

Date of Hearing: March 17, 2026

ASSEMBLY COMMITTEE ON JUDICIARY
Ash Kalra, Chair
AB 1875 (Hart) – As Amended March 2, 2026

PROPOSED CONSENT

SUBJECT: DISSOLUTION OF MARRIAGE

KEY ISSUE: SHOULD COURTS BE GRANTED THE DISCRETION TO REDUCE OR WAIVE THE SIX-MONTH WAITING PERIOD CURRENTLY REQUIRED IN BOTH DISSOLUTION AND SUMMARY DISSOLUTION CASES TO ISSUE A DIVORCE JUDGMENT BEFORE THE SIX MONTHS HAVE ELAPSED IF THE REQUESTING PARTY CAN ESTABLISH GOOD CAUSE?

SYNOPSIS

Existing law imposes a six-month waiting period for all divorce cases (referred to as dissolution of marriage) in California. The six-month period starts to run once the petition and summons are served on the respondent. Similarly, joint petitions for summary dissolutions also must wait six months before a judge can issue the final order dissolving the legal relationship. The original policy rationale for the waiting period was to allow the parties an opportunity to reconcile, reflected in its common moniker of the “cooling off period.” The realities of court proceedings often push dissolution proceedings beyond the six-month mark, regardless of whether the parties have made a hasty decision to file or not. Prolonged dissolution of marriage proceedings are particularly common in cases involving child custody orders or significant assets that need to be divided. However, there may certainly be circumstances where a six-month waiting period is unnecessary or detrimental to the parties, including situations involving domestic violence. In recognition of the potential benefit of obtaining a final order in a divorce proceeding before six months have elapsed, this author-sponsored bill proposes to grant judges the discretion to reduce or waive the waiting period currently required by law. The bill enjoys support from the Coalition of California Welfare Rights Organizations, the Family Violence Appellate Project, the Family Violence Law Center, the Sacramento Regional Family Justice Center, and the Santa Barbara County District Attorney’s Office.

SUMMARY: Authorizes courts to reduce or waive the six-month waiting period currently required in both dissolution and summary dissolution cases upon a showing of good cause.

EXISTING LAW:

- 1) Requires at least six months to have elapsed from the date of service of a copy of the summons and petition for dissolution or the date of appearance of the respondent before a judgment of dissolution may be issued. (Family Code Section 2339. All further statutory references are to the Family Code unless otherwise noted.)
- 2) Requires a court, unless a revocation has been filed, to enter a judgment dissolving the marriage when six months have expired from the date of the filing of the joint petition for summary dissolution. (Section 2403.)

- 3) Authorizes the court, upon notice and for good cause shown or on stipulation of the parties, to retain jurisdiction over the date of termination of the marital status, or may order that the marital status be terminated at a future specified date. (Section 2343.)
- 4) Requires a judgment of dissolution of marriage to specify the date on which the judgment becomes finally effective for the purpose of terminating the marriage relationship of the parties. (Section 2340.)
- 5) Authorizes a court, in a proceeding for dissolution of marriage upon noticed motion, to sever and grant an early and separate trial on the issue of the dissolution of the status of the marriage apart from other issues. (Section 2337.)

FISCAL EFFECT: As currently in print this bill is keyed non-fiscal.

COMMENTS: Family Code Section 2339 imposes a six-month waiting period before issuance of a judgment of dissolution for all divorce cases filed in California. The six-month period begins to run once the petition and summons are served on the respondent, or on the date the respondent appears in the proceeding, whichever is first. In a single divorce proceeding there are numerous issues that may need to be determined, such as division of any property between the parties, spousal support orders, as well as child custody and support matters. The judgment of dissolution, while it may be issued alongside other orders addressing these other matters, is separate and represents the judicial determination that the legal relationship between the parties is severed. After a final divorce order is issued, parties are free to remarry and the financial decisions of one spouse no longer impact the other.

For parties who have been married no more than five years prior to separation, do not have children, and do not have significant assets or debts to adjudicate and agree on the division of those assets that do exist between them, both parties may file a joint petition for summary dissolution. A summary dissolution allows both parties to bypass the more cumbersome traditional dissolution proceeding, skipping the need for multiple court appearances, and is much less expensive. As with a traditional dissolution proceeding, existing law also imposes a six-month waiting period for summary dissolutions.

The original policy rationale for the waiting period was to allow the parties an opportunity to reconcile, reflected in its common moniker of the “cooling off period.” Reasonable minds may differ about whether imposing this timeline is appropriate or not. It is not inconceivable that one or both parties have come to the conclusion to file for divorce after spending significant time and energy attempting to address concerns in a relationship, and the parties may have already concluded it is simply not beneficial to either to continue on. In other words, the parties may already have gone through their own “cooling off period.” In effect, however, the statutorily mandated cooling off period often has very little bearing on the timeline of a divorce proceeding. While straightforward cases with little to no assets to divide and no children of the relationship may, in fact, be possible to adjudicate in six months, even one delay in the court’s own schedule may push issuance of the final order past the six-month mark. Cases with property determinations, spousal support orders, and child custody and support matters frequently last far longer.

Nonetheless, no two relationships and therefore no two divorce proceedings are the same. Acknowledging the vast diversity in circumstances, **this bill** proposes to allow judges the discretion to waive or reduce the six-month waiting period upon a showing of good cause for

both regular and summary dissolution proceedings. While the “good cause” standard does not have one single definition, it is generally understood to mean that there are sufficient facts to justify granting a request or making a particular decision. In the case of issuing a divorce order in less than six months, there are any number of circumstances that may meet a “good cause” standard. One of the parties may be eager to remarry for financial, health, or other reasons; one of the parties may be planning on moving abroad; or, as identified by the author’s office, one of the parties may be a survivor of domestic violence and eager to sever all legal ties to their abuser.

According to the author:

AB 1875 is a critical step forward in protecting survivors of domestic violence in California. Under current law, a marriage cannot be legally dissolved until six months have passed, making California among the states with the longest mandatory ‘cooling off’ periods. For survivors of domestic violence, this requirement can force victims to remain legally tied to an abuser, prolonging an unsafe and stressful circumstances. AB 1875 addresses this problem by allowing courts to reduce or waive the six-month waiting period when appropriate, giving survivors a path to resolve their cases more quickly when safety and circumstances demand it.

While it may not always be possible for courts to issue a final order of dissolution earlier than six months after service of the petition and summons, it nonetheless seems reasonable to create the opportunity for those circumstances that may warrant such an exception. This proposal seems a reasonable approach to granting judges the flexibility to adapt to each relationship’s unique circumstances.

Supporters request amendments to codify examples of “good cause” specifically relating to instances of domestic violence. The Family Violence Appellate Project (FVAP), which supports the measure, points out that “the bill language itself does not mention domestic violence, define ‘good cause,’ give examples of ‘good cause,’ or provide factors for a court to consider when deciding whether ‘good cause’ exists. For instance, there is no such language to be codified in either Family Code Section 2339 or 2403, including no mention of domestic violence.” The Family Violence Appellate Project then suggests that the bill be amended to include a definition and/or list of examples, or “include in a new statute legislative findings, preferably codified for easier use.”

It is true that the bill does not specify “good cause.” However, numerous statutes throughout the Family Code establish a good cause without an exact definition. In this case, specifying that a good cause standard specifically refers to certain circumstances relating to domestic violence, such as those referenced in Section 6309, could inadvertently exclude the application of this measure to any number of other parties who likewise could benefit from its enactment.

It is certainly understandable and a laudable goal to ensure that new statutes can be easily utilized by practitioners and judges, and FVAP’s point is well taken that this analysis and other elements of this bill’s legislative history may not be readily accessible to some. *Should the author wish to consider amendments to either define good cause or incorporate legislative findings, they should make efforts to avoid inadvertently excluding circumstances that could likewise benefit from the bill’s provisions.*

ARGUMENTS IN SUPPORT: The bill is currently supported by the Coalition of California Welfare Rights Organizations, the Family Violence Appellate Project (FVAP), the Family

Violence Law Center, the Sacramento Regional Family Justice Center, and the Santa Barbara County District Attorney's Office. In support of the bill, the Santa Barbara County District Attorney's Office submits:

Current law imposes a mandatory six-month waiting period before a divorce can become final. As a result, even when all issues have been resolved and the court has signed the judgment, the parties must remain legally married for at least six months. For survivors of domestic violence, this delay can create unnecessary hardship by prolonging a legal connection to the person who harmed them and complicating safety planning and financial independence.

AB 1875 provides a practical and thoughtful solution. By allowing courts discretion to reduce or waive the waiting period when good cause is shown, the bill ensures that judges can respond appropriately to circumstances where delay would be harmful or unnecessary, particularly for survivors seeking to move forward safely.

Providing courts with this limited discretion will help remove barriers for victims while preserving judicial oversight and fairness in the dissolution process.

REGISTERED SUPPORT / OPPOSITION:**Support**

Coalition of California Welfare Rights Organizations
Family Violence Appellate Project
Family Violence Law Center
Sacramento Regional Family Justice Center
Santa Barbara County District Attorney's Office

Opposition

None on file

Analysis Prepared by: Manuela Boucher-de la Cadena / JUD. / (916) 319-2334