

ADVOCATES FOR CHILD EMPOWERMENT AND SAFETY

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February 25, 2021

The Honorable Thomas Umberg, Chair, Senate Judiciary Committee
The Honorable Mark Stone, Chair, Assembly Judiciary Committee

Re: COVID and the Courts

Thank you for the Joint Judiciary hearing addressing COVID and the Courts, to identify best practices during the pandemic and beyond

We are most concerned about the protection of victims of violence in our courts during COVID and in the future. Online hearings have actually been quite helpful for domestic violence victims, who are forced into inappropriate mediation in a power imbalance situation, but find themselves unable to leave the courtroom before their batterers, which endangers them after in person court hearings. See Sacramento Court Watch data on www.caprojectiveparents.org/Research
Online hearings are protective.

There are other issues that need to be addressed now and in the future. As domestic violence and child abuse cases will likely be increasing, there will be more need for restraining order hearings and child abuse investigations. Currently, victims of domestic violence often appear in pro per, while their batterers are represented because they have more resources. This unlevel playing field leads to the family courts placing children at risk more often than not, with unsupervised contact with dangerous parents. This leads to reinjury and sometimes death. See www.centerforjudicialexcellence.org/ Because California does not have universal court reporters or electronic recording, there are often no transcripts for appeals.

We recommend developing a Task Force that would review of the California Family Code to propose changes to genuinely protect adult and child victims. We would strongly recommend that organizations such as California Protective Parents Association, Center for Judicial Excellence, Advocates for Child Empowerment and Safety, California Partnership to End Domestic Violence, Family Violence Appellate Project, California Women's Law Center, Child Abuse Forensic Institute and Crime Victims United lead the Task Force .

Thank you,

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