



California Protective Parents Association

*2938 Adeline Street  
Oakland, California 94608-4410  
Telephone: (510) 500- 5860  
amicusreview@caprotectiveparents.org*

May 5, 2022

The Honorable Rudy Salas  
State Capitol  
P.O. Box 942849  
Sacramento, CA 94249-0032

**RE: SUPPORT AB 2369 (Salas) – Improving Domestic Violence Survivors’ Legal Defense**

Dear Assemblymember Salas:

The California Protective Parents Association (CPPA) is pleased to support AB 2369, which if enacted will make it easier for victims of domestic violence to be awarded their attorney’s fees and costs incurred to obtain a protective order against the perpetrator of domestic violence. The bill, if enacted, will also impose financial consequences (in the form of attorney’s fees) against an abuser who files a frivolous restraining order application against a victim/litigant.

CPPA is a 501(c)3 non-profit organization established in 1998 to protect children from sexual abuse and family violence through research, education, and advocacy. CPPA seeks to improve and reform the family court system to ensure that children are not placed at risk of harm by unsafe custody and visitation orders. CPPA sponsors and participates in legal conferences to educate attorneys, mental health providers, legislators, and the public to shift the culture away from ignoring abuse, and to instead create a movement to end abuse against children left unprotected by the family courts in this state. CPPA supports AB 2369 because we strongly believe it will help reduce family violence and aid survivors obtain protective orders for themselves and their children.

Financial abuse and coercion are among the acts of domestic violence now recognized by statute. Perpetrators of violence are far more likely to have access to funds to hire counsel, while many victims are financially disadvantaged and must seek a domestic violence restraining order (DVRO) without the assistance of an attorney. We have seen this throughout the court system in California and witnessed firsthand many instances where unrepresented victims were denied restraining orders even where the perpetrator admitted to conduct meeting the statutory definition of domestic violence. Approximately 90% of Domestic Violence Restraining Orders (DVRO) litigants are self-represented. While DVROs are designed to protect survivors, a survivor’s DVRO request

can be denied if they cannot advocate for themselves in court or navigate complex rules and laws. In fact, courts have discretion to deny a DVRO even if they find past abuse has occurred, and the courts can even order a survivor to pay their abuser's attorney's fees. We have also witnessed perpetrators being awarded joint custody against an unrepresented survivor parent contrary to the law (Family Code § 3044), and we have witnessed the court being reticent to issue a restraining order but for counsel advocating for the Court to adhere to the law (e.g., Court cannot deny restraining order because the incident of domestic violence "occurred during a custody exchange").

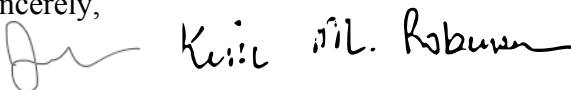
The vast majority of domestic violence survivors cannot afford an attorney. AB 2369 would require the court to order the abuser to pay for the survivor's attorney's fees, after taking into consideration the abuser's ability to pay. Many attorneys who would have been reluctant to take survivors' cases, thus discouraging many survivors from even seeking a protective order for themselves and their children in the first place, may be more inclined to take these cases if AB 2369 is passed.

This bill would also allow the court to order a party to pay the prevailing party's attorney's fees and costs in those instances where it was shown that the DVRO application was frivolous or solely intended to harass, intimidate, or cause unnecessary delay in the proceedings (a form of litigation abuse). In this way, this bill mirrors similar remedial statutes like the Fair Employment and Housing Act. Like those, this bill encourages more survivors to bring their cases, with representation, without worrying they may have to pay for their own or the respondent's attorney's fees for the act of making the request; and encourages more attorneys to take low-income survivors' cases.

As a result, this bill vindicates every person's "right to be safe and free from violence and abuse in [their] home and intimate relationships" (stats. 2014, ch. 635, § 1, subd. (a)), and promotes the Legislature's goals of preventing abuse and not requiring survivors to fund their abuser's conduct.

For these reasons, CPPA is pleased to support AB 2369 and respectfully requests your "Aye" vote.

Sincerely,

Handwritten signatures of Jennifer A. Hilton and Kim M. Robinson in black ink.

Jennifer A. Hilton, Attorney at Law  
Kim M. Robinson, Attorney at Law  
California Protective Parents Association

cc:

Assemblymember Salas (author; Michael Dyar, staff)  
Family Violence Appellate Project (sponsor; Cory Hernandez, staff)