

AMENDED IN ASSEMBLY APRIL 8, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 439

Introduced by Assembly Member Bloom

February 23, 2015

An act to amend Section 6343 of the Family Code, relating to family law.

LEGISLATIVE COUNSEL'S DIGEST

AB 439, as amended, Bloom. Protective orders: batterer's program.

Existing law authorizes a court to issue an order to restrain any person in order to prevent acts of domestic violence, abuse, and sexual abuse and to provide for a separation of the persons involved in the domestic violence for a period sufficient to enable these persons to seek a resolution of the causes of the violence. Existing law further authorizes a court to, after notice and hearing, issue an order requiring the restrained party to participate in a batterer's program, as specified.

This bill would, commencing July 1, 2016, require a restrained party ordered to participate in a batterer's program to register for the program by a specified ~~deadline and~~ *deadline*, to, ~~upon~~ *at the time of* enrollment, sign all necessary program consent forms for the program to release specified documents, including proof of enrollment, to the court and the protected party or his or her ~~attorney~~; *attorney, and to provide the court and the protected party with specified information regarding the program.* The bill would require the Judicial Council, *by July 1, 2016,* to ~~amend the existing restraining order forms or develop a new form for use by courts that includes these requirements~~; *revise or promulgate forms as necessary to effectuate these provisions.*

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 6343 of the Family Code is amended to
 2 read:
 3 6343. (a) After notice and a hearing, the court may issue an
 4 order requiring the restrained party to participate in a batterer’s
 5 program approved by the probation department as provided in
 6 Section 1203.097 of the Penal Code.
 7 (b) (1) Commencing July 1, 2016, if the court orders a restrained
 8 party to participate in a batterer’s program pursuant to subdivision
 9 (a), the restrained party shall do ~~both~~ *all* of the following:
 10 (A) Register for the program by the deadline ordered by the
 11 court. If no deadline is ordered by the court, the restrained party
 12 shall register no later than 30 days from the date the order was
 13 issued.
 14 (B) ~~Upon~~ *At the time of* enrollment, sign all necessary program
 15 consent forms for the program to release proof of enrollment,
 16 attendance records, and completion or termination reports to the
 17 court and the protected party, or his or her attorney. The court and
 18 the protected party ~~shall~~ *may* provide to the program a fax number
 19 or mailing address for ~~this purpose.~~ *purposes of receiving proof*
 20 *of enrollment, attendance records, and completion or termination*
 21 *reports.*
 22 (C) *Provide the court and the protected party with the name,*
 23 *address, and telephone number of the program.*
 24 (2) ~~The~~ *By July 1, 2016, the* Judicial Council shall ~~amend the~~
 25 ~~existing restraining order forms or develop a new form that includes~~
 26 ~~the requirements of this subdivision for use by courts when a party~~
 27 ~~is ordered to participate in a batterer’s program pursuant to~~
 28 ~~subdivision (a).~~ *revise or promulgate forms as necessary to*
 29 *effectuate this subdivision.*
 30 (c) The courts shall, in consultation with local domestic violence
 31 shelters and programs, develop a resource list of referrals to
 32 appropriate community domestic violence programs and services
 33 to be provided to each applicant for an order under this section.

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