

AMENDED IN SENATE JUNE 14, 2000

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2913**

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**Introduced by ~~Committee on Judiciary (Kuehl (Chair), Ackerman (Vice Chair), Aroner, Bates, Bock, Corbett, House, Jackson, Longville, Robert Pacheco, Shelley, Steinberg, and Wiggins)~~ Assembly Member Kuehl**

March 15, 2000

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~~An act to amend Sections 5230 and 5231 of the Family Code, relating to support orders. An act to add Section 682.1 to the Civil Code, relating to community property.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 2913, as amended, ~~Committee on Judiciary Kuehl. Support orders: earnings assignment orders~~ Community property.

*Existing law provides that upon the death of a married person, 1/2 of the community property of a husband and wife belongs to the surviving spouse and the other half belongs to the decedent.*

*This bill would provide that the community property of a husband and wife when expressly declared in a transfer document to be community property with right of survivorship, shall pass to the survivor upon the death of one of the spouses, without administration. This provision would be operative July 1, 2001.*

~~Existing law requires a court, when ordering a person to pay support, or when modifying an existing support order, to~~

~~include in its order an earnings assignment order that requires the employer of the obligor to pay to the obligee that portion of the obligor's earnings that will cover the amount ordered for support and for arrearages. Existing law also provides that an earnings assignment order is binding on any existing or future employer upon whom a copy of the order is properly served.~~

~~This bill would provide that an earnings assignment order shall be issued and shall be effective and enforceable notwithstanding the absence of the name, address, or other identifying information regarding the obligor's employer. It would also provide that an assignment order is effective and binding upon any existing or future employer of the obligor even if the name, address, or other identifying information regarding the employer is not stated, or is incorrect.~~

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

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

1 ~~SECTION 1. Section 5230 of the Family Code is~~  
 2 ~~amended to read:~~

3 ~~5230. (a) When the court orders a party to pay an~~  
 4 ~~amount for support or orders a modification of the~~  
 5 ~~amount of support to be paid, the court shall include in~~  
 6 ~~its order an earnings assignment order for support that~~  
 7 ~~orders the employer of the obligor to pay to the obligee~~  
 8 ~~that portion of the obligor's earnings due or to become~~  
 9 ~~due in the future as will be sufficient to pay an amount to~~  
 10 ~~cover both of the following:~~

11 ~~(1) The amount ordered by the court for support.~~

12 ~~(2) An amount which shall be ordered by the court to~~  
 13 ~~be paid toward the liquidation of any arrearage.~~

14 ~~(b) An earnings assignment order for support shall be~~  
 15 ~~issued, and shall be effective and enforceable pursuant to~~  
 16 ~~Section 5231, notwithstanding the absence of the name,~~  
 17 ~~address, or other identifying information regarding the~~  
 18 ~~obligor's employer.~~

19 ~~SEC. 2. Section 5231 of the Family Code is amended~~  
 20 ~~to read:~~



1 ~~5231. Unless stayed pursuant to Article 4~~  
2 ~~(commencing with Section 5260), an assignment order is~~  
3 ~~effective and binding upon any existing or future~~  
4 ~~employer of the obligor upon whom a copy of the order~~  
5 ~~is served in compliance with Sections 5232 and 5233,~~  
6 ~~notwithstanding the absence of the name, address, or~~  
7 ~~other identifying information regarding the support~~  
8 ~~obligor's employer, or the inclusion of incorrect~~  
9 ~~information regarding the support obligor's employer.~~

10 *SECTION 1. Section 682.1 is added to the Civil Code,*  
11 *to read:*

12 *682.1. (a) Community property of a husband and*  
13 *wife, when expressly declared in the transfer document*  
14 *to be community property with right of survivorship, and*  
15 *which may be accepted in writing on the face of the*  
16 *document by a statement signed or initialed by the*  
17 *grantees, shall, upon the death of one of the spouses, pass*  
18 *to the survivor, without administration, pursuant to the*  
19 *terms of the instrument, subject to the same procedures,*  
20 *as property held in joint tenancy. Part I (commencing*  
21 *with Section 5000) of Division 5 of the Probate Code and*  
22 *Chapter 2 (commencing with Section 13540), Chapter 3*  
23 *(commencing with Section 13550) and Chapter 3.5*  
24 *(commencing with Section 13560) of Part 2 of Division 8*  
25 *of the Probate Code apply to this property.*

26 *(b) This section does not apply to a joint account in a*  
27 *financial institution to which Part 2 (commencing with*  
28 *Section 5100) of Division 5 of the Probate Code applies.*

29 *(c) This section shall become operative on July 1, 2001.*

