

AMENDED IN ASSEMBLY MAY 19, 1998  
AMENDED IN ASSEMBLY APRIL 15, 1998

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2207**

**Introduced by Assembly Member Escutia**

February 19, 1998

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An act to add and repeal Division 16 (commencing with Section 15000) of the Family Code, relating to family law information centers.

LEGISLATIVE COUNSEL'S DIGEST

AB 2207, as amended, Escutia. Family law information centers.

Existing law provides for the appointment of counsel in specified family law matters where the parent is unable to afford counsel.

This bill would create a pilot project to establish *a* family law information ~~centers~~ *center*, to be administered by the Judicial Council, ~~in up to 10 counties~~ *one pilot county* selected by the Judicial Council, to provide legal resources to low-income family law litigants. *The bill would also require the Judicial Council to evaluate the success of the project and report to the Legislature by a specified date.* These provisions would be repealed on January 1, 2002. By imposing additional duties on counties, the bill would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Division 16 (commencing with Section  
2 15000) is added to the Family Code, to read:

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4 DIVISION 16. FAMILY LAW INFORMATION  
5 CENTERS

6

7 15000. (a) The Legislature finds and declares the  
8 following:

9 (1) A growing number of family law litigants are  
10 unrepresented in family law proceedings, and the  
11 primary reason for the lack of representation in these  
12 matters is their inability to afford legal assistance.

13 (2) The failure to have access to legal resources  
14 prevents low-income litigants from fully understanding  
15 their rights and remedies in family law proceedings,  
16 thereby restricting their access to justice.

17 (3) There is a compelling state interest in ensuring  
18 that all family law litigants better understand court  
19 procedures and requirements and ~~in ensuring that~~ all  
20 litigants have more meaningful access to family court.

21 (4) It is the public policy of this state to maximize the  
22 opportunity for low-income persons to receive fair and  
23 just treatment by the family court and to decrease



1 inequities resulting from an unrepresented party's  
2 limited legal skills and knowledge.

3 (b) It is the intent of the Legislature to create  
4 information centers to help all low-income family law  
5 litigants better understand their obligations, rights, and  
6 remedies and to provide procedural information to  
7 enable them to better understand and maneuver through  
8 the family court system.

9 15010. (a) It is the intent of the Legislature in  
10 enacting this section to establish a pilot project to be  
11 administered by the Judicial Council for the purpose of  
12 providing information to unrepresented low-income  
13 family law litigants.

14 ~~(b) The pilot project shall include counties from~~  
15 ~~different parts of the state, including counties which hear~~  
16 ~~family law matters in multiple courts, and counties that~~  
17 ~~have a family law facilitator program in operation, but~~  
18 ~~shall consist of no more than 10 pilot counties.~~

19 ~~(c) The pilot counties selected by the Judicial Council~~

20 (b) *The pilot project shall consist of one pilot county*  
21 *that shall be selected by the Judicial Council. The pilot*  
22 *county shall establish a family law information center*  
23 *located in the superior court, which that shall be*  
24 *supervised by an active member of the State Bar in good*  
25 *standing. The pilot county shall determine the*  
26 *composition and number of additional staff necessary to*  
27 *provide the services mandated by this section.*

28 ~~(d)~~

29 (c) The family law information center shall provide, to  
30 unrepresented low-income litigants, information and  
31 services, including, but not limited to, the following:

32 (1) Information as to the nature of various types of  
33 relief available through the family court, including  
34 restraining orders, marital dissolution or legal separation,  
35 paternity, child or spousal support, disposition of  
36 property, and child custody and visitation, and the  
37 method to seek that relief.

38 (2) Information as to the pleadings necessary to be  
39 filed for relief and instructions on the proper completion



1 of those pleadings, including information as to the  
2 importance of the information called for by the pleadings.

3 (3) Information concerning the requirements for  
4 proper service of court papers.

5 (4) Assistance in preparing orders after court  
6 proceedings consistent with the court's announced  
7 orders.

8 (5) Information concerning methods of enforcing  
9 court orders in family law proceedings.

10 (6) The family law information center shall maintain  
11 a directory of community resources, including, but not  
12 limited to, low-cost legal assistance, counseling, domestic  
13 violence shelters, parenting education, mental health  
14 services, and job placement programs.

15 (7) The family law information center shall encourage  
16 parties to seek legal advice and assistance from an  
17 independent attorney.

18 ~~(e)~~

19 (d) The family law information center shall provide  
20 interpreter services and allow the use of translators to  
21 facilitate the services provided pursuant to subdivision  
22 ~~(d)~~ (c).

23 ~~(f)~~

24 (e) The Judicial Council shall promulgate guidelines  
25 for the operation of the family law information ~~centers~~  
26 *center* in accordance with the Rules of Professional  
27 Conduct.

28 ~~(g)~~

29 (f) The family law information center shall not  
30 represent any party. No attorney-client relationship is  
31 created between a party and the family law information  
32 center as a result of any information or services provided  
33 to the party by the family law information center  
34 pursuant to subdivision ~~(d)~~—(c). The family law  
35 information center shall give conspicuous notice that no  
36 attorney-client relationship exists between the center, its  
37 staff, and the family law litigant.

38 ~~(h)~~

39 (g) The family law information center, and all persons  
40 employed by or working with the family law information



1 center, shall maintain the confidentiality of all  
2 information provided by or to any party in the course of  
3 carrying out the services described in subdivision ~~(d)~~ (c).  
4 All persons employed by or working with the family law  
5 information center shall be required to sign a  
6 confidentiality agreement, to be drafted by the Judicial  
7 Council, to ensure the confidentiality of all  
8 communications. However, nothing in this section shall  
9 preclude the family law information center from  
10 providing information to multiple parties to the same  
11 case if the parties otherwise qualify for the services of the  
12 family law information center.

13 ~~(i)~~

14 (h) The Judicial Council shall create any necessary  
15 forms to advise the parties of the types of services  
16 provided, the fact that there is no attorney-client  
17 relationship, and that the family law information center  
18 does not represent any party and will not appear in court  
19 on the party's behalf.

20 ~~(j) Any pilot project~~

21 (i) *The superior court of the pilot county may contract*  
22 *with a private entity to staff and provide the services of*  
23 *the family law information center, however, the family*  
24 *law information center must be located, and the services*  
25 *provided, in the superior court.*

26 ~~(k) The Judicial Council, in consultation with the staff~~  
27 ~~of the Assembly and Senate Judiciary Committees, shall~~  
28 ~~establish the criteria to evaluate the success of the pilot~~  
29 ~~projects.~~

30 (j) *The Judicial Council shall conduct an evaluation of*  
31 *the pilot project and shall report to the Legislature, no*  
32 *later than March 1, 2001, on the success of the pilot*  
33 *project. The evaluation shall include outcome measures*  
34 *that address increased access to the courts for low-income*  
35 *litigants and any reduced burden on the courts by having*  
36 *the services of the family law information center*  
37 *available. The pilot project shall be deemed a success if,*  
38 *among other things, the pilot county assists at least 100*  
39 *low-income family law litigants in each year of its*  
40 *operation, a majority of the judges surveyed in the pilot*



1 county believe the family law information center helps to  
2 expedite family law cases with pro per litigants, and a  
3 majority of the persons using the family law information  
4 center evaluate the services of the family law information  
5 center favorably.

6 15012. This division shall remain in effect only until  
7 January 1, 2002, and as of that date is repealed, unless a  
8 later enacted statute deletes or extends that date.

9 SEC. 3. Notwithstanding Section 17610 of the  
10 Government Code, if the Commission on State Mandates  
11 determines that this act contains costs mandated by the  
12 state, reimbursement to local agencies and school  
13 districts for those costs shall be made pursuant to Part 7  
14 (commencing with Section 17500) of Division 4 of Title  
15 2 of the Government Code. If the statewide cost of the  
16 claim for reimbursement does not exceed one million  
17 dollars (\$1,000,000), reimbursement shall be made from  
18 the State Mandates Claims Fund.

19 Notwithstanding Section 17580 of the Government  
20 Code, unless otherwise specified, the provisions of this act  
21 shall become operative on the same date that the act  
22 takes effect pursuant to the California Constitution.

