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**SB-755 Civil discovery: mental examination.** (2017-2018)

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**Senate Bill No. 755**

**CHAPTER 133**

An act to amend Section 2032.020 of, and to add Section 2032.340 to the Code of Civil Procedure, relating to civil discovery.

[ Approved by Governor July 24, 2017. Filed with Secretary of State July 24, 2017. ]

**LEGISLATIVE COUNSEL'S DIGEST**

SB 755, Beall. Civil discovery: mental examination.

Existing law authorizes any party to obtain discovery by means of a physical or mental examination of a party to the action, an agent of any party, or a natural person in the custody of or under the legal control of a party, in any action in which the mental or physical condition of that party or other person is in controversy. Existing law requires a party to obtain leave of court to conduct a mental examination of a party, and requires a court to grant a motion for a mental examination only for good cause shown. Existing law also requires a mental examination to be performed by a licensed physician or licensed clinical psychologist with specified training.

This bill would, in any action involving allegations of sexual abuse of a minor, further require that a mental examination of a child less than 15 years of age be conducted by a licensed physician or clinical psychologist with expertise in child abuse and trauma and limit the examination to no more than 3 hours, including any breaks, unless the court grants an extension for good cause.

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

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

**SECTION 1.** Section 2032.020 of the Code of Civil Procedure is amended to read:

**2032.020.** (a) Any party may obtain discovery, subject to the restrictions set forth in Chapter 5 (commencing with Section 2019.010), by means of a physical or mental examination of (1) a party to the action, (2) an agent of any party, or (3) a natural person in the custody or under the legal control of a party, in any action in which the mental or physical condition (including the blood group) of that party or other person is in controversy in the action.

(b) A physical examination conducted under this chapter shall be performed only by a licensed physician or other appropriate licensed health care practitioner.

(c) (1) A mental examination conducted under this chapter shall be performed only by a licensed physician, or by a licensed clinical psychologist who holds a doctoral degree in psychology and has had at least five years of postgraduate experience in the diagnosis of emotional and mental disorders.

(2) If an action involves allegations of sexual abuse of a minor, including any act listed in paragraphs (1) to (3), inclusive, of subdivision (a) of Section 1002, and the examinee is less than 15 years of age, the licensed physician or clinical psychologist shall have expertise in child abuse and trauma.

**SEC. 2.** Section 2032.340 is added to the Code of Civil Procedure, to read:

**2032.340.** (a) If any action involving allegations of sexual abuse of a minor, including any act listed in paragraphs (1) to (3), inclusive, of subdivision (a) of Section 1002, the mental examination of a child less than 15 years of age shall not exceed three hours, inclusive of breaks.

(b) Notwithstanding subdivision (a), the court may grant an extension of the three-hour limit for good cause.