

Date of Hearing: April 27, 2022

ASSEMBLY COMMITTEE ON APPROPRIATIONS
Chris Holden, Chair
AB 2279 (Blanca Rubio) – As Amended March 30, 2022

Policy Committee: Judiciary

Vote: 9 - 0

Urgency: No

State Mandated Local Program: No

Reimbursable: No

SUMMARY:

This bill requires, on or before January 1, 2024, the Judicial Council, in consultation with children and family advocates, to develop an expanded custody disposition survey. Specifically, this bill:

- 1) Requires the Judicial Council to expand its existing uniform statistical reporting system regarding mediation and conciliation in family law cases to include proceedings brought to establish parentage.
- 2) Requires the custody disposition survey collect data by county on custody disposition outcomes from mediators, child custody recommending counselors and court files. A custody disposition survey shall also include:
 - a) Whether the parents entered into a custody agreement as the result of court mediation, divided by whether they used a mediator or a recommending counselor.
 - b) For cases in which a custody agreement was not reached by the parties, whether a parent is alleged to have a history of committing domestic violence or child abuse.
 - c) Whether a court made a finding that a parent has perpetrated domestic violence or child abuse within the previous five years.
 - d) Whether a parent, found to have committed a domestic violence or child abuse offense, was awarded custody of, or visitation with, a child, and, if so, the type of custody or visitation awarded.
- 3) Mandates Judicial Council provide an annual report on the results of the custody disposition survey to the Senate Judiciary Committee, the Assembly Judiciary Committees, and the Assembly Select Committee on Domestic Violence.

FISCAL EFFECT:

Costs (General Fund) in the tens of millions of dollars to the Judicial Council in additional staff, including third party contractor costs to gather information on an annual basis from child custody files, mediators and counselors and report the results to the Legislature.

COMMENTS:1) **Purpose.** According to the author:

Warnings from legal experts, data from advocates and academicians, child advocates requesting stronger child protection in the Family Code, and cases of children in custody cases murdered by violent parents have raised public concern. However, the crisis has not resulted in systemic annual data collection by the courts to review the disposition of these cases where children are at risk.

2) **Background.** Family Law Code section 1850 generally requires the Judicial Council of California to implement a uniform statistical reporting system regarding proceedings brought for dissolution of marriage, nullity of marriage and legal separation, including, but not limited to child custody dispositions and a custody disposition survey. The Administrative Office of Courts released a summary report of a 2008 survey that summarizes certain details about child custody disputes and mediation outcomes. Supporters of this bill allege existing statutory requirements of the custody disposition survey do not require relevant details, including whether parents entered into a custody agreement based on mutual agreement, or whether a parent with a finding of domestic violence was awarded custody or visitation. This bill expands the type of information that courts and the Judicial Council are tasked with collecting relating to family law matters involving children.3) **Arguments in Support.** According to the Legislative Coalition to Prevent Child Abuse:

AB 2279 will provide data necessary to improve child protection. Along with this important step, we need leadership in family courts willing to use this data to tackle bias against those reporting crimes, systemic lack of risk assessment and response to danger, and inadequate interagency communication that currently allow preventable criminal assaults on children.

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