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AB-380 Marriage: putative spouses. (2015-2016)

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Assembly Bill No. 380

CHAPTER 196

An act to amend Section 2251 of the Family Code, relating to marriage.

[Approved by Governor August 13, 2015. Filed with Secretary of State August 13, 2015.]

LEGISLATIVE COUNSEL'S DIGEST

AB 380, Waldron. Marriage: putative spouses.

Existing law specifies the circumstances under which a marriage is void or voidable. Existing law requires a court, if a determination is made that a marriage is void or voidable and either party believed in good faith that the marriage was valid, to declare the party or parties to have the status of a putative spouse and to divide the quasi-marital property that would have been community property or quasi-community property if the marriage was valid as if it were community property.

This bill would instead require the court, only upon request of a party who is declared a putative spouse, to divide the quasi-marital property that would have been community property or quasi-community property if the marriage was valid as if it were community property.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 2251 of the Family Code is amended to read:

2251. (a) If a determination is made that a marriage is void or voidable and the court finds that either party or both parties believed in good faith that the marriage was valid, the court shall:

- (1) Declare the party or parties, who believed in good faith that the marriage was valid, to have the status of a putative spouse.
- (2) If the division of property is in issue, divide, in accordance with Division 7 (commencing with Section 2500), that property acquired during the union that would have been community property or quasi-community property if the union had not been void or voidable, only upon request of a party who is declared a putative spouse under paragraph (1). This property is known as "quasi-marital property."

(b) If the court expressly reserves jurisdiction, it may make the property division at a time after the judgment.