

AMENDED IN SENATE AUGUST 17, 1998

AMENDED IN SENATE JULY 14, 1998

AMENDED IN SENATE JUNE 24, 1998

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

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 family law information centers, to be administered by the Judicial Council, in 3 pilot ~~counties~~ *project courts that apply to participate and are* selected by the Judicial Council, to provide legal resources to low-income family law litigants, as defined. The bill would require, in ~~counties courts~~ *courts* that have a family law facilitator, the pilot project to coordinate its

services with the services of the family law facilitator, and that in at least one pilot project *court*, the family law facilitator shall staff and provide the services of the family law information center. The bill would also require the Judicial Council to conduct a specified evaluation of the success of the project and report to the Legislature by a specified date. These provisions would be repealed on January 1, 2002–2003. ~~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 no*.

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:

3
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



1 their rights and remedies in family law proceedings,
2 thereby restricting their access to justice.

3 (3) There is a compelling state interest in ensuring
4 that all family law litigants better understand court
5 procedures and requirements and all litigants have more
6 meaningful access to family court.

7 (4) It is the public policy of this state to maximize the
8 opportunity for low-income persons to receive fair and
9 just treatment by the family court and to decrease
10 inequities resulting from an unrepresented party's
11 limited legal skills and knowledge.

12 (b) It is the intent of the Legislature to create
13 information centers to help all low-income family law
14 litigants better understand their obligations, rights, and
15 remedies and to provide procedural information to
16 enable them to better understand and maneuver through
17 the family court system.

18 15010. (a) (1) It is the intent of the Legislature in
19 enacting this section to establish a pilot project to be
20 administered by the Judicial Council for the purpose of
21 providing information to unrepresented low-income
22 family law litigants.

23 (2) It is the intent of the Legislature, in creating this
24 pilot project, to determine the most effective service
25 delivery model to provide family law information and
26 services to unrepresented litigants.

27 (3) It is the intent of the Legislature that all family law
28 services available to litigants in the superior court of each
29 county strive to adopt policies to most effectively
30 coordinate their activities to ensure ease of access to
31 unrepresented litigants and to avoid unnecessary
32 duplication of services and administrative oversight by
33 the Judicial Council or other oversight agencies.

34 (b) (1) The pilot project shall consist of three pilot
35 ~~counties~~ *project courts* that shall be selected by the
36 Judicial Council *from those courts that apply to*
37 *participate in the pilot project. No court shall be required*
38 *to apply for the project.*

39 (2) The pilot ~~counties~~ *project courts* shall establish a
40 family law information center located in the superior



1 court, that shall be supervised by an active member of the
 2 State Bar in good standing.

3 (3) In ~~counties having superior courts with~~ a family
 4 law facilitator, the pilot project shall coordinate its
 5 services with the services of the family law facilitator, and
 6 in at least one pilot project *court*, the family law facilitator
 7 shall staff and provide the services of the family law
 8 information center.

9 (4) In selecting the three pilot ~~counties~~ *project courts*,
 10 the Judicial Council shall give priority to *courts in*
 11 counties that the Judicial Council determines are most
 12 underserved.

13 (5) The pilot ~~counties~~ *project courts* shall determine
 14 the composition and number of additional staff necessary
 15 to provide the services mandated by this section.

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

19 (1) Information as to the nature of various types of
 20 relief available through the family court, including
 21 restraining orders, marital dissolution or legal separation,
 22 paternity, child or spousal support, disposition of
 23 property, and child custody and visitation, and the
 24 method to seek that relief.

25 (2) Information as to the pleadings necessary to be
 26 filed for relief and instructions on the proper completion
 27 of those pleadings, including information as to the
 28 importance of the information called for by the pleadings.

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

31 (4) Assistance in preparing orders after court
 32 proceedings consistent with the court's announced
 33 orders.

34 (5) Information concerning methods of enforcing
 35 court orders in family law proceedings.

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



1 (7) The family law information center shall encourage
2 parties to seek legal advice and assistance from an
3 independent attorney.

4 (d) For purposes of this division, “low-income” shall
5 mean individuals whose net monthly income, after
6 deduction of mandatory court ordered payments, is 200
7 percent or less of the current monthly poverty line
8 annually established by the Secretary of Health and
9 Human Services pursuant to the Omnibus Budget
10 Reconciliation Act of 1981, as amended. Family law
11 litigants, prior to receiving the services of the family law
12 information center, shall be required to sign a declaration
13 attesting to their financial eligibility to receive those
14 services. No other efforts to verify financial eligibility
15 shall be necessary.

16 (e) The family law information center shall provide
17 interpreter services, to the extent available in the pilot
18 ~~counties~~ *project courts*, and allow the use of translators to
19 facilitate the services provided pursuant to subdivision
20 (c).

21 (f) The Judicial Council shall promulgate guidelines
22 for the operation of the family law information center in
23 accordance with the Rules of Professional Conduct.

24 (g) The family law information center shall not
25 represent any party. No attorney-client relationship is
26 created between a party and the family law information
27 center as a result of any information or services provided
28 to the party by the family law information center
29 pursuant to subdivision (c). The family law information
30 center shall give conspicuous notice that no
31 attorney-client relationship exists between the center, its
32 staff, and the family law litigant.

33 (h) The family law information center, and all persons
34 employed by or working with the family law information
35 center, shall maintain the confidentiality of all
36 information provided by or to any party in the course of
37 carrying out the services described in subdivision (c). All
38 persons employed by or working with the family law
39 information center shall be required to sign a
40 confidentiality agreement, to be drafted by the Judicial



1 Council, to ensure the confidentiality of all
2 communications. However, nothing in this section shall
3 preclude the family law information center from
4 providing information to multiple parties to the same
5 case if the parties otherwise qualify for the services of the
6 family law information center.

7 (i) The Judicial Council shall create any necessary
8 forms to advise the parties of the types of services
9 provided, that there is no attorney-client relationship,
10 that the family law information center is not responsible
11 for the outcome of any case, that the family law
12 information center does not represent any party and will
13 not appear in court on the party's behalf, and that the
14 other party may also be receiving information and
15 services from the family law information center.

16 ~~(j) The superior court of a pilot county may contract~~

17 (j) A *pilot project court* may contract with a private
18 nonprofit entity to staff and provide the services of the
19 family law information center, however, the family law
20 information center must be located, and the services
21 provided, in the superior court.

22 (k) The Judicial Council shall conduct an evaluation of
23 the pilot project and shall report to the Legislature, no
24 later than March 1, ~~2004~~ 2002, on the success of the pilot
25 project. The evaluation shall include outcome measures
26 that address increased access to the courts for low-income
27 litigants and any reduced burden on the courts by having
28 the services of the family law information center
29 available. The evaluation shall include an assessment of
30 the number of people using the services of the family law
31 information center, categorized by gender and by type of
32 information sought, including information regarding
33 marital dissolution, paternity, or domestic violence
34 prevention proceedings, or relating to child custody,
35 visitation, child support, or spousal support. The
36 evaluation shall also assess the frequency with which
37 people seek information from the family law information
38 center to initiate an action or to respond to an action. The
39 pilot project shall be deemed a success if, among other
40 things, the pilot ~~county~~ *project court* assists at least 100



1 low-income family law litigants in each year of its
2 operation, a majority of the judges surveyed in the pilot
3 ~~county~~ *project court* believe the family law information
4 center helps to expedite family law cases with pro per
5 litigants, and a majority of the persons using the family
6 law information center evaluate the services of the family
7 law information center favorably.

8 15012. This division shall remain in effect only until
9 January 1, 2002– 2003, and as of that date is repealed, unless
10 a later enacted statute deletes or extends that date.

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

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

