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AB-2024 Domestic violence: restraining orders. (2023-2024)

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Date Published: 09/30/2024 02:00 PM

Assembly Bill No. 2024

CHAPTER 648

An act to amend Section 6300 of the Family Code, relating to domestic violence.

[Approved by Governor September 27, 2024. Filed with Secretary of State September 27, 2024.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2024, Pacheco. Domestic violence: restraining orders.

Existing law authorizes a court to issue a restraining order to a person to prevent abuse, as specified, based on reasonable proof of a past act or acts of abuse. Existing law authorizes the order to be issued solely on the affidavit or testimony of the person requesting the restraining order. Existing law prohibits an ex parte restraining order from being denied solely because the other party was not provided notice.

Existing law authorizes a court to issue ex parte protective orders enjoining a party from engaging in specified acts, including threatening or harassing the other party or disturbing the peace of the other party; excluding a party from the family dwelling, the dwelling of the other party, the common dwelling of both parties, or the dwelling of the person who has care, custody, and control of a child; and enjoining a party from specified behavior that the court determines is necessary to effectuate either of those types of orders.

This bill would prohibit rejection of a protective order described above by the court if it is submitted on specified mandatory Judicial Council forms, includes all of the forms required to issue an order, and identifies the party submitting the request and the party who is the subject of the requested order.

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

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

SECTION 1. Section 6300 of the Family Code is amended to read:

6300. (a) An order may be issued under this part to restrain any person for the purpose specified in Section 6220, if an affidavit or testimony and any additional information provided to the court pursuant to Section 6306, shows, to the satisfaction of the court, reasonable proof of a past act or acts of abuse. The court may issue an order under this part based solely on the affidavit or testimony of the person requesting the restraining order.

(b) An ex parte restraining order issued pursuant to Article 1 (commencing with Section 6320) shall not be denied solely because the other party was not provided with notice.

(c) An ex parte request for a protective order, as defined in Section 6218, shall not be rejected for filing by the court clerk if it is submitted on mandatory Judicial Council forms, includes all of the forms required to issue an order, and identifies the party submitting the request and the party who is the subject of the requested order.