

# **California Alliance for Families and Children**

**A Record of Accomplishment**

**2004 - 2006**

# California Alliance for Families and Children

## 3 Year Summary: Accomplishments and Plans

This year CAFC continued to have a major impact on family law policy at the State Capital. This report details the major policy areas and issues CAFC was able to impact as well as describing the growth of our reputation both here in Sacramento as well nationally. We now get calls from Legislators around the country, individuals seeking help here in California as well as from military families in Iraq. Given our limited resources and the large number of bills introduced this year in the children/family law area, 2006 was another very productive year for fathers, men, women, children and second families. This report contains the legislative summary of our major accomplishments for 2006, 2005 and 2004.

Our focus this year was in the areas of conflict reduction in divorce and child custody proceedings, domestic violence reforms, youth services and foster care systems, child support, paternity fraud and assisting in class action lawsuits. We also assisted countless individuals in need of services. In the Legislature our work included educating policy makers, providing updated research and data, giving testimony at legislative hearings and forming valuable relationships with family law, juvenile law, child support and domestic violence experts. We now have excellent working relationships with a number of significant organizations including the California Judge's Association and the Family Law Section of the State Bar.

In addition to the many accomplishments listed below, CAFC now for the first time gets calls and requests for information and bill ideas from Legislators and the Governor's Office. This is the final proof CAFC has achieved a level of credibility and respect given to established advocacy groups. CAFC supporters should be proud of this progress. Our continued presences in the halls of the Legislature now gives us access to policy makers who seriously listen to our concerns - something absent in prior years. The question for next year is whether CAFC will get the support and resources to move forward on more difficult issues of interest to all.

## Major Accomplishments for 2006

### **AB 402: Dymally; Family Law Court; Marriage**

CAFC was directly responsible for the introduction and passage of AB 402 which enacted the Collaborative Family Law Act. This bill for the first time recognized the collaborative process in California law which allows divorcing parties, by written agreement, to utilize a collaborative law process rather than an adversarial judicial proceeding to resolve those disputes. Only Texas and North Carolina have similar statutes.

AB 402 also contains two other significant provisions:

1. It requires a court to issue a statement explaining the factual and legal basis for its custody decision. This requirement applies to custody proceedings upon the request of either party.
2. It also requires the Judicial Council to create an information sheet for parties to inform them of options and resources to avoid costly court litigation and control the divorce process.

Specific details of the collaboration process will be developed this fall from a taskforce with recommendations for a comprehensive statute governing the practice of collaborative law. Legislation will be introduced in January.

AB 402 will help fuel a national movement to look at alternatives to costly and emotionally draining court litigation. The contribution of CAFC was clear. An almost identical bill to AB 402 was previously introduced in 2002 ([SB 1603](#) – Oller ). This bill never made it out of the first policy committee. Since 2002 the drafters had been looking for an author to carry this legislation without success. This year the Family Law Section of the State Bar sought our help. CAFC not only got a legislator to author the bill but also worked extremely hard to get the bill passed and signed into law.

### **SB 1482: Romero; Child custody:**

For the second time CAFC was victorious in defeating an attempt to modify the California Supreme Court decision in LaMusga relating to move away of children to other cities or states. Senator Gloria Romero late in the legislative session amended her bill to reverse the LaMusga decision.

Because CAFC was monitoring this bill we were the first to alert interested groups of the amendment and to organize opposition to the bill. CAFC's Michael Robinson worked with the California Judges Association (CJA), the Administrative Office of the Courts (AOC) and family law attorney's with the Family Law Section of the State Bar (FLEXCOM). He joined with Glenn Sacks to organize opposition letters and witnesses to testify against the bill including the original plaintiff, Gary LaMusga. Faced with this combined opposition Romero dropped the bill just prior to the committee hearing.

This issue is certain to surface again next year.

**AB 1982: Bass; Kin-Gap Services for Probation Youth, AB 2495: Bass; Kin-Gap Parity of Services:**

CAFC established its position as an organization focused on children and a balanced family policy with its support of two bills by Assemblywoman Karen Bass. The bills help close funding gaps and encourage extended family members to take in related foster children. Better funding and services provided in these bill will help prevent foster kids from becoming the new homeless once they turn 18 and the money runs out. The Governor signed both bills.

As a result of our support CAFC's Michael Robinson was asked to testify at a legislative hearing called by the Select Committee on Foster Care at its Statewide September Conference. While father absence was acknowledged as part of the problem Michael was able to expand the discussion and explain that father absence is not always the result of an uncaring father but rather the result of policies that marginalize fathers.

**AB 2051: Cohn; Domestic Violence:**

This is a good example of losing the battle but hopefully winning the war. CAFC spearheaded the opposition AB 2051 by Assemblywoman Rebecca Cohn. This bill was an attempt to end run the impact of a pending class action lawsuit, Meagan Black vs. California, filed by attorney Marc Angelucci. This case challenges California's discriminatory law which now defines domestic violence ("DV") victims as only women. CAFC has assisted in the lawsuit. A link to the Opening Brief for the upcoming hearing is linked on our home page [www.cafcusa.org](http://www.cafcusa.org).

Cohn amended her bill from gender-neutral language to a definition of a domestic violence victims that includes lesbians, gays, bisexuals and transgender (LGBT) victims. CAFC opposed the bill because it excluded straight males and their children.

We helped organize for the first time many of the most respected national and international experts in the field of domestic violence -nearly 50 in all, in our campaign to reform California DV policy. Some of those experts included Donald Dutton, Denise Hines, Tonia Nichols, John Archer, John Hamel and Murray Straus just to name a few.

Even though AB 2051 passed the Legislature and was signed by the Governor our efforts did not go unrewarded. Testifying at legislative hearings on the bill we organized experts to educated policy makers and the Governor's staff for the first time about the realities of DV and the needs of male victims and their children. As a result we now have commitments from legislators and the Governor's office, to work with us during the next legislative session to correct this issue.

**Child Support: Offer in Compromise Family Code 17560:**

The "Offer in Compromise" program was originally passed in 2003 after several years of hard work by Assemblyman Rod Wright and Assemblywoman Aroner. This program helps those in arrears on child support. The program permits all or a portion of the arrears and interest waived in exchange for repayment of Cal Works (welfare).

CAFC was the first organization to alert policy makers the program was due to terminate on January 1, 2007. CAFC quickly moved to work with the Governor's office and Assembly Judiciary Committee staff to extend the program. As a result the program is now extended to January 1, 2009. Testimony given during legislative hearings on this program created legislative direction to the

Department of Child Support Services (DCSS) to do a better job at making the public aware of this program. See our home page under [Reform Support Guidelines](#).

### **Paternity Fraud:**

CAFC learned that one of the provisions in [AB 252](#) – Jackson / Ashburn (Paternity Fraud Judgments); was being misrepresented and illegally enforced by DCSS and others. Specifically, DCSS staff claimed the deadline to file a motion to set aside a default judgment of paternity based on new DNA evidence, was September 28, 2006 rather than the actual deadline of December 31, 2006. CAFC moved quickly in cooperation with Senator Roy Ashburn to get the problem corrected. As a result a new statewide DCSS memo was sent out clarifying the correct date.

Michael Robinson also attended a DCSS Quarterly meeting getting the Department to admit they did little if any outreach on this bill. As a result of this rare admission Senator Ashburn may introduce legislation to extend the original 2-year filing period. Others Legislators have indicated interest in carrying additional paternity fraud legislation next session.

### **Military Family Law:**

CAFC spearheaded and helped draft [SB 1082](#): Morrow / Ducheny; (Child Custody / Support); which was the first bill in the nation to provide additional custody protection and fair child support treatment for national guard reservists and active military members. As a result of California's bill CAFC was requested to work with Michigan Rep. Rick Jones who subsequently passed similar custody protection in Michigan. This year Michigan took up the child support issue, which appears to be on it way to becoming law.

CAFC was also contacted by legislators in Florida and Texas interested in carrying similar legislation to the California law. We are now working with an advocate, a Florida House Member and a Texas Senator who plan to introduce similar bills before the end of the year. Work also continues on getting action at the federal level for military family law problems.

## Major Accomplishments for 2005

### **SB 1082: Morrow / Ducheny; Military custody/child support:**

CAFC drafted legislation and organized a bi-partisan legislative campaign to help protect men and women serving in our armed services from unfair family law practices regarding child support and custody. The legislation, SB 1082 (Morrow/Ducheny), helps to protect current custody and visitation orders. AB 1082 also protects the right of Reservists and Guard members to modify their child support orders when they transfer from high paying civilian jobs to lower military pay as a result of activation and deployment. SB 1082 received unanimous support in the Legislature and was signed into law in September, 2005.

AB 1082 received international press and broad coverage in U.S. military publications. It is the first bill of its kind in the nation. Other states are now moving to copy California's law while CAFC leads the effort to have Congress make similar changes to federal law, including the Bradley amendment.

### **AB 1307: Dymally; Child Custody / Shared Parenting:**

CAFC created a statewide debate on the fairness of existing child custody court orders by drafting and introducing a Shared Parenting bill, AB 1307(Dymally), in the California Legislature. Similar attempts to introduce this kind of legislation have failed over the last 10 years. Although the bill did not pass the Assembly Judiciary Committee, the Shared Parenting bill created statewide debate among legislators, judges, attorneys, mediators and therapists. The information and advocacy provided by CAFC and its allies have resulted in Assemblyman Dymally and others becoming committed to the goal of reforming custody determinations by our courts. This bill received national press coverage.

### **H.R.3402.ENR: Sensenbrenner; Reauthorization of VAWA:**

CAFC also helped to spearhead reform of the gender-driven reauthorization of the Violence Against Women's Act (VAWA). We aligned ourselves with Safe Homes for Children and Families Coalition, [www.vawa4all.org](http://www.vawa4all.org). This site, run by CAFC, was used to educate members in Congress that both men and women perpetrate domestic violence. CAFC and SHCFC were successful at getting just about every international expert on Domestic Violence to endorse making VAWA gender neutral.

As a result of these efforts the VAWA bill was successfully amended and signed into law with completely gender neutral language. The revised act provides for the first time, funding for all victims, including male victims. The bill language also includes language to reform the way the General Accounting Office compiles data on domestic violence which has been skewed to favor women.

**Other Legislation** - CAFC realizes that reforming current policies is only one part of the job. The other part is educating members and others to ensure that bad policy does not pass. This year alone almost 20 bills were introduced by a couple of legislators which was gender driven and designed to exploit policies affecting our family law courts. CAFC was able to provide enough education, data and relevant material to stop about 70% of these bills from passing the Legislature.

## Major Accomplishments for 2004:

**AB 252: Jackson; Paternity Fraud** - CAFC played a key role in assuring that paternity fraud legislation was finally passed and signed into law (AB 252 Jackson/Ashburn). Advocates from CAFC were involved with this issue since Assemblyman Rod Wright originally introduced legislation in 2000.

**Navarro Case** - CAFC spearheaded a successful campaign to keep the historic case of Los Angeles County vs. Navarro published after the County of Los Angeles petitioned the California Supreme Court to de-publish the decision. The Navarro case was the first published case that held the statute of limitations did not apply in setting aside a 5-year-old default judgment against a paternity fraud victim.

**SB 730: Burton; Move-Away Standards** - CAFC's advocate helped educate Legislators on this issue which eventually lead to the successful defeat of Senator John Burton's attempt to abrogate the historic move away case of LaMusga. This case established equitable standards for the court to use in move away custody disputes. The defeated bill (SB 730) was sponsored by the women's rights group, and the Coalition for Family Equity. SB 730 also provided the mother with free legal representation in the Supreme Court case. This legislative fight received national press.

## **What's Possible for 2007- 08 Session**

A lot depends on the resources and support available. There are many issues we need to address, some harder than others politically. CAFC already has commitments by Legislators to carry legislation on the following issues:

- Additional amendments on Collaborative Practice.
- Domestic Violence bill for gender inclusiveness that includes straight males and their children.
- Child Support bill that sets up a quick easy process that would set guideline support based on the state the child lives in. Currently many Obligors in California are paying CA. guidelines on a CA. order when the child lives in another state where the cost of living is much lower; e.g. California vs. Ark.
- Paternity Fraud bill that would also extend the 2-year grandfather provision and strengthen existing protection for fraud victims.
- Move Away bill that is child centered, not parent centered just because you're the primary custodial parent.

### **What's needed for the continued Success?**

The truth is we are our worst enemies. Change is possible with commitment, organization and resources. We have proven that with your support in the field, responding to action alerts and a full time advocate we can impact public policy in Sacramento. Just think what we could do with a real advocacy operation that has an office, research, an attorney and press staff etc. etc. That's what the feminists and special interest groups do.

Our strategy over the last several years was to pick issues and policy fights where we could win some victories while establishing working relationships and a credible reputation in the Legislature. That has been accomplished. Still there is much left to be done- many inequities remain not to mention the need to support or oppose the 50-100 bills introduced every year that impact family law. We also need to move on the more difficult issues but that can only be done with greater organization and resources.

In the final analysis it is up to each and every one of us to do what we can to create a level playing field in our laws and courts. Together we can and will move a fairness agenda forward.

