

**Assembly Bill No. 933**

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Passed the Assembly August 26, 1999

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*Chief Clerk of the Assembly*

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Passed the Senate August 19, 1999

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*Secretary of the Senate*

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This bill was received by the Governor this \_\_\_\_\_ day  
of \_\_\_\_\_, 1999, at \_\_\_\_\_ o'clock \_\_\_\_M.

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*Private Secretary of the Governor*



## CHAPTER \_\_\_\_\_

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

## LEGISLATIVE COUNSEL'S DIGEST

AB 933, 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 has occurred or is likely to occur or a protective order is in effect, unless 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.

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

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

2554. (a) Notwithstanding any other provision of this division, in any case in which the parties do not agree in writing to a voluntary division of the community estate of the parties, the issue of the character, the value, and the division of the community estate may be submitted by the court to arbitration for resolution pursuant to Chapter 2.5



(commencing with Section 1141.10) of Title 3 of Part 3 of the Code of Civil Procedure, if the total value of the community and quasi-community property in controversy in the opinion of the court does not exceed fifty thousand dollars (\$50,000). The decision of the court regarding the value of the community and quasi-community property for purposes of this section is not appealable.

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

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

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

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

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

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

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

6303. (a) It is the function of a support person to provide moral and emotional support for a person who alleges he or she is a victim of domestic violence. The



person who alleges that he or she is a victim of domestic violence may select any individual to act as a support person. No certification, training, or other special qualification is required for an individual to act as a support person. The support person shall assist the person in feeling more confident that he or she will not be injured or threatened by the other party during the proceedings where the person and the other party must be present in close proximity. The support person is not present as a legal adviser and shall not give legal advice.

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

(c) Notwithstanding any other provision of law to the contrary, if a court has issued a protective order, a support person shall be permitted to accompany a party protected by the order during any mediation orientation or mediation session, including separate mediation sessions held pursuant to a proceeding described in Section 3021 or any arbitration orientation or session held pursuant to Section 2554. The agency charged with providing family court services, or the arbitrator, shall advise the party protected by the order of the right to have a support person during mediation or arbitration. A mediator or arbitrator may exclude a support person from a mediation or arbitration session if the support person participates in the session, or acts as an advocate, or the presence of a particular support person is disruptive or disrupts the process of mediation or arbitration. The presence of the support person does not waive the confidentiality of the mediation or arbitration, and the support person is bound by the confidentiality of the mediation or arbitration.

(d) In a proceeding subject to this section, a support person shall be permitted to accompany a party in court where there are allegations or threats of domestic violence and, where the party is not represented by an



attorney, may sit with the party at the table that is generally reserved for the party and the party's attorney.

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



Approved \_\_\_\_\_, 1999

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*Governor*

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