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**AB-365 Child custody proceedings: testimony by electronic means.** (2015-2016)

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**Assembly Bill No. 365**

**CHAPTER 69**

An act to add Section 3012 to 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 365, Cristina Garcia. Child custody proceedings: testimony by electronic means.

Existing law authorizes the court in a child custody proceeding to permit testimony by telephone, audiovisual means, or other electronic means when a witness or party resides in another state. Existing law also requires a court to permit a party to present testimony and participate in court-ordered child custody mediation by electronic means when the party's military deployment has a material effect on his or her ability to appear in person, to the extent that this technology is reasonably available to the court and protects the due process rights of all parties.

This bill would require the court to allow a party whose deportation or detention by the federal Department of Homeland Security materially effects his or her ability to appear in person at a child custody proceeding to present testimony and evidence and participate in mandatory child custody mediation by electronic means, including telephone, video teleconferencing, or other means, to the extent that this technology is reasonably available to the court and protects the due process rights of all parties.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

**THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:**

**SECTION 1.** Section 3012 is added to the Family Code, to read:

**3012.** (a) If a party's deportation or detention by the United States Immigration and Customs Enforcement of the Department of Homeland Security will have a material effect on his or her ability, or anticipated ability, to appear in person at a child custody proceeding, the court shall, upon motion of the party, allow the party to present testimony and evidence and participate in mandatory child custody mediation by electronic means, including, but not limited to, telephone, video teleconferencing, or other electronic means that provide remote access to the hearing, to the extent that this technology is reasonably available to the court and protects the due process rights of all parties.

(b) This section does not authorize the use of electronic recording for the purpose of taking the official record of these proceedings.