

Initiative Measure to Be Submitted Directly to the Voters

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

(18-0011). ALLOWS FOR JURY TRIALS IN CHILD-CUSTODY AND DEPENDENT-CHILD DETERMINATIONS. INITIATIVE STATUTE. Gives parties in child-custody matters the right to demand that a jury, rather than a judge, determine who receives legal custody of the child. Prohibits the judge from rejecting a jury’s joint-child-custody decision. Provides that findings in dependent-child proceedings, in which a juvenile may be declared a dependent of the court, can be made by a judge or jury. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local governments: Unknown ongoing net fiscal impact on state courts that would depend significantly on (1) how the measure is interpreted and implemented by the courts and (2) how individuals respond to the ability to demand a jury trial in child custody and juvenile dependency jurisdictional hearings. Potential ongoing increase in county costs that could reach the low millions of dollars annually related to juvenile dependency jurisdictional cases- some or all of which could be shifted to the state. (18-0011)

To the Honorable Secretary of State of California

We, the undersigned, registered, qualified voters of California, residents of _____ County (or City and County), hereby propose amendments to the California Welfare and Institutions Code, Division 2, Part 1, Chapter 2, Article 9, §356, the California Code of Civil Procedures §592, and the Family Code §3022, 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 as otherwise provided by law. The proposed amendments read as follows:

WIC §592, changing the first sentence only “After hearing the evidence, the court, or the jury as a matter of right, shall make a finding if the minor is a person described by Section 300 and the specific subdivisions of Section 300 under which the petition is sustained. If it finds that the minor is not such a person, it shall order that the petition be dismissed and the minor be discharged from any detention or restriction previously ordered. If the court finds that the minor is such a person, it shall make and enter its findings and the court shall make orders accordingly.”

(2) CCP §592, changing the first sentence only, “In actions for the recovery of specific, real, or personal property, with or without damages, or for money claimed as due upon contract, or as damages for breach of contract, or for injuries, or for a party to retain legal rights to their child(ren), an issue of fact must be tried by a jury, unless a jury trial is waived, or a reference is ordered, as provided in this Code.”

FC §3022 “This section shall be known as Luke’s Law. The court may, during the pendency of a proceeding or any time thereafter, make an order for the custody of a child during minority that seems necessary or proper; or, as a matter of right, a party may demand a trial by jury. The court may not contravene a jury verdict on the appointment of joint legal custody.”

NOTICE TO THE PUBLIC: THIS PETITION MAY BE CIRCULATED BY A PAID SIGNATURE GATHERER OR A VOLUNTEER. YOU HAVE THE RIGHT TO ASK. THE PROPONENTS OF THIS INITIATIVE MEASURE HAVE THE RIGHT TO WITHDRAW THIS PETITION AT ANY TIME BEFORE THE MEASURE QUALIFIES FOR THE BALLOT. REGISTERED VOTERS ONLY.

This section for official use only

	1. Print Your Name Below: Sign As Registered to Vote:	Residence Street Address ONLY: City: _____ Zip: _____	
	2. Print Your Name Below: Sign As Registered to Vote:	Residence Street Address ONLY: City: _____ Zip: _____	
	3. Print Your Name Below: Sign As Registered to Vote:	Residence Street Address ONLY: City: _____ Zip: _____	

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

I, _____(printed name), am 18 years of age or older. My residence address is _____(address, city, state, zip).

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 _____(month and day), 2019 and _____(month and day), 2019. I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on _____(month and day), 2019 at _____(place of signing), by _____(complete signature indicating full name of circulator).

Print, sign and mail to RaiseYourRights 630 Quintana Road #145, Morro Bay, CA 93442, www.raiseyourrights.org