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March 31, 2023

The Honorable Mia Bonta
Member of the Assembly, 18th Assembly District
P.O. Box 942849
Sacramento, CA 94249-0018

Re: AB 599 (Bonta)
Position: Oppose

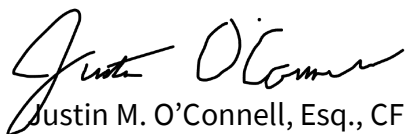
Dear Assemblymember Bonta,

On behalf of the California Association of Certified Family Law Specialists, a non-profit organization with 694 members who are certified family law specialists by the State Bar of California, Board of Legal Specialization, I write to oppose Assembly Bill 1148.

AB 1148 would suspend child support to recipients of support for 18 months following a support obligor's release from involuntary institutionalization of the person owing support. A parent caring for their child will have no child support for that lengthy period. It would not matter whether the support obligor became employed, inherited a fortune, or otherwise was able to pay support during that 18-month period. Also, this 18-month period when a child is not supported might follow any incarceration lasting 90 days or more, e.g., a parent incarcerated for 91 days will not have to pay any child support for 18 months upon release. This bill appears intended to allow the support obligor to become reestablished in society, but 1) this bill would do so to the detriment of many children and 2) existing law already allows for the court to consider circumstances upon release and appropriately modify support (a support obligor may request a hearing to modify child support after being released).

In addition, AB 1148 sets forth a hearing procedure that does not make practical sense. As drafted, the bill would require a modification hearing. However, hearings do not just arise in court without proper notice to all parties and opportunity to be heard. Moreover, many child support cases are not handled by local child support agencies who might have notice the obligor has been released. Support recipients in other cases (e.g., representing themselves) might have no knowledge of the release, and, even so, it is unclear if they would be required to file to set the modification hearing. The notice procedures in this bill seems to imply the court – or other governmental office/agency – would provide notice of hearing and information of what evidence is needed. As noted above, procedurally there is no mechanism for a hearing to be set without a party or a local child support agency filing a request for a hearing, and substantively this bill appears to place one party (the support obligor) in a superior position by providing that party a list of “required or useful documents and information” to bring to the hearing. The recipient of support is provided no such help in preparing for a hearing and places the recipient of child support in a further disadvantage.

Respectfully submitted,



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