

AMENDED IN SENATE AUGUST 16, 1999

AMENDED IN ASSEMBLY APRIL 27, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

**ASSEMBLY BILL**

**No. 933**

**Introduced by Assembly Member Keeley**

February 25, 1999

An act to amend Sections 2554 and 6303 of the Family Code, relating to domestic violence.

LEGISLATIVE COUNSEL'S DIGEST

AB 933, as amended, Keeley. Arbitration: domestic violence.

(1) Under existing law, in any case where the parties do not agree in writing to a voluntary division of the community estate, the issues of the character, value, and division of the community estate may be submitted by the court to arbitration for resolution, as specified.

This bill would prohibit submission to arbitration if *the court finds* domestic violence between the parties ~~is alleged~~ *has occurred or is likely to occur* or ~~where~~ a protective order; ~~as specified,~~ is in effect, unless ~~the party protected by the order or alleging domestic violence so requests~~ *specified conditions exist. The bill would also authorize the court to make any order necessary for the safety of the parties and arbitrator and authorize the arbitrator to terminate a session if that safety is threatened.*



(2) Existing law authorizes a party, who is protected by a protective order relating to alleged domestic violence, to be accompanied by a support person during any mediation orientation or session held pursuant to specified family law proceedings.

This bill would expand that authorization to any arbitration orientation or session held pursuant to arbitration proceedings described in (1) above.

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

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

1 SECTION 1. Section 2554 of the Family Code is  
2 amended to read:

3 2554. (a) Notwithstanding any other provision of this  
4 division, in any case in which the parties do not agree in  
5 writing to a voluntary division of the community estate of  
6 the parties, the issue of the character, the value, and the  
7 division of the community estate may be submitted by the  
8 court to arbitration for resolution pursuant to Chapter 2.5  
9 (commencing with Section 1141.10) of Title 3 of Part 3 of  
10 the Code of Civil Procedure, if the total value of the  
11 community and quasi-community property in  
12 controversy in the opinion of the court does not exceed  
13 fifty thousand dollars (\$50,000). The decision of the court  
14 regarding the value of the community and  
15 quasi-community property for purposes of this section is  
16 not appealable.

17 (b) The court may submit the matter to arbitration at  
18 any time it believes the parties are unable to agree upon  
19 a division of the property.

20 ~~(c) Notwithstanding subdivisions (a) and (b), the~~  
21 ~~court shall not submit the matter to arbitration in a case~~  
22 ~~in which domestic violence between the parties is~~  
23 ~~alleged, or where a protective order as defined in Section~~  
24 ~~6218 is in effect, unless affirmatively requested by the~~  
25 ~~party making the allegations of domestic violence or~~  
26 ~~protected by the protective order.~~



1 (c) *If, at the time the court submits the matter to*  
2 *arbitration, either party informs the court that he or she*  
3 *objects to arbitration due to concerns about domestic*  
4 *violence between the parties, or one of the parties and*  
5 *any of the parties' children, the court shall determine if*  
6 *submission to arbitration is appropriate. If the court*  
7 *determines that there is a domestic violence protective*  
8 *order in effect or that domestic violence has occurred*  
9 *between the parties or is likely to occur, the court shall*  
10 *not submit the matter to arbitration unless both of the*  
11 *following conditions are complied with:*

12 (1) *The arbitrator has completed at least 12 hours of*  
13 *domestic violence training and two hours of update*  
14 *training each year thereafter.*

15 (2) *The arbitration shall take place in the courthouse*  
16 *or in another location in which there is adequate security.*

17 (d) *When the court submits the matter to arbitration,*  
18 *the court may make any order that is necessary to ensure*  
19 *the safety of the parties, their attorneys, and the*  
20 *arbitrator.*

21 (e) *An arbitrator may terminate an arbitration session*  
22 *under this section and refer the matter back to the court*  
23 *at any time that the arbitrator determines that the safety*  
24 *of any of the participants is threatened.*

25 SEC. 2. Section 6303 of the Family Code is amended  
26 to read:

27 6303. (a) It is the function of a support person to  
28 provide moral and emotional support for a person who  
29 alleges he or she is a victim of domestic violence. The  
30 person who alleges that he or she is a victim of domestic  
31 violence may select any individual to act as a support  
32 person. No certification, training, or other special  
33 qualification is required for an individual to act as a  
34 support person. The support person shall assist the person  
35 in feeling more confident that he or she will not be  
36 injured or threatened by the other party during the  
37 proceedings where the person and the other party must  
38 be present in close proximity. The support person is not  
39 present as a legal adviser and shall not give legal advice.



1 (b) A support person shall be permitted to accompany  
2 either party to any proceeding to obtain a protective  
3 order, as defined in Section 6218. Where the party is not  
4 represented by an attorney, the support person may sit  
5 with the party at the table that is generally reserved for  
6 the party and the party's attorney.

7 (c) Notwithstanding any other provision of law to the  
8 contrary, if a court has issued a protective order, a support  
9 person shall be permitted to accompany a party  
10 protected by the order during any mediation orientation  
11 or mediation session, including separate mediation  
12 sessions held pursuant to a proceeding described in  
13 Section 3021 or any arbitration orientation or session held  
14 pursuant to Section 2554. The agency charged with  
15 providing family court services, or the arbitrator, shall  
16 advise the party protected by the order of the right to  
17 have a support person during mediation or arbitration. A  
18 mediator or arbitrator may exclude a support person  
19 from a mediation or arbitration session if the support  
20 person participates in the session, or acts as an advocate,  
21 or the presence of a particular support person is  
22 disruptive or disrupts the process of mediation *or*  
23 *arbitration*. The presence of the support person does not  
24 waive the confidentiality of the mediation *or arbitration*,  
25 and the support person is bound by the confidentiality of  
26 the mediation or arbitration.

27 (d) In a proceeding subject to this section, a support  
28 person shall be permitted to accompany a party in court  
29 where there are allegations or threats of domestic  
30 violence and, where the party is not represented by an  
31 attorney, may sit with the party at the table that is  
32 generally reserved for the party and the party's attorney.

33 (e) Nothing in this section precludes a court from  
34 exercising its discretion to remove a person from the  
35 courtroom when it would be in the interest of justice to  
36 do so, or when the court believes the person is prompting,  
37 swaying, or influencing the party protected by the order.

