HR-113 (2017-2018)

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REVISED AUGUST 23, 2018

AMENDED IN ASSEMBLY AUGUST 06, 2018

CALIFORNIA LEGISLATURE— 2017–2018 REGULAR SESSION

HOUSE RESOLUTION   NO. 113

Introduced by Assembly Member Rubio
(Coauthors: Assembly Members ~~Calderon and Lackey)~~ *Calderon, Lackey, Acosta, Aguiar-Curry, Arambula,*
Baker, Berman, Bigelow, Bloom, Bonta, Brough, Burke, Caballero, Carrillo, Cervantes, Chau, Chávez, Chen,
Chiu, Choi, Chu, Cooley, Cooper, Cunningham, Dahle, Daly, Eggman, Flora, Fong, Frazier, Friedman, Gabriel,
Gallagher, Cristina Garcia, Eduardo Garcia, Gipson, Gloria, Gonzalez Fletcher, Gray, Grayson, Harper, Holden,
Irwin, Jones-Sawyer, Kalra, Kiley, Levine, Limón, Low, Maienschein, Mathis, Mayes, McCarty, Medina,
Melendez, Mullin, Muratsuchi, Nazarian, O'Donnell, Patterson, Quirk, Quirk-Silva, Rendon, Reyes, Rivas,
Rodriguez, Salas, Santiago, Steinorth, Mark Stone, Thurmond, Ting, Voepel, Waldron, Weber, and Wood)

June 13, 2018

Relative to Piqui's Resolution.

LEGISLATIVE COUNSEL'S DIGEST

HR 113, as amended, Rubio.

WHEREAS, According to the California Partnership to End Domestic Violence, one-half of the approximately 15,000 victims sheltered in California's state-funded domestic violence programs each year are children and 75 percent of domestic violence victims have children; and

WHEREAS, The United States Department of Justice estimates that in 30 to 60 percent of families where either domestic violence or child maltreatment is identified, children experience both forms of abuse within the home; and

WHEREAS, According to the federal Centers for Disease Control and Prevention (CDC), child abuse is a major public health issue, with a lifetime cost of over $200,000 for each victim; and

WHEREAS, According to the CDC, children who experience adverse childhood experiences, also known as ACEs, including abuse, are at an increased risk for chronic, adverse physical health effects as adults; and

WHEREAS, According to the UCLA Women's Law Journal, research shows that victims of domestic violence are at a great disadvantage in child custody disputes and mediations when there is an allegation of domestic violence; and

WHEREAS, According to the Domestic Violence Legal Empowerment and Appeals Project, abusive parents, including those who are accused and adjudicated batterers, tend to be granted sole custody or joint custody by the courts, placing children at risk; and

WHEREAS, Article I of the California Constitution declares that all people have the inalienable right to pursue and obtain safety. A child's safety should be a priority over all other considerations; and

~~WHEREAS, In family courts, there is great need for an increased presence of court reporters to create records and legal representation for those who are unrepresented during custody litigation cases; now, therefore, be it~~

WHEREAS, Court reporters should be present to create records in all family law matters, particularly in domestic violence and contested custody cases; now, therefore, be it

Resolved by the Assembly of the State of California, That all court-related professionals should be trauma-informed and trained in recognizing, evaluating, and understanding evidence and the impacts of domestic violence and child abuse; and be it further

Resolved, That a court reporter should record all hearings in *domestic violence and* contested custody cases, and all litigants should have access to the court records; and be it further

Resolved, That when a child witnesses domestic violence or ~~reports being~~ *is* injured or abused, ~~or when there is substantial evidence of child injury,~~ family courts should ensure that the safety of the child has priority over all other considerations in any custody or visitation decision; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the California Supreme Court, the Judicial Council, and the author for appropriate distribution.

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REVISIONS:
Heading—Line 2.

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