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**SB-24 Domestic violence: protective orders: information pertaining to a child.** (2021-2022)

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**Senate Bill No. 24**

**CHAPTER 129**

An act to add Section 6323.5 to the Family Code, relating to domestic violence.

[ Approved by Governor July 23, 2021. Filed with Secretary of State July 23, 2021. ]

**LEGISLATIVE COUNSEL'S DIGEST**

SB 24, Caballero. Domestic violence: protective orders: information pertaining to a child.

Existing law authorizes a court to issue an order enjoining a party from engaging in specified acts against another party, including threatening or harassing that party, and, in the discretion of the court, against other named family or household members. An intentional or knowing violation of this order is punishable as a misdemeanor.

This bill would, commencing January 1, 2023, authorize a court to include in an ex parte order a provision restraining a party from accessing records and information pertaining to the health care, education, daycare, recreational activities, or employment of a minor child of the parties. The bill would require an essential care provider, as defined, to develop protocols relating to compliance with that order on or before February 1, 2023, and would require a discretionary services organization, as defined, to develop those protocols within 30 days of receipt of the first order. The bill would require the Judicial Council to develop or update any other forms or rules of court that are necessary to implement these provisions. By expanding the scope of an existing crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

**SECTION 1.** This act shall be known and may be cited as Calley's Law.

**SEC. 2.** Section 6323.5 is added to the Family Code, to read:

**6323.5.** (a) For purposes of this section, the following definitions apply:

- (1) "Discretionary services organization" includes any organization that provides nonessential services to children, such as recreational activities, entertainment, and summer camps. "Discretionary services organization" also includes a place of employment of a minor described in subdivision (b).

(2) "Essential care provider" includes a public or private school, health care facility, daycare facility, dental facility, or other similar organization that frequently provides essential social, health, or care services to children.

(b) (1) Notwithstanding Section 3025, and in accordance with Section 6322, a court may include in an ex parte order a provision restraining a party from accessing records and information pertaining to the health care, education, daycare, recreational activities, or employment of a minor child of the parties.

(2) A parent or guardian may provide a copy of an order with a provision specified in paragraph (1) to an essential care provider or a discretionary services organization, or both.

(c) (1) (A) An essential care provider shall, on or before February 1, 2023, develop protocols relating to the provider's compliance with the order described in subdivision (b), including, at a minimum, designating the appropriate personnel responsible for receiving the protective order, establishing a means of ensuring that the restrained party is not able to access the records or information, and implementing a procedure for submission of a copy of an order and for providing the party that submits the copy of the order with documentation indicating when, and to whom, the copy of the order was submitted.

(B) A discretionary services organization that is provided an order described in subdivision (b), shall develop the protocols specified in paragraph (1) within 30 days of receipt of the first order.

(2) If an essential care provider or discretionary services organization is provided with a copy of an order described in subdivision (b), the essential care provider or discretionary services organization shall not release information or records pertaining to the child to the restrained party. This requirement applies regardless of whether the essential care provider or discretionary services organization has finalized the protocols described in paragraph (1).

(d) The Judicial Council shall develop or update any forms or rules of court that are necessary to implement this section.

(e) This section shall become operative on January 1, 2023.

**SEC. 3.** No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.