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AB-887 Domestic violence: restraining orders. (2021-2022)

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Assembly Bill No. 887

CHAPTER 681

An act to add Sections 6306.5 and 6306.6 to the Family Code, relating to domestic violence.

[Approved by Governor October 08, 2021. Filed with Secretary of State October 08, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

AB 887, Levine. Domestic violence: restraining orders.

Existing law permits a petitioner to seek a restraining order, including a temporary restraining order, to protect against domestic violence. Existing law requires the court to decide whether to grant a request for an ex parte restraining order on the same day that the petition is submitted to the court, which will be effective until the hearing on the petition, except as specified. Existing law directs the Judicial Council to promulgate rules and forms for a petitioner seeking a domestic violence restraining order and to assist local courts in developing procedures to assist a petitioner.

This bill would provide that domestic violence restraining orders or temporary restraining orders may be submitted electronically, as specified. The bill would authorize the petitioner to elect to receive documents by regular mail or to retrieve them from the court. The bill would also prohibit any fee for filing a petition pursuant to these provisions. The bill would require the Judicial Council to develop or amend rules and forms as necessary to implement those provisions. The bill would make those provisions operative only upon an appropriation of funds for those purposes.

The bill would require that information about access to self-help services regarding domestic violence restraining orders be prominently visible on the superior court's internet website. The bill would require the Judicial Council to develop or amend rules as necessary to implement those provisions.

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

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

SECTION 1. Section 6306.5 is added to the Family Code, to read:

6306.5. (a) (1) Petitions seeking domestic violence restraining orders under Chapter 2 (commencing with Section 6320) and domestic violence temporary restraining orders under Part 4 (commencing with Section 240) of Division 2 may be submitted electronically in every trial court. Courts shall accept these filings consistent with the timeframe in Section 246.

(2) The notice of court date, copies of the request to mail on respondent, and the temporary restraining order, if granted, shall be remitted to the petitioner electronically.

(3) Notwithstanding paragraph (2), the petitioner may elect to receive documents by regular mail or to retrieve documents from the court.

(b) The Judicial Council shall develop or amend rules and forms as necessary to implement this section.

(c) There shall be no fee for any filings related to a petition submitted electronically in accordance with this section.

(d) This section shall become operative only upon an appropriation of funds for this purpose in the annual Budget Act or other statute.

SEC. 2. Section 6306.6 is added to the Family Code, to read:

6306.6. (a) Information about access to self-help services regarding domestic violence restraining orders shall be prominently visible on the superior court's internet website.

(b) The Judicial Council shall develop or amend rules as necessary to implement this section.