

INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS

The Attorney General of California has prepared the following title and summary of the chief purposes and points of the proposed measure:

CHILD CUSTODY. EQUAL PHYSICAL CUSTODY. INITIATIVE STATUTE

Requires courts to provide parents with equal physical custody of a child unless there is clear evidence that equal custody would not be in child's best interest, and requires courts to consider the welfare of all family members in making such determinations. Defines "equal physical custody" as an "equal timeshare" that assures frequent contact with both parents, and redefines "joint legal custody" to mean that both parents share equally in decisions regarding welfare of child. Adds finding that equal and joint custody is generally in child's best interest. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local governments: Unknown state court costs of possibly up to a few million dollars annually, depending on the number of child custody cases affected by the measure.

NOTICE TO THE PUBLIC. THIS PETITION MAY BE CIRCULATED BY A PAID SIGNATURE GATHERER OR A VOLUNTEER. YOU HAVE THE RIGHT TO ASK.

All signers of this petition must be registered in _____ County This column for official use only

REGISTERED VOTERS ONLY	1.	Print Your Name: _____ Sign As _____ Registered To Vote: _____	Residence Address ONLY: _____ City: _____ Zip: _____	
	2.	Print Your Name: _____ Sign As _____ Registered To Vote: _____	Residence Address ONLY: _____ City: _____ Zip: _____	
	3.	Print Your Name: _____ Sign As _____ Registered To Vote: _____	Residence Address ONLY: _____ City: _____ Zip: _____	
	4.	Print Your Name: _____ Sign As _____ Registered To Vote: _____	Residence Address ONLY: _____ City: _____ Zip: _____	
	5.	Print Your Name: _____ Sign As _____ Registered To Vote: _____	Residence Address ONLY: _____ City: _____ Zip: _____	
	6.	Print Your Name: _____ Sign As _____ Registered To Vote: _____	Residence Address ONLY: _____ City: _____ Zip: _____	
	7.	Print Your Name: _____ Sign As _____ Registered To Vote: _____	Residence Address ONLY: _____ City: _____ Zip: _____	
	8.	Print Your Name: _____ Sign As _____ Registered To Vote: _____	Residence Address ONLY: _____ City: _____ Zip: _____	
	9.	Print Your Name: _____ Sign As _____ Registered To Vote: _____	Residence Address ONLY: _____ City: _____ Zip: _____	
	10.	Print Your Name: _____ Sign As _____ Registered To Vote: _____	Residence Address ONLY: _____ City: _____ Zip: _____	

DECLARATION OF CIRCULATOR (To be completed after the above signatures have been obtained.)

I, _____, am registered to vote in the County (or City and County) of _____, or am qualified to register to vote in California. My residence address is _____. I circulated this section of the petition and witnessed each of the appended signatures being written. Each signature on this petition is, to the best of my information and belief, the genuine signature of the person whose name it purports to be. All signatures on this document were obtained between the dates of _____ and _____.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on _____, _____, at _____, California. Signature of Circulator _____

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To the Honorable Secretary of State of California

We, the undersigned, registered, qualified voters of California, residents of afore-described County (or City and County), hereby propose amendments to the Family Code relating to Shared Parenting and petition the Secretary of State to submit the same to the voters of California for their adoption or rejection at the next succeeding general election or at any special statewide election held prior to that general election or otherwise provided by law. The proposed statutory amendments read as follows:

Family Code § 3001, amend to read: *"Equal custody" means equal physical custody and joint legal custody.*

Family Code § 3003, amend *"both parents shall share the right and the responsibility"* to read *"both parents shall share equally the right and the responsibility"*

Family Code § 3005, amend to read: *"Equal physical custody" means that each of the parents shall have equal timeshare of physical custody. Equal physical custody shall be shared by the parents in such a way so as to assure a child of frequent and continuing contact with both parents.*

Family Code § 3011, insert text before *"In making a determination"* with *"To effectuate the state's policy of assuring that children have frequent and continuing contact with both parents as set forth in Section 3020 and in any proceeding described in Section 3021, the court shall provide, to the greatest degree practical, both parents with equal physical custody to the minor child unless the court finds clear and convincing evidence, affecting the burden of proof of the objecting parent, that equal or joint custody would not be in the best interest of the minor child."*

Family Code § 3020, repeal current subdivision (c) and amend subdivision (c) through (d) to read:

"(c) The voters of California further find that equal and joint custody is in the best interest of a minor child, subject to Section 3011, or where the parents have agreed to a parenting plan in open court at a hearing for the purpose of determining the custody of the minor child.

(d) To effectuate the policies set forth in subdivision (a) through (c) efficiently, minimize unnecessary conflict between the parents, and reduce any undue interference by government in the fundamental right of parents to raise their children, the courts shall ensure the health, safety, and welfare of all family members in custody of children, subject to Section 3011."

Family Code § 3027.1, amend subdivision (a) to insert text before *"For the purpose"* with *"The court also shall consider a finding of an intentional false accusation made by a party to be a change of circumstances of an existing custody order."*

Family Code § 3040, amend subdivision (a) to replace text before *"to either parent"* to read:

"(a) Custody should be granted in the following order of preference subject to the provisions in Sections 3011 and 3020:

(1) According to the parenting plan stipulated by both parents.

(2) To both parents equally if requested by either parent.

(3) To both parents jointly to the greatest degree practical pursuant to Chapter 4 (commencing with Section 3080).

(4) To either parent."

And to replace its paragraph list index (2) to (3) with a relative positional paragraph index (5) to (6).

Amend subdivision (b) to read:

"(b) Notwithstanding the preferences stated in subdivision (a) paragraphs (1) through (6), the court and the family shall have the discretion to choose a parenting plan that is in the best interest of the child."

Family Code § 3080, repeal text *"affecting the burden of proof,"*

Family Code § 3082, replace first sentence to read *"When a request for joint custody is denied, the court shall include in the record the specific findings of the facts it relied upon in making its custody award".*