

Senate Bill No. 331

CHAPTER 865

An act to add Section 3193 to the Family Code, and to amend Section 68555 of, and to add Section 68555.5 to, the Government Code, relating to child custody.

[Approved by Governor October 13, 2023. Filed with Secretary of State October 13, 2023.]

LEGISLATIVE COUNSEL'S DIGEST

SB 331, Rubio. Child custody: child abuse and safety.

Existing law governs the determination of child custody and visitation in contested proceedings. Existing law requires the court, for purposes of deciding custody, to determine the best interests of the child based on certain factors, including the nature and amount of contact with both parents and, consistent with specified findings, requires the court's primary concern to be the health, safety, and welfare of the child. Existing law prohibits the ordering of family reunification services as part of a child custody or visitation rights proceeding.

Existing law authorizes the court, upon making certain findings, to require the parent or parents, or any other party involved in a custody or visitation dispute, and the minor child to participate in outpatient counseling, as specified.

This bill, Piqui's Law: Keeping Children Safe from Family Violence Act, would prohibit the court from ordering family reunification treatments, programs, or services, including, but not limited to, camps, workshops, therapeutic vacations, or educational programs that, as a condition of enrollment or participation, require or result in, among other things, the use of private youth transporters or private transportation agents, as specified, a no-contact order, or a transfer of physical or legal custody of the child.

Existing law requires the Judicial Council to establish judicial training programs for individuals who perform duties in domestic violence matters. Existing law requires the training programs to include a domestic violence session in any orientation session for newly appointed or elected judges and an annual training session in domestic violence. Existing law requires the training programs to include instruction in all aspects of domestic violence, including, but not limited to, the detriment to children of residing with a person who perpetrates domestic violence.

This bill would instead require the Judicial Council to establish judicial training programs for individuals, including judicial officers and referees, who perform duties in domestic violence or child custody matters, including, among other topics, child sexual abuse and coercive control, as specified. The bill would require the Judicial Council to submit an annual report on

these training programs, commencing on or before January 1, 2025, to the Legislature and relevant policy committees, that includes the titles of the training courses being offered and the number of judicial officers that attended each training.

The people of the State of California do enact as follows:

SECTION 1. This act shall be known, and may be cited, as Piqui's Law: Keeping Children Safe from Family Violence Act.

SEC. 2. (a) The Legislature finds and declares all of the following:

(1) Approximately 1 in 15 children in the United States is exposed to domestic violence each year.

(2) Most child abuse in America is perpetrated in the family and by a parent, and intimate partner violence and child abuse overlap in the same families at rates between 30 and 60 percent. A child's risk of abuse increases after a perpetrator of intimate partner violence separates from a domestic partner, even when the perpetrator has not previously directly abused the child. Children in the United States who have witnessed intimate partner violence are approximately four times more likely to experience direct child maltreatment than children who have not witnessed intimate partner violence.

(3) More than 75 percent of child sexual abuse in America is perpetrated by a family member or a person known to the child. Data from the United States Department of Justice shows that family members are 49 percent, or almost one-half, of the perpetrators of crimes against child sex assault victims younger than six years of age.

(4) Research suggests that a child's exposure to an abuser is among the strongest indicators of risk of incest victimization. One national study found that female children with fathers who are abusers of their mothers were six and one-half times more likely to experience father-daughter incest than female children who do not have abusive fathers.

(5) Child abuse is a major public health issue in the United States. Total lifetime financial costs associated with just one year of confirmed cases of child maltreatment, including child physical abuse, sexual abuse, psychological abuse, and neglect, result in \$124 billion in annual costs to the economy of the United States, or approximately 1 percent of the gross domestic product of the United States.

(6) On April 13, 2023, the United Nations Special Rapporteur on violence against women and girls called for a ban on highly traumatizing reunification treatments promoted through unlicensed, unregulated, for-profit industries, which result in children being isolated through extended no-contact orders from the other parent, family, friends, schools, and communities.

(b) It is the intent of the Legislature to do all of the following:

(1) Increase the priority given to child safety in any state court divorce, separation, visitation, paternity, child support, civil protection order, or family custody court proceeding affecting the custody and care of children.

(2) To prohibit family courts from ordering reunification treatments, programs, or services, including, but not limited to, camps, therapeutic vacations, workshops, and parenting programs, that cut off the relationship with a parent or sequester the child from extended family, friends, and community under acutely distressing circumstances, such as utilizing professional transport agents that force a child into a threat-based, coercive environment to address, repair, or remediate the relationship with the other parent whom the child is rejecting or resisting.

(3) Ensure that professional personnel involved in cases containing domestic violence or child abuse allegations receive trauma-informed and culturally appropriate training on the dynamics, signs, and impact of domestic violence and child abuse, including child sexual abuse.

(4) Ensure trainings are designed to improve the ability of judicial officers, referees, commissioners, and if employed by the court, guardians ad litem, custody evaluators, mediators, child custody recommending counselors, and others who are deemed appropriate by the Judicial Council and who perform duties in domestic violence or child custody matters to recognize and respond to child abuse, domestic violence, and trauma in family victims.

(5) Ensure trainings are designed to improve the ability of judicial officers, referees, commissioners, and, if employed by the court, guardians ad litem, custody evaluators, mediators, child custody recommending counselors, and others who are deemed appropriate by the Judicial Council and who perform duties in domestic violence or child custody matters to prioritize children and to make appropriate custody decisions in the best interest of child safety and well-being that are culturally responsive and appropriate for diverse communities.

(6) Move California toward becoming eligible for additional grant funding through the United States Department of Justice’s STOP Violence Against Women Formula Grant Program, as appropriated for states that meet the requirements of the federal Violence Against Women Act Reauthorization Act of 2022 (Division W of Public Law 117-103).

(c) The Legislature does not intend, by passage of this bill, to discriminate against parents or children based on either a parent’s or the child’s actual or perceived sex, gender, sexual orientation, gender identity or expression, race, color, ancestry, national origin, ethnic group identification, age, religion, marital or parental status, physical or mental disability or genetic information, or association with a person or group with one or more of these actual or perceived characteristics.

SEC. 3. Section 3193 is added to the Family Code, to read:

3193. (a) Notwithstanding any other law, a court shall not order family reunification treatments, programs, or services, including, but not limited to, camps, workshops, therapeutic vacations, or educational programs that, as a condition of enrollment or participation, require or result in any of the following:

- (1) A no-contact order.
- (2) An overnight, out-of-state, or multiday stay.

(3) A transfer of physical or legal custody of the child.

(4) The use of private youth transporters or private transportation agents engaged in the use of force, threat of force, physical obstruction, acutely distressing circumstances, or circumstances that place the safety of the child at risk.

(5) The use of threats of physical force, undue coercion, verbal abuse, isolation from the child's family, community, or other sources of support, or other acutely distressing circumstances.

(b) This section does not affect the applicability of Section 16507 of the Welfare and Institutions Code.

SEC. 4. Section 68555 of the Government Code is amended to read:

68555. (a) The Judicial Council shall establish judicial training programs for individuals who perform duties in domestic violence or child custody matters, including, but not limited to, judicial officers, referees, commissioners, and if employed by the court, guardians ad litem, custody evaluators, mediators, and child custody recommending counselors, and others who are deemed appropriate by the Judicial Council.

(b) (1) The training program described in this section shall be an ongoing training and education program designed to improve the ability of courts to recognize and respond to child physical abuse, child sexual abuse, domestic violence, and trauma in family victims, particularly children, and to make appropriate custody decisions that prioritize child safety and well-being and are culturally sensitive and appropriate for diverse communities.

(2) The training program described in this section shall include a domestic violence session in any orientation session conducted for newly appointed or elected judges, an annual training session in domestic violence, and periodic updates in all aspects of domestic violence, including, but not limited to:

(A) Child sexual abuse.

(B) Physical abuse.

(C) Emotional abuse.

(D) Coercive control.

(E) Implicit and explicit bias related to parties involved in domestic violence cases.

(F) Trauma.

(G) Long- and short-term impacts of domestic violence and child abuse on children.

(H) The detriment to children of residing with a person who perpetrates domestic violence.

(I) That domestic violence can occur without a party seeking or obtaining a restraining order, without a substantiated child protective services finding, and without other documented evidence of abuse.

(J) Victim and perpetrator behavioral patterns and relationship dynamics within the cycle of violence.

SEC. 5. Section 68555.5 is added to the Government Code, to read:

68555.5. The Judicial Council shall report to the Legislature and the relevant policy committees, on or before January 1, 2025, and each January

thereafter, on the trainings for judicial officers provided pursuant to Section 68555. The report shall include both of the following:

- (a) The titles of the training courses being offered by Judicial Council.
- (b) The number of judicial officers that participated in each training.

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