

ASSEMBLY BILL

No. 118

Introduced by Assembly Member Cohn
(Principal coauthor: Senator Alquist)

January 13, 2005

An act to amend Section 6320 of the Family Code, relating to protective orders.

LEGISLATIVE COUNSEL'S DIGEST

AB 118, as introduced, Cohn. Protective orders: minor children.

Existing law authorizes the court to issue an ex parte order enjoining a party from molesting, attacking, striking, stalking, threatening, sexually assaulting, battering, harassing, telephoning, destroying personal property, contacting, coming within a specified distance of, or disturbing the peace of the other party, and, in the discretion of the court, on a showing of good cause, of other named family or household members.

This bill would require the court, if there is a minor child of the parties or of the other party, or a minor child under the care, custody, or control of the other party, to specifically state on the order the type of contact, if any, permitted between the enjoined party and the child.

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 6320 of the Family Code is amended to
2 read:
3 6320. (a) The court may issue an ex parte order enjoining a
4 party from molesting, attacking, striking, stalking, threatening,

1 sexually assaulting, battering, harassing, telephoning, including,
2 but not limited to, annoying telephone calls as described in
3 Section 653m of the Penal Code, destroying personal property,
4 contacting, either directly or indirectly, by mail or otherwise,
5 coming within a specified distance of, or disturbing the peace of
6 the other party, and, in the discretion of the court, on a showing
7 of good cause, of other named family or household members.

8 *(b) Notwithstanding subdivision (a), if there is a minor child*
9 *of the parties or of the other party, or a minor child under the*
10 *care, custody, or control of the other party, the court shall*
11 *specifically state on the order the type of contact, if any,*
12 *permitted between the enjoined party and the child.*