

INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS

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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

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We, the undersigned, registered, qualified voters of California, residents of County, 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. Section 2100 of the Family Code is amended to read:

2100. The Legislature finds and declares the following:

(a) It is the policy of the State of California (1) to marshal, preserve, and protect community and quasi-community assets and liabilities that exist at the date of separation so as to avoid dissipation of the community estate before distribution, (2) to ensure fair and sufficient child-~~and spousal~~ support awards, and (3) to achieve a division of community and quasi-community assets and liabilities on the dissolution or nullity of marriage or legal separation of the parties as provided under California law.

(b) Sound public policy further favors the reduction of the adversarial nature of marital dissolution and the attendant costs by fostering full disclosure and cooperative discovery.

(c) In order to promote this public policy, a full and accurate disclosure of all assets and liabilities in which one or both parties have or may have an interest must be made in the early stages of a proceeding for dissolution of marriage or legal separation of the parties, regardless of the characterization as community or separate, together with a disclosure of all income and expenses of the parties. Moreover, each party has a continuing duty to immediately, fully, and accurately update and augment that disclosure to the extent there have been any material changes so that at the time the parties enter into an agreement for the resolution of any of these issues, or at the time of trial on these issues, each party will have a full and complete knowledge of the relevant underlying facts.

SEC. 2. Section 2120 of the Family Code is amended to read:

2120. The Legislature finds and declares the following:

(a) The State of California has a strong policy of ensuring the division of community and quasi-community property in the dissolution of a marriage as set forth

in Division 7 (commencing with Section 2500), and of providing for fair and sufficient child-~~and spousal~~ support awards. These policy goals can only be implemented with full disclosure of community, quasi-community, and separate assets, liabilities, income, and expenses, as provided in Chapter 9 (commencing with Section 2100), and decisions freely and knowingly made.

(b) It occasionally happens that the division of property or the award of support, whether made as a result of agreement or trial, is inequitable when made due to the nondisclosure or other misconduct of one of the parties.

(c) The public policy of assuring finality of judgments must be balanced against the public interest in ensuring proper division of marital property, in ensuring sufficient support awards, and in deterring misconduct.

(d) The law governing the circumstances under which a judgment can be set aside, after the time for relief under Section 473 of the Code of Civil Procedure has passed, has been the subject of considerable confusion which has led to increased litigation and unpredictable and inconsistent decisions at the trial and appellate levels.

SEC. 3. Part 3 (commencing with Section 4300) of Division 9 of the Family Code is repealed.

SEC. 4. Part 3 (commencing with Section 4300) is added to Division 9 of the Family Code, to read:

PART 3. SPOUSAL SUPPORT

4300. The State of California has a strong policy of ensuring equality between parties to a marital dissolution, nullity of marriage, or legal separation. No party shall be unfairly burdened because the other party is unwilling to become self-supporting.

4305. There is no enforceable right to spousal support during marriage, upon dissolution or nullity of marriage, or upon separation of the parties.

4310. The enactment of this part shall be deemed a material change in circumstances warranting modification of existing spousal support orders. An award of spousal support with a duration of 10 years or more shall be reduced over the course of a five year period at the rate of 20 percent of the original amount per year. An award that is less than 10 years in duration shall be terminated immediately, unless the court finds that there is sufficient justification to continue the support award for no more than one year.

4315. This part does not apply to spousal support arrearages that have accrued before the effective date of this part, and those amounts continue to be owed to the supported party.

4320. The provisions of this part are severable. If any provision of this part 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.

SEC. 5. Any law that is inconsistent with this initiative measure is void.