

April 25, 2022

CalAlimonyReform.org
ATTN: Steve Clark
7071 Warner Avenue, Suite F385
Huntington Beach, CA 92647

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RECEIVED

MAY 13 2022

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

Office of the Attorney General
ATTN: Initiative Coordinator
P.O. Box 944255
Sacramento, CA 94244-2550

Dear Initiative Coordinator:

I am officially requesting that a circulating title and summary of the chief purpose and points of the proposed initiative measure be prepared.

I, Steve Clark, declare under penalty of perjury that I am a citizen of the United States, 18 years of age or older, and a resident of Orange County, California.

I, Steve Clark, acknowledge that it is a misdemeanor under state law (Section 18650 of the Elections Code) to knowingly or willfully allow the signatures on an initiative petition to be used for any purpose other than qualification of the proposed measure for the ballot. I certify that I will not knowingly or willfully allow the signatures for this initiative to be used for any purpose other than qualification of the measure for the ballot.



Steve Clark
Dated this 25th day of
April, 2022

We are also requesting the following title and summary be used as this was the content used by the California Legislative Counsel to draft the legislation:

**TITLE: CLASSIFIES AND TREATS ALIMONY AS ALL
OTHER SOCIAL WELFARE PROGRAMS - Initiative
Statute**

Summary: The intent of this initiative measure is to treat spousal support (alimony) in the same manner as other social welfare programs are treated, whereas the financial obligation is paid for by the State government.



Steve Clark

Dated this 25th day of
April, 2022

INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS

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Type

The Attorney General of California has prepared the following circulating title and summary of the chief purpose and points of the proposed measure:

(Here set forth the unique numeric identifier provided by the Attorney General and circulating title and summary prepared by the Attorney General. Both the Attorney General's unique numeric identifier and the circulating title and summary must also be printed across the top of each page of the petition whereon signatures are to appear.)

TO THE HONORABLE SECRETARY OF STATE OF CALIFORNIA

Type: Roman
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smaller than
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We, the undersigned, registered, qualified voters of California, residents of the County of _____, hereby propose amendments to the Family Code, relating to spousal support, and petition the Secretary of State to submit the same to the voters of California for their adoption or rejection at the next succeeding general election or at any special statewide election held prior to that general election or as otherwise provided by law. The proposed statutory amendments read as follows:

SECTION 1. The purpose of this act is to shift the burden of paying court-ordered spousal support for the supported party, during the pendency of a proceeding for, or upon judgment of, the dissolution of the marriage or legal separation of the parties, from the supporting party to the State of California.

SEC. 2. Section 2254 of the Family Code is amended to read:

2254. (a) The court may, during the pendency of a proceeding for nullity of marriage or upon judgment of nullity of marriage, order a party to pay for the support of the other party in the same manner as if the marriage had not been void or voidable if the party for whose benefit the order is made is found to be a putative spouse.

(b) Notwithstanding subdivision (a), if the court orders the payment of spousal support pursuant to subdivision (a), the state shall make those payments in accordance with Part 3 (commencing with Section 4300) of Division 9, as added by Section 6 of the act that added this subdivision, if that part becomes operative.

SEC. 3. Section 2313 of the Family Code is amended to read:

2313. (a) No dissolution of marriage granted on the ground of permanent legal incapacity to make decisions relieves a spouse from any obligation imposed by law as a result of the marriage for the support of the spouse who lacks legal capacity to make decisions, and the court may make an order for support, or require a bond therefor, as the circumstances require.

(b) Notwithstanding subdivision (a), if the court orders the payment of spousal support pursuant to subdivision (a), the state shall make those payments in accordance with Part 3 (commencing with Section 4300) of Division 9, as added by Section 6 of the act that added this subdivision, if that part becomes operative.

SEC. 4. Section 2406 of the Family Code is amended to read:

2406. (a) Each superior court shall make available a brochure, the contents and form of which shall be prescribed by the Judicial Council, describing the requirements, nature, and effect of proceedings under this chapter. The brochure shall be printed and distributed by the Judicial Council in both English and Spanish.

(b) The brochure shall state, in nontechnical language, all the following:

(1) It is in the best interests of the parties to consult an attorney regarding the dissolution of their marriage. The services of an attorney may be obtained through lawyer referral services, group or prepaid legal services, or legal aid organizations.

(2) The parties should not rely exclusively on this ~~brochure~~ brochure, which is not intended as a guide for self-representation in proceedings under this chapter.

(3) A concise summary of the provisions and procedures of this chapter and Sections 2320 and 2322 and Sections 2339 to 2344, inclusive.

(4) The nature of services of the conciliation court, where available.

(5) Neither party to the marriage can in the future obtain spousal support from ~~the other~~ other or the state.

(6) A statement in boldface type to the effect that upon entry of the judgment, the rights and obligations of the parties to the marriage with respect to the marriage, including property and spousal support rights, will be permanently adjudicated without right of appeal, except that neither party will be barred from instituting an action to set aside the judgment for fraud, duress, accident, mistake, or other grounds at law or in equity, or to make a motion pursuant to Section 473 of the Code of Civil Procedure.

(7) The parties to the marriage retain the status of married persons and cannot remarry until the judgment dissolving the marriage is entered.

(8) Other matters as the Judicial Council considers appropriate.

SEC. 5. Section 3600 of the Family Code is amended to read:

3600. ~~(a)~~ During the pendency of any proceeding for dissolution of marriage or for legal separation of the parties or under Division 8 (commencing with Section 3000) (custody of children) or in any proceeding where there is at issue the support of a minor child or a child for whom support is authorized under Section 3901 or 3910, the court may order ~~(a)~~ (1) either spouse to pay any amount that is necessary for the support of the other spouse, consistent with the requirements of subdivisions (i) and (m) of Section 4320 and Section 4325, or ~~(b)~~ (2) either or both parents to pay any amount necessary for the support of the child, as the case may be.

(b) Notwithstanding subdivision (a), if the court orders the payment of spousal support pursuant to subdivision (a), the state shall make those payments in accordance with Part 3 (commencing with Section 4300), as added by Section 6 of the act that added this subdivision, if that part becomes operative.

SEC. 6. Part 3 (commencing with Section 4300) is added to Division 9 of the Family Code, to read:

PART 3. SPOUSAL SUPPORT

CHAPTER 1. GENERAL PROVISIONS

4300. For purposes of this part, the following definitions apply:

(a) "Department" means the State Department of Social Services, unless otherwise specified.

(b) "Fund" means the Spousal Support Fund created in Section 4315, unless otherwise specified.

4305. This part shall become operative on July 1 immediately following the date on which the act that added this part took effect, or on the date the State Department of Social Services notifies the Legislature that the department, in coordination with the counties, can perform the necessary procedural steps and has sufficient funding to implement this part, whichever date is later.

4310. (a) This part shall apply to spousal support ordered by the court in a judgment of dissolution of marriage or legal separation of the parties, with the state making the support payments in accordance with this part.

(b) This part shall not affect the terms of spousal support orders or agreements that were issued or executed before the operative date of this part, except that prospective payments of any existing court-ordered spousal support shall be made by the state instead of the supporting party pursuant to this part.

(c) Notwithstanding subdivision (a), this part does not apply to spousal support arrearages that have accrued before the operative date of this part, and those amounts shall continue to be owed by the supporting party to the supported party.

4315. (a) The Spousal Support Fund is hereby created in the State Treasury and shall be administered by the State Department of Social Services.

(b) Subject to an appropriation by the Legislature for the purpose of implementing this part, the department shall allocate moneys deposited into the fund to the counties, and the counties shall distribute the moneys as spousal support payments to qualified individuals pursuant to this part.

CHAPTER 2. FACTORS TO BE CONSIDERED IN ORDERING SUPPORT

4320. In ordering spousal support under this part, the court shall consider all of the following circumstances:

(a) The extent to which the earning capacity of the supported party is sufficient to maintain the standard of living established during the marriage, taking into account all of the following:

(1) The marketable skills of the supported party; the job market for those skills; the time and expenses required for the supported party to acquire the appropriate education or training to develop those skills; and the possible need for retraining or education to acquire other, more marketable skills or employment.

(2) The extent to which the supported party's present or future earning capacity is impaired by periods of unemployment that were incurred during the marriage to permit the supported party to devote time to domestic duties.

(b) The extent to which the supported party contributed to the attainment of an education, training, a career position, or a license by the other party.

(c) The needs of the supported party based on the standard of living established during the marriage.

(d) The obligations and assets, including the separate property, of the supported party.

(e) The duration of the marriage.

(f) The ability of the supported party to engage in gainful employment without unduly interfering with the interests of dependent children in the custody of the party.

(g) The age and health of the supported party.

(h) All documented evidence of any history of domestic violence, as defined in Section 6211, between the parties or perpetrated by either party against either party's child, including, but not limited to, consideration of any of the following:

(1) A plea of nolo contendere.

(2) Emotional distress resulting from domestic violence perpetrated against the supported party by the other party.

(3) Any history of violence against the other party by the supported party.

(4) Issuance of a protective order after a hearing pursuant to Section 6340.

(5) A finding by a court during the pendency of a divorce, separation, or child custody proceeding, or other proceeding under Division 10 (commencing with Section 6200), that the spouse has committed domestic violence.

(i) The immediate and specific tax consequences to the supported party.

(j) Hardships to the supported party.

(k) The goal that the supported party shall be self-supporting within a reasonable period of time. Except in the case of a marriage of long duration as described in Section 4336, a "reasonable period of time" for purposes of this section generally shall be one-half the length of the marriage. However, nothing in this section is intended to limit the court's discretion to order support for a greater or lesser length of time, based on any of the other factors listed in this section, Section 4336, and the circumstances of the supported party.

(l) The criminal conviction of an abusive spouse shall be considered in making a reduction or elimination of a spousal support award in accordance with Section 4324.5 or 4325.

(m) Any other factors that the court determines are just and equitable.

4321. The office of the family law facilitator within the court, as described in Section 10002, shall provide assistance in the implementation of this part.

4322. In an original or modification proceeding, if there are no children, and a party has or acquires a separate estate, including income from employment, sufficient for the party's proper support, support shall not be ordered or continued through payments made by the state pursuant to this part.

4323. (a) Upon a determination that circumstances have changed, the court may modify or terminate the spousal support.

(b) There is a rebuttable presumption, affecting the burden of proof, of decreased need for spousal support if the supported party is cohabiting with a nonmarital partner. Holding oneself out to be the spouse of the person with whom one is cohabiting is not necessary to constitute cohabitation as the term is used in this subdivision.

4324. (a) In addition to any other remedy authorized by law, if a spouse is convicted of attempting to murder the other spouse, as punishable pursuant to subdivision (a) of Section 664 of the Penal Code, or of soliciting the murder of the

other spouse, as punishable pursuant to subdivision (b) of Section 653f of the Penal Code, the state shall be entitled to a prohibition of any temporary or permanent award for spousal support to the convicted spouse, and the injured spouse shall be entitled to a prohibition of any medical, life, or other insurance benefits or payments from the injured spouse to the convicted spouse.

(b) For purposes of this section, "injured spouse" means the spouse who has been the subject of the attempted murder or the solicitation of murder for which the other spouse was convicted, whether or not actual physical injury occurred.

4324.5. (a) In a proceeding for dissolution of marriage where there is a criminal conviction for a violent sexual felony or a domestic violence felony perpetrated by one spouse against the other spouse and the petition for dissolution is filed before five years following the conviction and any time served in custody, on probation, or on parole, all of the following shall apply:

(1) An award of spousal support to the convicted spouse from the state is prohibited.

(2) If economic circumstances warrant, the court shall order the attorney's fees and costs incurred by the parties to be paid from the community assets. The injured spouse shall not be required to pay any attorney's fees of the convicted spouse out of the injured spouse's separate property.

(3) At the request of the injured spouse, the date of separation, as defined in Section 70, shall be the date of the incident giving rise to the conviction, or earlier, if the court finds circumstances that justify an earlier date.

(4) The injured spouse shall be entitled to 100 percent of the community property interest in the retirement and pension benefits of the injured spouse.

(b) For purposes of this section, the following definitions apply:

(1) "Domestic violence felony" means a felony offense for an act of abuse, as described in Section 6203, perpetrated by one spouse against the other spouse.

(2) "Injured spouse" means the spouse who has been the subject of the violent sexual felony or domestic violence felony for which the other spouse was convicted.

(3) "Violent sexual felony" means those offenses described in paragraphs (3), (4), (5), (11), and (18) of subdivision (c) of Section 667.5 of the Penal Code.

(c) If a convicted spouse presents documented evidence of the convicted spouse's history as a victim of a violent sexual offense, as described in paragraph (3), (4), (5), (11), or (18) of subdivision (c) of Section 667.5 of the Penal Code, or domestic violence, as defined in Section 6211, perpetrated by the other spouse, the court may determine, based on the facts of the particular case, that one or more of paragraphs (1) to (4), inclusive, of subdivision (a) do not apply.

4325. (a) In a proceeding for dissolution of marriage where there is a criminal conviction for a domestic violence misdemeanor or a criminal conviction for a misdemeanor that results in a term of probation pursuant to Section 1203.097 of the Penal Code perpetrated by one spouse against the other spouse entered by the court within five years prior to the filing of the dissolution proceeding or during the course of the dissolution proceeding, there shall be a rebuttable presumption that the following shall apply:

(1) An award of spousal support to the convicted spouse from the state is prohibited.

(2) If economic circumstances warrant, the court shall order the attorney's fees and costs incurred by the parties to be paid from the community assets. The injured spouse shall not be required to pay any attorney's fees of the convicted spouse out of the injured spouse's separate property.

(3) At the request of the injured spouse, the date of separation, as defined in Section 70, shall be the date of the incident giving rise to the conviction, or earlier, if the court finds circumstances that justify an earlier date.

(b) The court may consider documented evidence of a convicted spouse's history as a victim of domestic violence, as defined in Section 6211, perpetrated by the other spouse, or any other factors that the court deems just and equitable, as conditions for rebutting this presumption.

(c) The rebuttable presumption created in this section may be rebutted by a preponderance of the evidence.

(d) The court may determine, based on the facts of a particular case, that the injured spouse is entitled to up to 100 percent of the community property interest in the injured spouse's retirement and pension benefits. In determining whether and how to apportion the community property interest in the retirement and pension benefits of the injured spouse, the court shall consider all of the following factors:

(1) The misdemeanor domestic violence conviction, and documented evidence of other instances of domestic violence, as defined in Section 6211, between the parties or perpetrated by either party against either party's child, including, but not limited to, consideration of emotional distress resulting from domestic violence. The court shall also consider documented evidence of a convicted spouse's history as a victim of domestic violence, as defined in Section 6211, perpetrated by the other spouse.

(2) The duration of the marriage and when, based on documented evidence, incidents of domestic violence, as defined in Section 6211, occurred.

(3) The extent to which the convicted spouse's present or future earning capacity is impaired by periods of unemployment that were incurred during the marriage to permit the convicted spouse to devote time to domestic duties.

(4) The extent to which the convicted spouse contributed to the attainment of an education, training, a career position, or a license by the injured spouse.

(5) The balance of the hardships to each party.

(6) Any other factors that the court determines are just and equitable.

(e) For purposes of this section, the following definitions apply:

(1) "Domestic violence misdemeanor" means a misdemeanor offense for an act of abuse, as described in paragraphs (1) to (3), inclusive, of subdivision (a) of Section 6203, perpetrated by one spouse against the other spouse.

(2) "Injured spouse" means the spouse who has been the subject of the domestic violence misdemeanor for which the other spouse was convicted.

CHAPTER 3. SPOUSAL SUPPORT UPON DISSOLUTION OR LEGAL SEPARATION

4330. (a) In a judgment of dissolution of marriage or legal separation of the parties, the court may order the state to pay for the support of a party an amount, for a period of time, that the court determines is just and reasonable, based on the standard of living established during the marriage, taking into consideration the circumstances as provided in Section 4320.

(b) When making an order for spousal support, the court may advise the recipient of support that the recipient should make reasonable efforts to assist in providing for their support needs, taking into account the particular circumstances considered by the court pursuant to Section 4320, unless, in the case of a marriage of long duration as provided for in Section 4336, the court decides that this warning is inadvisable.

4331. (a) In a proceeding for dissolution of marriage or for legal separation of the parties, the court may order a party to submit to an examination by a vocational training counselor. The examination shall include an assessment of the party's ability to obtain employment based upon the party's age, health, education, marketable skills, employment history, and the current availability of employment opportunities. The focus of the examination shall be on an assessment of the party's ability to obtain employment that would allow the party to maintain their marital standard of living.

(b) The order may be made only on motion, for good cause, and on notice to the party to be examined and to all parties. The order shall specify the time, place, manner, conditions, scope of the examination, and the person or persons by whom it is to be made.

(c) A party who does not comply with an order under this section is subject to the same consequences provided for failure to comply with an examination ordered pursuant to Chapter 15 (commencing with Section 2032.010) of Title 4 of Part 4 of the Code of Civil Procedure.

(d) For purposes of this section, "vocational training counselor" means an individual with sufficient knowledge, skill, experience, training, or education in interviewing, administering, and interpreting tests for analysis of marketable skills, formulating career goals, planning courses of training and study, and assessing the job market, to qualify as an expert in vocational training under Section 720 of the Evidence Code.

(e) A vocational training counselor shall have at least the following qualifications:

(1) A master's degree in the behavioral sciences, or other postgraduate degree that the court finds provides sufficient training to perform a vocational evaluation.

(2) Qualification to administer and interpret inventories for assessing career potential.

(3) Demonstrated ability in interviewing clients and assessing marketable skills with an understanding of age constraints, physical and mental health, previous education and experience, and time and geographic mobility constraints.

(4) Knowledge of current employment conditions, job market, and wages in the indicated geographic area.

(5) Knowledge of education and training programs in the area with costs and time plans for these programs.

4332. In a proceeding for dissolution of marriage or for legal separation of the parties, the court shall make specific factual findings with respect to the standard of living during the marriage, and, at the request of either party, the court shall make appropriate factual determinations with respect to other circumstances.

4333. An order for spousal support in a proceeding for dissolution of marriage or for legal separation of the parties may be made retroactive to the date of filing the notice of motion or order to show cause, or to any subsequent date.

4334. (a) If a court orders spousal support for a contingent period of time, the obligation of the state terminates on the happening of the contingency. The court may,

in the order, order the supported party to notify the state of the happening of the contingency.

(b) If the supported party fails to notify the state of the happening of the contingency and continues to accept spousal support payments, the supported party shall refund payments received that accrued after the happening of the contingency, except that the overpayments shall first be applied to spousal support payments that are then in default.

4335. An order for spousal support terminates at the end of the period provided in the order and shall not be extended, unless the court retains jurisdiction in the order or under Section 4336.

4336. (a) Except on written agreement of the parties to the contrary or a court order terminating spousal support, the court retains jurisdiction indefinitely in a proceeding for dissolution of marriage or for legal separation of the parties where the marriage is of long duration.

(b) For the purpose of retaining jurisdiction, there is a presumption affecting the burden of producing evidence that a marriage of 10 years or more, from the date of marriage to the date of separation, is a marriage of long duration. However, the court may consider periods of separation during the marriage in determining whether the marriage is in fact of long duration. Nothing in this subdivision precludes a court from determining that a marriage of less than 10 years is a marriage of long duration.

(c) Nothing in this section limits the court's discretion to terminate spousal support in later proceedings on a showing of changed circumstances.

4337. The obligation of the state under an order for the spousal support of a party terminates upon the death of that party or the remarriage of that party.

SEC. 7. Chapter 6 (commencing with Section 4380) is added to Part 3 of Division 9 of the Family Code, to read:

CHAPTER 6. REPEAL

4380. This part shall become inoperative on the date that Part 3 (commencing with Section 4300) of Division 9 of the Family Code, as added by Section 6 of the act that added this section, becomes operative, and, as of January 1 immediately following that date, this part is repealed.

SEC. 8. The Legislature may amend this act, by a majority vote of each house of the Legislature, only if those amendments are consistent with and further the purpose of this act.

SEC. 9. The provisions of this act are severable. If any provision of this act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.