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AB-369 Appeals: child custody orders or judgments. (2017-2018)

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Assembly Bill No. 369

CHAPTER 41

An act to amend Section 904.1 of the Code of Civil Procedure, relating to appeals.

[Approved by Governor July 10, 2017. Filed with Secretary of State July 10, 2017.]

LEGISLATIVE COUNSEL'S DIGEST

AB 369, Waldron. Appeals: child custody orders or judgments.

Existing law specifies that an appeal, other than in a limited civil case, is to the court of appeal. Existing law authorizes an appeal to be taken from certain judicial actions including a judgment, an order granting or dissolving an injunction, or an order appointing a receiver.

This bill would additionally authorize an appeal to be taken from a final order or judgment in a bifurcated proceeding regarding child custody or visitation rights.

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

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

SECTION 1. Section 904.1 of the Code of Civil Procedure is amended to read:

904.1. (a) An appeal, other than in a limited civil case, is to the court of appeal. An appeal, other than in a limited civil case, may be taken from any of the following:

- (1) From a judgment, except an interlocutory judgment, other than as provided in paragraphs (8), (9), and (11), or a judgment of contempt that is made final and conclusive by Section 1222.
- (2) From an order made after a judgment made appealable by paragraph (1).
- (3) From an order granting a motion to quash service of summons or granting a motion to stay the action on the ground of inconvenient forum, or from a written order of dismissal under Section 581d following an order granting a motion to dismiss the action on the ground of inconvenient forum.
- (4) From an order granting a new trial or denying a motion for judgment notwithstanding the verdict.
- (5) From an order discharging or refusing to discharge an attachment or granting a right to attach order.
- (6) From an order granting or dissolving an injunction, or refusing to grant or dissolve an injunction.
- (7) From an order appointing a receiver.

(8) From an interlocutory judgment, order, or decree, made or entered in an action to redeem real or personal property from a mortgage thereof, or a lien thereon, determining the right to redeem and directing an accounting.

(9) From an interlocutory judgment in an action for partition determining the rights and interests of the respective parties and directing partition to be made.

(10) From an order made appealable by the Probate Code or the Family Code.

(11) From an interlocutory judgment directing payment of monetary sanctions by a party or an attorney for a party if the amount exceeds five thousand dollars (\$5,000).

(12) From an order directing payment of monetary sanctions by a party or an attorney for a party if the amount exceeds five thousand dollars (\$5,000).

(13) From an order granting or denying a special motion to strike under Section 425.16.

(14) From a final order or judgment in a bifurcated proceeding regarding child custody or visitation rights.

(b) Sanction orders or judgments of five thousand dollars (\$5,000) or less against a party or an attorney for a party may be reviewed on an appeal by that party after entry of final judgment in the main action, or, at the discretion of the court of appeal, may be reviewed upon petition for an extraordinary writ.