

Assembly Bill No. 536

Passed the Assembly April 30, 2015

Chief Clerk of the Assembly

Passed the Senate June 25, 2015

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2015, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Section 6305 of the Family Code, relating to domestic violence.

LEGISLATIVE COUNSEL'S DIGEST

AB 536, Bloom. Domestic violence: protective orders.

The Domestic Violence Protection Act authorizes a judicial officer to issue a protective order after notice and a hearing for the purpose of preventing acts of domestic violence, abuse, and sexual abuse and ensuring a period of separation of the persons involved in the domestic violence. The act defines domestic violence as abuse perpetrated against specified persons, and further defines abuse within that context. Existing law authorizes the court to issue a mutual order enjoining the parties from specific acts of abuse if both parties personally appear, each party presents written evidence of abuse or domestic violence, and the court makes detailed findings of fact indicating that both parties acted as a primary aggressor and that neither party acted primarily in self-defense.

This bill would require each party to present written evidence of abuse or domestic violence on an application for relief using a mandatory Judicial Council restraining order application form, and would specify, for these purposes, written evidence of abuse or domestic violence in a responsive pleading does not satisfy the party's obligation to present written evidence of abuse or domestic violence. The bill would require the Judicial Council, by July 1, 2016, to modify forms as necessary to provide notice of this information.

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

SECTION 1. Section 6305 of the Family Code is amended to read:

6305. (a) The court shall not issue a mutual order enjoining the parties from specific acts of abuse described in Section 6320 unless both of the following apply:

(1) Both parties personally appear and each party presents written evidence of abuse or domestic violence in an application

for relief using a mandatory Judicial Council restraining order application form. For purposes of this paragraph, written evidence of abuse or domestic violence in a responsive pleading does not satisfy the party's obligation to present written evidence of abuse or domestic violence. By July 1, 2016, the Judicial Council shall modify forms as necessary to provide notice of this information.

(2) The court makes detailed findings of fact indicating that both parties acted as a primary aggressor and that neither party acted primarily in self-defense.

(b) For purposes of subdivision (a), in determining if both parties acted primarily as aggressors, the court shall consider the provisions concerning dominant aggressors set forth in paragraph (3) of subdivision (c) of Section 836 of the Penal Code.

Approved _____, 2015

Governor