

Date of Hearing: April 14, 2026

ASSEMBLY COMMITTEE ON JUDICIARY  
Ash Kalra, Chair  
AB 2782 (Committee on Judiciary) – As Amended April 8, 2026

PROPOSED CONSENT

**SUBJECT:** JUDICIARY OMNIBUS

**KEY ISSUE:** SHOULD THE LEGISLATURE MAKE A NUMBER OF TECHNICAL AND NONCONTROVERSIAL CHANGES TO VARIOUS CODE SECTIONS FALLING WITHIN THE JURISDICTION OF THIS COMMITTEE?

**SYNOPSIS**

*This straightforward and noncontroversial measure represents the Committee on Judiciary’s annual civil law omnibus bill for 2026. The Committee regularly sponsors an omnibus bill to boost legislative efficiency by consolidating numerous technical revisions to the law into one measure, thus eliminating the need for numerous bills that would otherwise have to be considered individually. Among the provisions of this year’s omnibus bill are a provision that exempts a petitioner and respondent from the requirement to exchange declarations of disclosure in default judgment of dissolution proceedings if the parties have an existing enforceable judgment of separation that addresses property concerns, a provision that removes a confusing reference to a child’s “preference” in custody or visitation proceedings, and a provision that corrects a cross-reference in the Probate Code. Although several stakeholders contributed to the proposals included in the 2026 omnibus bill, this measure is Committee sponsored and has no support or opposition on file.*

**SUMMARY:** Makes three minor, technical, and non-controversial updates to the Family Code and Probate Code within the jurisdiction of the Committee on Judiciary. Specifically, **this bill:**

- 1) Requires the court to consider, and give due weight to, the wishes of the child in making an order granting or modifying custody or visitation if the child is of sufficient age and capacity to reason, and strikes a clause specifying that the child have sufficient capacity to reason so as to form an intelligent preference as to custody or visitation.
- 2) Exempts a petitioner and respondent in a dissolution of marriage proceeding in the case of a default judgment from the requirement that the parties exchange declarations of disclosures regarding property in a dissolution of marriage or registered partnership if the parties have an existing enforceable judgment of legal separation that adjudicates or reserves jurisdiction over the division of property.
- 3) Corrects a cross-reference in Probate Code Section 16350 to correctly reference Probate Code 16342, relating to allocation of receipts, rather than Probate Code Section 16432, which does not exist.

**EXISTING LAW:**

- 1) Authorizes a petitioner seeking a default judgment in a dissolution proceeding to waive the final declaration of disclosure requirements in dissolution proceedings. (Family Code Section 2110.)
- 2) Requires each party to a dissolution proceeding to serve on the other party a preliminary declaration of disclosure. (Family Code Section 2104 (a).)
- 3) Requires each party, or the attorney for each party, in a dissolution proceeding to serve on the other party a final declaration of disclosure and a current income and expense declaration, except by court order for good cause, before or at the time the parties enter into an agreement for the resolution of property or support issues. (Family Code Section 2105 (a).)
- 4) Requires the court to consider, and give due weight to, the wishes of the child in making an order granting or modifying custody or visitation if the child is of sufficient age and capacity to reason so as to form an intelligent preference as to custody or visitation. (Family Code Section 3042 (a).)
- 5) Requires a fiduciary to allocate the receipt from interests in minerals, water, or other natural resources as a business under Probate Code Section 16432 in a specified manner. (Probate Code Section 16350 (a).)
- 6) Provides guidelines for allocation of receipts for a business or other activity conducted by a fiduciary if the fiduciary determines that it is in the interests of the beneficiaries to account separately for the business or other activity, as specified. (Probate Code Section 16342.)

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

**COMMENTS:** Every year various stakeholders identify numerous minor and technical issues within California's legal codes that need updating but do not merit a standalone bill. For the sake of efficiency this omnibus measure merges these technical, non-controversial changes into one bill. In support of the bill, the Committee notes:

This broad measure makes modest updates to several policies falling within the Committee on the Judiciary that are insufficiently substantive to warrant a standalone bill. This bill exempts a petitioner and respondent from the requirement to exchange declarations of disclosure in default judgment of dissolution proceedings if the parties have an existing enforceable judgment of separation that addresses property concerns, removes confusing reference to a child's "preference" in custody or visitation proceedings, and corrects a cross-reference in the Probate Code.

***This measure amends Family Code Section 2110 to provide a more streamlined process in cases involving default judgments.*** Under existing law, married parties or those in a domestic partnership seeking to terminate their relationship can do so either through a legal separation or dissolution. Under a legal separation, the parties remain legally married, which in many cases can allow parties to still benefit from certain aspects of a marriage such as remaining on their spouse's health insurance, but separate financially. As part of the process, the parties are required to provide "preliminary disclosures," which detail each party's known assets and liabilities, as well as their "final disclosures," unless waived by stipulation or court order. A judgment of a

legal separation adjudicates the same issues as a divorce judgment, with the sole exception that the parties maintain their legal relationship.

In some cases, parties who have legally separated and whose property divisions have been formally adjudicated may later opt to seek a full dissolution to sever their remaining legal relationship. In these cases, under existing law, the parties would once again need to complete their preliminary and final disclosures, despite the fact that a judge has already ordered a division of their property and assets. Recognizing the potentially duplicative nature of existing law in these circumstances, this bill would allow parties to a dissolution who have an enforceable judgment of legal separation that has either adjudicated the division of property or reserved jurisdiction over the division to waive the preliminary and final declaration of disclosure requirements.

***This measure amends Family Code Section 3042 to remove superfluous language.*** Family Code Section 3042 currently requires a judge, in making a custody or visitation order, to give due weight to the wishes of the child “if a child is of sufficient age and capacity to reason so as to form an intelligent preference as to custody or visitation.” The clause “so as to form an intelligent preference as to custody or visitation” may inadvertently imply that a child must indicate a *preference* for either parent in the context of a custody or visitation order. This language is not reflective of how judges make custody determinations. They do not ask the child whether they prefer to live with one parent or the other. Instead, they take the child’s input as one of many factors in making the order. To avoid the implication, and potentially harmful repercussions of such implication, that a child’s “preference” (rather than their circumstances) has an outsized impact on a custody order, this bill strikes the clause to simply require the judge to give due weight to the child’s wishes if they are “of sufficient age and capacity to reason.”

***This bill corrects an incorrect reference in the Probate Code.*** Existing Probate Code Section 16350 requires a fiduciary to allocate receipts in a specified manner, to the extent the fiduciary does not account for a receipt from an interest in minerals, water, or other natural resources as a business under Section 16432. However, there is no Probate Code Section 16432. The correct cross-reference is Section 16342 (dealing with allocation of receipts under the Uniform Fiduciary Income and Principal Act) and this bill makes that correction.

## **REGISTERED SUPPORT / OPPOSITION:**

### **Support**

None on file

### **Opposition**

None on file

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