

CONCURRENCE IN SENATE AMENDMENTS

AB 1875 (Hart)

As Amended August 4, 2026

Majority vote

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.

Senate Amendments

Limit the new authority to circumstances where parties have resolved relevant material issues and further defines good cause.

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 so long as the parties have resolved all material issues related to the dissolution and either the court has conducted a noticed hearing to determine good cause or both parties stipulate good cause exists. 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. In any case, this bill provides examples of what may constitute good cause, including where the court finds that the petitioning party is the victim of domestic violence during the marriage and they are making the request for their health, safety, and well-being.

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.

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.

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.

Arguments in Opposition

None on file

FISCAL COMMENTS

None

VOTES:**ASM JUDICIARY: 12-0-0**

YES: Kalra, Macedo, Bauer-Kahan, Bryan, Connolly, Dixon, Harabedian, Pacheco, Papan, Sanchez, Stefani, Zbur

ASSEMBLY FLOOR: 67-0-13

YES: Addis, Aguiar-Curry, Ahrens, Alanis, Arambula, Ávila Farías, Bains, Bennett, Berman, Boerner, Bryan, Caloza, Carrillo, Castillo, Chen, Connolly, Davies, DeMaio, Dixon, Flora, Fong, Gabriel, Gallagher, Garcia, Gipson, Jeff Gonzalez, Mark González, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Kalra, Krell, Lackey, Lowenthal, Macedo, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Ransom, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schultz, Sharp-Collins, Solache, Soria, Stefani, Ta, Tangipa, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas

ABS, ABST OR NV: Alvarez, Bauer-Kahan, Bonta, Calderon, Elhawary, Ellis, Hadwick, Johnson, Lee, Quirk-Silva, Ramos, Celeste Rodriguez, Schiavo

UPDATED

VERSION: May 28, 2026

CONSULTANT: Manuela Boucher-de la Cadena / JUD. / (916) 319-2334

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