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August 13, 2018

The Honorable Assembly Member Kevin Kiley
Member of the Assembly, 6th Assembly District
State Capitol, Suite #4153
Sacramento, CA 94249

Re: AB 455 (Kiley) as Introduced on February 11, 2019
Position: Support with technical fixes

Dear Assembly Member Kiley,

On behalf of the California Association of Certified Family Law Specialists, a non-profit organization with 683 members who are certified as family law specialists by the State Bar of California, Board of Legal Specialization, I write to support Assembly Bill 455, as introduced, with some technical suggestions.

AB 455 seeks to amend Section 6320 of the Family Code and authorizes a court to issue an ex parte order enjoining a party from remotely controlling any connected devices in the home of the other party. Remotely controlling connected devices in the home of the other party can be a way for an abuser to use modern technology to engage in domestic abuse against his or her victim, especially if they are ordered to move out of the house. This statute updates the domestic violence statute to address new methods of abusive conduct as society evolves technologically.

For these reasons, ACFLS supports AB 455, as introduced.

However, ACFLS suggests some technical fixes to the language of the proposed statute. Specifically, Section 6320(c)(1) should address the issue of giving the petitioner access to control devices, including the ability to access devices to change passwords. This is

important because without access one may not be able to get into the device software to change a password to prevent respondent from violating the restraining order. Second, Section 6320(c)(1) should address how the information is given. Respondent has the ability to serve a response to the Request for Domestic Violence Restraining Order. Having the information in paper format will ensure there is a record, and the record can easily produced to a judicial officer to see if there was compliance (as opposed to a series of emails, texts, Facebook messages, etc. which are cumbersome for a judicial officer to review).

ACFLS's suggestions are below in red:

(c) (1) The Judicial Council shall update its existing forms, "Request for Domestic Violence Restraining Order" and "Temporary Restraining Order" to include a check box for the petitioner to request the court to include in its order a prohibition on remotely controlling all known and unknown connected devices in the home of the petitioner, and for the respondent to provide the petitioner, in a writing, with the user ID, password or similar access information necessary for the petitioner to control such devices if respondent has knowledge of such information. The writing required shall be in paper format and served on petitioner or petitioner's counsel in the same manner provided for service of any written response to the request.

Respectfully submitted,



AVI LEVY, CFLS
Legislative Director, ACFLS