



Home	Bill Information	California Law	Publications	Other Resources	My Subscriptions	My Favorites
------	------------------	----------------	--------------	-----------------	------------------	--------------

AB-2517 Domestic violence: personal property and liens. (2019-2020)

SHARE THIS:  

Date Published: 09/30/2020 02:00 PM

Assembly Bill No. 2517

CHAPTER 245

An act to add Section 6342.5 to the Family Code, relating to domestic violence.

[Approved by Governor September 29, 2020. Filed with Secretary of State September 29, 2020.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2517, Gloria. Domestic violence: personal property and liens.

Existing law enacts procedures to prevent acts of domestic violence, abuse, and sexual abuse and authorizes a court to issue an ex parte order determining the temporary use, possession, and control of real or personal property of the parties and the payment of any liens or encumbrances coming due during the period the order is in effect. Existing law also authorizes a court to issue orders based on ex parte orders, including the above-described order, after notice and a hearing.

This bill would authorize, on and after January 1, 2022, the court to issue an order determining the use, possession, and control of real or personal property of the parties during the period the order is in effect and the payment of any liens or encumbrances coming due during that period. The bill would authorize the order to include a finding that specific debts were incurred as the result of domestic violence and without the consent of a party and would provide that this finding does not affect the priority of any lien or other security interest. The bill would require the Judicial Council to adopt appropriate forms and modify existing forms to effectuate this change.

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

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

SECTION 1. Section 6342.5 is added to the Family Code, to read:

6342.5. (a) After notice and a hearing, the court may issue an order determining the use, possession, and control of real or personal property of the parties during the period the order is in effect and the payment of any liens or encumbrances coming due during that period.

(b) The order described in subdivision (a) may include a finding that specific debts were incurred as the result of domestic violence and without the consent of a party. For purposes of this subdivision, the acts that may support this finding include, but are not limited to, the crimes proscribed by Section 530.5 of the Penal Code. This finding does not affect the priority of any lien or other security interest.

(c) The Judicial Council shall adopt appropriate forms and modify existing forms, as necessary, to effectuate this section.

(d) This section shall be operative on January 1, 2022.

