State Capitol, Room 2052
Sacramento, California 95814

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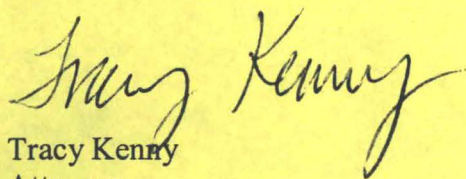
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