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March 28, 2012

REPLY TO:

The Honorable Mike Feuer
Chair, Assembly Judiciary Committee
State Capitol, Room 3146
Sacramento, California 95814

Re: Assembly Bill 1807 (Author Assembly Member Paul Cook)
Introduced February 21, 2012

Oppose

Dear Assemblyman Feuer and Assembly Judiciary Committee Members:

On behalf of California's Association of Certified Family Law Specialists, a non-profit corporation with approximately 550 members who are certified as family law specialists by the State Bar of California Board of Legal Specialization, I write to oppose AB 1807.

This bill proposes to diminish the court's discretion in custody actions involving a deployed military parent. This bill seeks to heighten the level of presumption that the non-military parent must meet in the event of opposition to reversion back to the custody order that existed prior to deployment. ACFLS supports the rights of military parents to have priority on these motions to "revert back" to the prior order. However, diminishing the discretion of the court in custody matters is not appropriate. The court must consider all the circumstances of each family in order to determine the best interests of the children and existing law allows for the court to utilize discretion in these diverse, fact-driven family situations. It is not appropriate to further limit the ability of the court to properly ascertain the best interests of the child or children. A child's developmental stage alone can cause a situation to be revisited depending on the age of the child and the particular situation involved regardless of the fact that the deployed parent was absent. In other words, it may be appropriate for the court to reconsider the overall situation even if the deployed parent had been present in the child's life and actively parenting. This bill would heighten the level of evidence that must be shown to overcome the burden that he or



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she would not otherwise have to meet under normal circumstances. In short, this bill could cause emotional damage to children by reverting back to a situation that no longer is in their best interests, as the court was unable to properly review the situation because the law prohibited said review.

This bill would eliminate a party's right to an evidentiary hearing which conflicts with the Family Code section 217, which the Legislature recently enacted.

Last, this bill (subsections (d) through (f)) will cause a conflict with the UCCJEA. This is extremely problematic and these provisions must be removed from the bill.

ACFLS urges the Assembly Judiciary Committee to deny passage of this bill except as indicated herein.

Respectfully,

A handwritten signature in black ink that reads "Diane Wasznicky". The signature is written in a cursive, flowing style.

Diane Wasznicky,
President, ACFLS

cc: ACFLS Board

The Honorable Paul Cook, Assembly Member and author
Drew Liebert, Chief Counsel Assembly Judiciary Committee
Leora Gershenzon, Staff Counsel Assembly Judiciary Committee
The Honorable Noreen Evans, Chair, Senate Judiciary Committee
Saskia Kim, Chief Counsel, Senate Judiciary Committee
Benjamin Palmer, Deputy Chief Counsel, Senate Judiciary Committee