

Date of Hearing: May 6, 2026

ASSEMBLY COMMITTEE ON APPROPRIATIONS
Buffy Wicks, Chair
AB 2789 (Committee on Judiciary) – As Introduced March 16, 2026

Policy Committee: Judiciary

Vote: 12 - 0

Urgency: No

State Mandated Local Program: No

Reimbursable: No

SUMMARY:

This bill expands the ways in which a court may issue notice of mediation in child custody and visitation proceedings and eliminates the certified mail notice requirement.

Specifically, this bill:

- 1) Authorizes a court to provide notice of mediation in writing to all parties by one of the following methods:
 - a) By court staff when all parties are present for a court hearing.
 - b) By court staff when a party is present at the courthouse.
 - c) As part of a notice of hearing or court order filed by the court clerk, provided to a party, and served on the other party.
 - d) By mail, express mail, overnight delivery, or facsimile transmission.
 - e) By electronic service on parties who are represented by counsel and by the consent of parties who are self-represented.
- 2) Requires each court to develop a notice of mediation that includes both of the following:
 - a) All communications involving the mediator shall be kept confidential between the mediator and the disputing parties, as specified.
 - b) Where there has been a history of domestic violence between the parties, including allegations or a finding of domestic violence, or where a protective order, as defined, is in effect, the party alleging domestic violence may request that the appointed mediator meet with the parties separately and at separate times, as specified.

FISCAL EFFECT:

No state costs. The Judicial Council anticipates potential cost savings by eliminating the certified mail requirement.

COMMENTS:

1) **Purpose.** As explained by the author:

Existing law requires that notice of child custody mediation be provided by certified mail, return receipt requested, postage prepaid, to the parties' last known address. However, in many circumstances there may be more effective and less costly ways to provide parties to a custody proceeding the required notice of mediation.

2) **Background.** Family Code Section 3176 requires courts to provide parties to a custody and visitation dispute notice of a mediation proceeding via certified mail, return receipt requested, postage prepaid, to the parties' last known address. This process is required even when the parties appear in court in person for a hearing or other proceeding in the matter. Section 3176 has not been modified in over 20 years. This bill would remove the requirement that the service be provided via certified mail, return receipt requested, and allow the court to choose from a variety of other service options. The bill also requires the notice to be accompanied by a notice of mediation that includes information relating to confidentiality requirements for proceedings conducted under a confidential mediation program, and the option for a party who is also a survivor of domestic abuse to request a separate mediation without the other party.

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