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AB-243 Child abduction survivors: address confidentiality program. (2023-2024)

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Assembly Bill No. 243

CHAPTER 642

An act to amend the heading of Chapter 3.1 (commencing with Section 6205) of Division 7 of Title 1 of, and to amend, repeal, and add Sections 6205, 6205.5, 6206, 6208.5, 6209.5, and 6209.7 of, the Government Code, relating to address confidentiality.

[Approved by Governor October 10, 2023. Filed with Secretary of State October 10, 2023.]

LEGISLATIVE COUNSEL'S DIGEST

AB 243, Alanis. Child abduction survivors: address confidentiality program.

Existing law authorizes victims of domestic violence, sexual assault, stalking, human trafficking, and elder or dependent adult abuse, and members of their households, to complete an application to be approved by the Secretary of State for the purpose of enabling state and local agencies to respond to requests for public records without disclosing a program participant's changed name or location, subject to specified conditions. Existing law makes it a misdemeanor for any person to make a false statement in an application.

This bill, beginning on July 1, 2024, would make victims of child abduction, as defined, and members of their households eligible for the protections of this address confidentiality program. By expanding the scope of the program to include victims of child abduction and their household members, this bill would impose new duties on local public officials and expand the scope of an existing crime, thereby imposing 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 with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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

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

SECTION 1. The heading of Chapter 3.1 (commencing with Section 6205) of Division 7 of Title 1 of the Government Code is amended to read:

CHAPTER 3.1. Address Confidentiality for Victims of Domestic Violence, Sexual Assault, Stalking, Human Trafficking, Child Abduction, and Elder or Dependent Adult Abuse

SEC. 2. Section 6205 of the Government Code is amended to read:

6205. (a) The Legislature finds that persons attempting to escape from actual or threatened domestic violence, sexual assault, stalking, human trafficking, or elder or dependent adult abuse frequently establish new names or addresses in order to prevent their assailants or probable assailants from finding them. The purpose of this chapter is to enable state and local agencies to respond to requests for public records without disclosing the changed name or location of a victim of domestic violence, sexual assault, stalking, human trafficking, or elder or dependent adult abuse to enable interagency cooperation with the Secretary of State in providing name and address confidentiality for victims of domestic violence, sexual assault, stalking, human trafficking, or elder or dependent adult abuse and to enable state and local agencies to accept a program participant's use of an address designated by the Secretary of State as a substitute mailing address.

(b) This section shall remain in effect only until July 1, 2024, and as of that date is repealed.

SEC. 3. Section 6205 is added to the Government Code, to read:

6205. (a) The Legislature finds that persons attempting to escape from actual or threatened domestic violence, sexual assault, stalking, human trafficking, child abduction, or elder or dependent adult abuse frequently establish new names or addresses to prevent their assailants or probable assailants from finding them. The purpose of this chapter is to enable state and local agencies to respond to requests for public records without disclosing the changed name or location of a victim of domestic violence, sexual assault, stalking, human trafficking, child abduction, or elder or dependent adult abuse to enable interagency cooperation with the Secretary of State in providing name and address confidentiality for victims of domestic violence, sexual assault, stalking, human trafficking, child abduction, or elder or dependent adult abuse and to enable state and local agencies to accept a program participant's use of an address designated by the Secretary of State as a substitute mailing address.

(b) This section shall become operative on July 1, 2024.

SEC. 4. Section 6205.5 of the Government Code is amended to read:

6205.5. (a) Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Address" means a residential street address, school address, or work address of an individual, as specified on the individual's application to be a program participant under this chapter.

(2) "Cohabitant" has the same meaning as in subdivision (b) of Section 18291 of the Welfare and Institutions Code.

(3) "Domestic violence" means an act as defined in Section 6211 of the Family Code.

(4) "Domicile" means a place of habitation as defined in Section 349 of the Elections Code.

(5) "Elder or dependent adult abuse" means an act described in Section 15610.07 of the Welfare and Institutions Code or an offense described in Section 368 of the Penal Code.

(6) "Household member" means an adult person who resides at the same residential address as the applicant or participant and is related to the applicant or participant by blood, marriage, registered domestic partnership, adoption, or is a cohabitant of an applicant or participant.

(7) "Human trafficking" means any act punishable pursuant to Section 236.1 of the Penal Code.

(8) "Program participant" means a person certified as a program participant under Section 6206.

(9) "Sexual assault" means an act or attempt made punishable by Section 220, 261, 261.5, 264.1, 266c, 269, 285, 286, 287, 288, 288.5, 289, or 647.6 of, or former Section 262 or 288a of, the Penal Code.

(10) "Stalking" means an act as defined in Section 646.9 of the Penal Code.

(b) This section shall remain in effect only until July 1, 2024, and as of that date is repealed.

SEC. 5. Section 6205.5 is added to the Government Code, to read:

6205.5. (a) Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Address" means a residential street address, school address, or work address of an individual, as specified on the individual's application to be a program participant under this chapter.

- (2) "Child abduction" means an act or attempted act made punishable pursuant to Section 278 or 278.5 of the Penal Code.
- (3) "Cohabitant" has the same meaning as in subdivision (b) of Section 18291 of the Welfare and Institutions Code.
- (4) "Domestic violence" means an act as defined in Section 6211 of the Family Code.
- (5) "Domicile" means a place of habitation as defined in Section 349 of the Elections Code.
- (6) "Elder or dependent adult abuse" means an act described in Section 15610.07 of the Welfare and Institutions Code or an offense described in Section 368 of the Penal Code.
- (7) "Household member" means an adult person who resides at the same residential address as the applicant or participant and is related to the applicant or participant by blood, marriage, registered domestic partnership, adoption, or is a cohabitant of an applicant or participant.
- (8) "Human trafficking" means any act punishable pursuant to Section 236.1 of the Penal Code.
- (9) "Program participant" means a person certified as a program participant under Section 6206.
- (10) "Sexual assault" means an act or attempted act made punishable by Section 220, 261, 261.5, 264.1, 266c, 269, 285, 286, 287, 288, 288.5, 289, or 647.6 of, or former Section 262 or 288a of, the Penal Code.
- (11) "Stalking" means an act as defined in Section 646.9 of the Penal Code.

(b) This section shall become operative on July 1, 2024.

SEC. 6. Section 6206 of the Government Code is amended to read:

6206. (a) An adult person, a parent or guardian acting on behalf of a minor, or a guardian acting on behalf of an incapacitated person, who is domiciled in California, may apply to the Secretary of State to have an address designated by the Secretary of State serve as the person's address or the address of the minor or incapacitated person. An application shall be completed in person at a community-based victims' assistance program or a community-based assistance program that serves victims of elder or dependent adult abuse pursuant to the Elder Abuse and Dependent Adult Civil Protection Act (Chapter 11 (commencing with Section 15600) of Part 3 of Division 9 of the Welfare and Institutions Code). The application process shall include a requirement that the applicant meet with a victims' assistance counselor and receive orientation information about the program. The Secretary of State shall approve an application if it is filed in the manner and on the form prescribed by the Secretary of State and if it contains all of the following:

- (1) A sworn statement by the applicant that the applicant has good reason to believe both of the following:

- (A) That the applicant, or the minor or incapacitated person on whose behalf the application is made, is a victim of domestic violence, sexual assault, stalking, human trafficking, or elder or dependent adult abuse, or is a household member of a victim who is making or has made an application pursuant to this section, unless the applicant is the perpetrator of the crime that provided the basis for that victim's application.

- (B) That the applicant fears for their safety, the safety of their children or household members, or the safety of the minor or incapacitated person on whose behalf the application is made.

- (2) If the applicant alleges that the basis for the application is that the applicant, or the minor or incapacitated person on whose behalf the application is made, is a victim of domestic violence, sexual assault, stalking, human trafficking, or elder or dependent adult abuse, the application may be accompanied by evidence, including, but not limited to, any of the following:

- (A) Police, court, or other government agency records or files.

- (B) Documentation from a domestic violence or sexual assault program if the person is alleged to be a victim of domestic violence, sexual assault, stalking, or human trafficking.

- (C) Documentation from a legal, clerical, medical, or other professional from whom the applicant or person on whose behalf the application is made has sought assistance in dealing with the alleged domestic violence, sexual assault, stalking, human trafficking, or elder or dependent adult abuse.

- (D) Any other evidence that supports the sworn statement, such as a statement from any other individual with knowledge of the circumstances that provides the basis for the claim, or physical evidence of the act or acts of domestic violence, sexual assault, stalking, human trafficking, or elder or dependent adult abuse.

(3) If the basis for the application is that the applicant, or the minor or incapacitated person on whose behalf the application is made, is a household member of a person described in paragraph (2), the application shall include the name of that person and evidence that the applicant is a household member.

(4) The name and last known address of the applicant's minor child or children, and the name and last known address of all other parents or guardians of the minor child or children of the applicant, as legally established by voluntary declaration of paternity, court order, placement on the child's birth certificate, or other legal method pursuant to the Uniform Parentage Act (Part 3 (commencing with Section 7600) of Division 12 of the Family Code). If no other parent or guardian has been established for the applicant's minor child or children, this section may be left blank.

(5) A designation of the Secretary of State as agent for purposes of service of process and for the purpose of receipt of mail.

(A) Service on the Secretary of State of any summons, writ, notice, demand, or process shall be made by delivering to the address confidentiality program personnel of the office of the Secretary of State a copy of the summons, writ, notice, demand, or process.

(B) If a summons, writ, notice, demand, or process is served on the Secretary of State, the Secretary of State shall immediately cause a copy to be forwarded to the program participant at the address shown on the records of the address confidentiality program so that the summons, writ, notice, demand, or process is received by the program participant within three days of the Secretary of State's having received it.

(C) The Secretary of State shall keep a record of all summonses, writs, notices, demands, and processes served upon the Secretary of State under this section and shall record the time of that service and the Secretary of State's action.

(D) The office of the Secretary of State and any agent or person employed by the Secretary of State shall be held harmless from liability in any action brought by a person injured or harmed as a result of the handling of first-class mail on behalf of program participants.

(6) The mailing address and the telephone number or numbers where the applicant can be called by the Secretary of State, and if available, the email address where the applicant can be contacted by the Secretary of State.

(7) The address or addresses that the applicant requests not be disclosed for the reason that disclosure will increase the risk of domestic violence, sexual assault, stalking, human trafficking, or elder or dependent adult abuse.

(8) The signature of the applicant and of any individual or representative of any office designated in writing under Section 6208.5 who assisted in the preparation of the application, and the date on which the applicant signed the application.

(b) Commencing January 1, 2023, the Secretary of State shall make the application form for participation in the program and any explanatory materials available in English and in at least the other languages described in Section 1632 of the Civil Code. The Secretary of State may make the application available in additional languages.

(c) Applications shall be filed with the office of the Secretary of State.

(d) Upon filing a properly completed application, the Secretary of State shall certify the applicant as a program participant. Applicants shall be certified for four years following the date of filing unless the certification is withdrawn or invalidated before that date. The Secretary of State shall, by rule, establish a renewal procedure. A minor program participant who reaches 18 years of age during their enrollment may renew as an adult following the renewal procedures established by the Secretary of State.

(e) If a minor child has any other legally established parent or parents, upon certification, the Secretary of State shall, within 10 days, notify all other parents or guardians identified pursuant to paragraph (4) of subdivision (a) of the designation of the Secretary of State as agent for purposes of service of process and, unless there is a court order prohibiting contact between the other parent or parents or guardian and the minor child or children of the participant, the address designated by the Secretary of State for the program participant. The notice shall be given by mail, return receipt requested, postage prepaid, to the last known address of the other parent or parents or guardian to be notified. A copy shall also be sent to that parent's or guardian's counsel of record, if provided to the Secretary of State by the applicant.

(f) A person who falsely attests in an application that disclosure of the applicant's address would endanger the applicant's safety or the safety of the applicant's children or household members, or the minor or incapacitated person on whose behalf the application is made, or who knowingly provides false or incorrect information upon making an application, is guilty of a misdemeanor. A notice shall be printed in bold type and in a conspicuous location on the face of the application informing the applicant of the penalties under this subdivision. Commencing January 1, 2023, the Secretary of State shall make the notice required by this subdivision available in English and in at least the other languages described in Section 1632 of the Civil Code. The Secretary of State may make the notice available in additional languages.

(g) This section shall remain in effect only until July 1, 2024, and as of that date is repealed.

SEC. 7. Section 6206 is added to the Government Code, to read:

6206. (a) An adult person, a parent or guardian acting on behalf of a minor, or a guardian acting on behalf of an incapacitated person, who is domiciled in California, may apply to the Secretary of State to have an address designated by the Secretary of State serve as the person's address or the address of the minor or incapacitated person. An application shall be completed in person at a community-based victims' assistance program or a community-based assistance program that serves victims of elder or dependent adult abuse pursuant to the Elder Abuse and Dependent Adult Civil Protection Act (Chapter 11 (commencing with Section 15600) of Part 3 of Division 9 of the Welfare and Institutions Code). The application process shall include a requirement that the applicant meet with a victims' assistance counselor and receive orientation information about the program. The Secretary of State shall approve an application if it is filed in the manner and on the form prescribed by the Secretary of State and if it contains all of the following:

(1) A sworn statement by the applicant that the applicant has good reason to believe both of the following:

(A) That the applicant, or the minor or incapacitated person on whose behalf the application is made, is a victim of domestic violence, sexual assault, stalking, human trafficking, child abduction, or elder or dependent adult abuse, or is a household member of a victim who is making or has made an application pursuant to this section, unless the applicant is the perpetrator of the crime that provided the basis for that victim's application.

(B) That the applicant fears for their safety, the safety of their children or household members, or the safety of the minor or incapacitated person on whose behalf the application is made.

(2) If the applicant alleges that the basis for the application is that the applicant, or the minor or incapacitated person on whose behalf the application is made, is a victim of domestic violence, sexual assault, stalking, human trafficking, child abduction, or elder or dependent adult abuse, the application may be accompanied by evidence, including, but not limited to, any of the following:

(A) Police, court, or other government agency records or files.

(B) Documentation from a domestic violence or sexual assault program, if the person is alleged to be a victim of domestic violence, sexual assault, stalking, or human trafficking.

(C) Documentation from a legal, clerical, medical, or other professional from whom the applicant or person on whose behalf the application is made has sought assistance in dealing with the alleged domestic violence, sexual assault, stalking, human trafficking, child abduction, or elder or dependent adult abuse.

(D) Any other evidence that supports the sworn statement, such as a statement from any other individual with knowledge of the circumstances that provides the basis for the claim, or physical evidence of the act or acts of domestic violence, sexual assault, stalking, human trafficking, child abduction, or elder or dependent adult abuse.

(3) If the basis for the application is that the applicant, or the minor or incapacitated person on whose behalf the application is made, is a household member of a person described in paragraph (2), the application shall include the name of that person and evidence that the applicant is a household member.

(4) The name and last known address of the applicant's minor child or children, and the name and last known address of all other parents or guardians of the minor child or children of the applicant, as legally established by voluntary declaration of paternity, court order, placement on the child's birth certificate, or other legal method pursuant to the Uniform Parentage Act (Part 3 (commencing with Section 7600) of Division 12 of the Family Code). If no other parent or guardian has been established for the applicant's minor child or children, this section may be left blank.

(5) A designation of the Secretary of State as agent for purposes of service of process and for the purpose of receipt of mail.

(A) Service on the Secretary of State of any summons, writ, notice, demand, or process shall be made by delivering to the address confidentiality program personnel of the office of the Secretary of State a copy of the summons, writ, notice, demand, or process.

(B) If a summons, writ, notice, demand, or process is served on the Secretary of State, the Secretary of State shall immediately cause a copy to be forwarded to the program participant at the address shown on the records of the address confidentiality program so that the summons, writ, notice, demand, or process is received by the program participant within three days of the Secretary of State's having received it.

(C) The Secretary of State shall keep a record of all summonses, writs, notices, demands, and processes served upon the Secretary of State under this section and shall record the time of that service and the Secretary of State's action.

(D) The office of the Secretary of State and any agent or person employed by the Secretary of State shall be held harmless from liability in any action brought by a person injured or harmed as a result of the handling of first-class mail on behalf of program participants.

(6) The mailing address and the telephone number or numbers where the applicant can be called by the Secretary of State, and if available, the email address where the applicant can be contacted by the Secretary of State.

(7) The address or addresses that the applicant requests not be disclosed for the reason that disclosure will increase the risk of domestic violence, sexual assault, stalking, human trafficking, child abduction, or elder or dependent adult abuse.

(8) The signature of the applicant and of any individual or representative of any office designated in writing under Section 6208.5 who assisted in the preparation of the application, and the date on which the applicant signed the application.

(b) Commencing January 1, 2023, the Secretary of State shall make the application form for participation in the program and any explanatory materials available in English and in at least the other languages described in Section 1632 of the Civil Code. The Secretary of State may make the application available in additional languages.

(c) Applications shall be filed with the office of the Secretary of State.

(d) Upon filing a properly completed application, the Secretary of State shall certify the applicant as a program participant. Applicants shall be certified for four years following the date of filing, unless the certification is withdrawn or invalidated before that date. The Secretary of State shall, by rule, establish a renewal procedure. A minor program participant who reaches 18 years of age during their enrollment may renew as an adult following the renewal procedures established by the Secretary of State.

(e) If a minor child has any other legally established parent or parents, upon certification, the Secretary of State shall, within 10 days, notify all other parents or guardians identified pursuant to paragraph (4) of subdivision (a) of the designation of the Secretary of State as agent for purposes of service of process and, unless there is a court order prohibiting contact between the other parent or parents or guardian and the minor child or children of the participant, the address designated by the Secretary of State for the program participant. The notice shall be given by mail, return receipt requested, postage prepaid, to the last known address of the other parent or parents or guardian to be notified. A copy shall also be sent to that parent's or guardian's counsel of record, if provided to the Secretary of State by the applicant.

(f) A person who falsely attests in an application that disclosure of the applicant's address would endanger the applicant's safety or the safety of the applicant's children or household members, or the minor or incapacitated person on whose behalf the application is made, or who knowingly provides false or incorrect information upon making an application, is guilty of a misdemeanor. A notice shall be printed in bold type and in a conspicuous location on the face of the application informing the applicant of the penalties under this subdivision. Commencing January 1, 2023, the Secretary of State shall make the notice required by this subdivision available in English and in at least the other languages described in Section 1632 of the Civil Code. The Secretary of State may make the notice available in additional languages.

(g) This section shall become operative on July 1, 2024.

SEC. 8. Section 6208.5 of the Government Code is amended to read:

6208.5. (a) The Secretary of State shall designate state and local agencies and nonprofit agencies that provide counseling and shelter services to victims of domestic violence, sexual assault, stalking, or human trafficking as well as agencies that serve victims of elder or dependent adult abuse pursuant to the Elder Abuse and Dependent Adult Civil Protection Act (Chapter 11 (commencing with Section 15600) of Part 3 of Division 9 of the Welfare and Institutions Code) to assist victims of domestic violence, sexual assault, stalking, human trafficking, or elder or dependent adult abuse applying to be program participants. The Secretary of State shall conduct outreach activities to identify and recruit the agencies. Any assistance and counseling rendered by the office of the Secretary of State or its designees to applicants shall in no way be construed as legal advice.

(b) This section shall remain in effect only until July 1, 2024, and as of that date is repealed.

SEC. 9. Section 6208.5 is added to the Government Code, to read:

6208.5. (a) The Secretary of State shall designate state and local agencies and nonprofit agencies that provide counseling and shelter services to victims of domestic violence, sexual assault, stalking, child abduction, or human trafficking as well as agencies that serve victims of elder or dependent adult abuse pursuant to the Elder Abuse and Dependent Adult Civil Protection Act (Chapter 11 (commencing with Section 15600) of Part 3 of Division 9 of the Welfare and Institutions Code) to assist victims of domestic violence, sexual assault, stalking, human trafficking, child abduction, or elder or dependent adult abuse applying to be program participants. The Secretary of State shall conduct outreach activities to identify and recruit the agencies. Any assistance

and counseling rendered by the office of the Secretary of State or its designees to applicants shall in no way be construed as legal advice.

(b) This section shall become operative on July 1, 2024.

SEC. 10. Section 6209.5 of the Government Code is amended to read:

6209.5. (a) The Secretary of State shall provide each program participant a notice in clear and conspicuous font that contains all of the following information:

(1) The program participant is authorized by law to request to use the address designated by the Secretary of State on real property deeds, change of ownership forms, and deeds of trust when purchasing or selling a home.

(2) The program participant may create a revocable living trust and place their real property into the trust to protect their residential street address from disclosure in real property transactions.

(3) The program participant may obtain a change of their legal name to protect their anonymity.

(4) A list of contact information for entities that the program participant may contact to receive information on, or receive legal services for, the creation of a trust to hold real property or obtaining a name change, including county bar associations, legal aid societies, domestic violence prevention organizations, human trafficking prevention organizations, elder and dependent adult abuse prevention organizations, state and local agencies, or other nonprofit organizations that may be able to assist program participants.

(b) Commencing January 1, 2023, the Secretary of State shall make the notice required by this section available in English and in at least the other languages described in Section 1632 of the Civil Code. The Secretary of State may make the notice available in additional languages.

(c) This section shall remain in effect only until July 1, 2024, and as of that date is repealed.

SEC. 11. Section 6209.5 is added to the Government Code, to read:

6209.5. (a) The Secretary of State shall provide each program participant a notice in clear and conspicuous font that contains all of the following information:

(1) The program participant is authorized by law to request to use the address designated by the Secretary of State on real property deeds, change of ownership forms, and deeds of trust when purchasing or selling a home.

(2) The program participant may create a revocable living trust and place their real property into the trust to protect their residential street address from disclosure in real property transactions.

(3) The program participant may obtain a change of their legal name to protect their anonymity.

(4) A list of contact information for entities that the program participant may contact to receive information on, or receive legal services for, the creation of a trust to hold real property or obtaining a name change, including county bar associations, legal aid societies, domestic violence prevention organizations, human trafficking prevention organizations, child abduction prevention organizations, elder and dependent adult abuse prevention organizations, state and local agencies, or other nonprofit organizations that may be able to assist program participants.

(b) Commencing January 1, 2023, the Secretary of State shall make the notice required by this section available in English and in at least the other languages described in Section 1632 of the Civil Code. The Secretary of State may make the notice available in additional languages.

(c) This section shall become operative on July 1, 2024.

SEC. 12. Section 6209.7 of the Government Code is amended to read:

6209.7. (a) Nothing in this chapter, nor participation in this program, affects custody or visitation orders in effect before or during program participation. A program participant who falsifies their location in order to unlawfully avoid custody or visitation orders is subject to immediate termination from the program and is guilty of a misdemeanor.

(b) (1) The fact that a participant is registered with the program shall create a rebuttable presumption that disclosure of information about the participant's location and activities during the period of the registration, including, but not limited to, the participant's current and past residential, work, or school addresses and other location information, would lead to the discovery of

the participant's actual residential address or physical location, would endanger the safety of the participant, and is not authorized.

(2) This subdivision creates a presumption affecting the burden of producing evidence and may be rebutted by clear and convincing evidence showing, among other things, that discovery of the information about the participant's location and activities would not lead to discovery of the participant's actual residential address or physical location and would not endanger the safety of the participant. The presumption shall not be rebutted merely by the other parent's desire to know the participant's address and the court shall weigh participant safety. If a court finds the presumption is rebutted, it shall provide its reasons on the record.

(3) This presumption shall also govern discovery requests under the Civil Discovery Act (Title 4 (commencing with Section 2016.010) of Part 4 of the Code of Civil Procedure). A participant shall not be required to provide, in discovery, their residential address or other location information reasonably likely to lead to the discovery of these addresses unless ordered to do so by a court after the other party has rebutted the presumption against disclosure of this information.

(c) Participation in the program does not constitute evidence of domestic violence, stalking, sexual assault, human trafficking, or elder or dependent adult abuse for purposes of making custody or visitation orders.

(d) This section shall remain in effect only until July 1, 2024, and as of that date is repealed.

SEC. 13. Section 6209.7 is added to the Government Code, to read:

6209.7. (a) Nothing in this chapter, nor participation in this program, affects custody or visitation orders in effect before or during program participation. A program participant who falsifies their location in order to unlawfully avoid custody or visitation orders is subject to immediate termination from the program and is guilty of a misdemeanor.

(b) (1) The fact that a participant is registered with the program shall create a rebuttable presumption that disclosure of information about the participant's location and activities during the period of the registration, including, but not limited to, the participant's current and past residential, work, or school addresses and other location information, would lead to the discovery of the participant's actual residential address or physical location, would endanger the safety of the participant, and is not authorized.

(2) This subdivision creates a presumption affecting the burden of producing evidence and may be rebutted by clear and convincing evidence showing, among other things, that discovery of the information about the participant's location and activities would not lead to discovery of the participant's actual residential address or physical location and would not endanger the safety of the participant. The presumption shall not be rebutted merely by the other parent's desire to know the participant's address, and the court shall weigh participant safety. If a court finds the presumption is rebutted, it shall provide its reasons on the record.

(3) This presumption shall also govern discovery requests under the Civil Discovery Act (Title 4 (commencing with Section 2016.010) of Part 4 of the Code of Civil Procedure). A participant shall not be required to provide, in discovery, their residential address or other location information reasonably likely to lead to the discovery of these addresses, unless ordered to do so by a court after the other party has rebutted the presumption against disclosure of this information.

(c) Participation in the program does not constitute evidence of domestic violence, stalking, sexual assault, human trafficking, child abduction, or elder or dependent adult abuse for purposes of making custody or visitation orders.

(d) This section shall become operative on July 1, 2024.

SEC. 14. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district because, in that regard, 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.

However, if the Commission on State Mandates determines that this act contains other costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

SEC. 15. Section 1 of this act shall become operative on July 1, 2024.