


Cal Fam Code § 271

Deering's California Codes are current through the 2023 Extra Session Ch 1, 2023 Regular Session Ch. 261.

Deering's California Codes Annotated > FAMILY CODE (§§ 1 – 20104) > Division 2 General Provisions (Pts. 1 – 7) > Part 5 Attorney's Fees and Costs (§§ 270 – 275)

Notice

 This section has more than one version with varying effective dates.

§ 271. Basis and effect of award [Effective until January 1, 2024]

(a) Notwithstanding any other provision of this code, the court may base an award of attorney's fees and costs on the extent to which the conduct of each party or attorney furthers or frustrates the policy of the law to promote settlement of litigation and, where possible, to reduce the cost of litigation by encouraging cooperation between the parties and attorneys. An award of attorney's fees and costs pursuant to this section is in the nature of a sanction. In making an award pursuant to this section, the court shall take into consideration all evidence concerning the parties' incomes, assets, and liabilities. The court shall not impose a sanction pursuant to this section that imposes an unreasonable financial burden on the party against whom the sanction is imposed. In order to obtain an award under this section, the party requesting an award of attorney's fees and costs is not required to demonstrate any financial need for the award.

(b) An award of attorney's fees and costs as a sanction pursuant to this section shall be imposed only after notice to the party against whom the sanction is proposed to be imposed and opportunity for that party to be heard.

(c) An award of attorney's fees and costs as a sanction pursuant to this section is payable only from the property or income of the party against whom the sanction is imposed, except that the award may be against the sanctioned party's share of the community property.

History

Added Stats 1993 ch 219 § 87 (AB 1500).

Deering's California Codes Annotated
Copyright © 2023 All rights reserved.