

Assembly Bill No. 439

CHAPTER 72

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

[Approved by Governor July 13, 2015. Filed with
Secretary of State July 13, 2015.]

LEGISLATIVE COUNSEL'S DIGEST

AB 439, 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, to, 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, 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 revise or promulgate forms as necessary to effectuate these provisions.

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

SECTION 1. Section 6343 of the Family Code is amended to read:

6343. (a) After notice and a hearing, the court may issue an order requiring the restrained party to participate in a batterer's program approved by the probation department as provided in Section 1203.097 of the Penal Code.

(b) (1) Commencing July 1, 2016, if the court orders a restrained party to participate in a batterer's program pursuant to subdivision (a), the restrained party shall do all of the following:

(A) Register for the program by the deadline ordered by the court. If no deadline is ordered by the court, the restrained party shall register no later than 30 days from the date the order was issued.

(B) At the time of enrollment, sign all necessary program consent forms for the program to release proof of enrollment, attendance records, and completion or termination reports to the court and the protected party, or

his or her attorney. The court and the protected party may provide to the program a fax number or mailing address for purposes of receiving proof of enrollment, attendance records, and completion or termination reports.

(C) Provide the court and the protected party with the name, address, and telephone number of the program.

(2) By July 1, 2016, the Judicial Council shall revise or promulgate forms as necessary to effectuate this subdivision.

(c) The courts shall, in consultation with local domestic violence shelters and programs, develop a resource list of referrals to appropriate community domestic violence programs and services to be provided to each applicant for an order under this section.