



San Diego City Attorney
Mara W. Elliott



Senator Susan Rubio
Representing the 22nd District

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SB538 Helps Domestic Violence Victims Access Justice *Bill would allow electronic filing of legal documents, remote court appearances*

Victims of domestic violence would no longer be forced to share a courtroom with their abusers under legislation that allows them to testify remotely when seeking restraining orders.

Senate Bill 538 by state Sen. Susan Rubio (D-Baldwin Park), an authority on domestic violence issues, is headed to the Assembly Judiciary Committee following approval in the state Senate on June 2 by a 38-0 vote. The catalyst for the bill was San Diego City Attorney Mara W. Elliott's years-long effort to make remote court appearances available to victims. With San Diego Mayor Todd Gloria as a champion and the support of victim service organizations up and down the state, Senator Rubio has successfully gained bipartisan support for this critical legislation.

SB 538 requires California Superior Courts to allow domestic violence restraining order petitions to be filed electronically, and for court appearances by victims and witnesses to take place virtually.

The legislation also applies to the process for obtaining gun violence restraining orders, which remove access to firearms from individuals who present a substantial threat of harm to themselves or others. The issues of domestic violence and gun violence are inextricably linked. Studies show a strong and alarming correlation between domestic violence and homicide by firearm. A woman is five times more likely to be killed by her abuser if a gun is present. Of the City Attorney's more than 500 GVRO interventions, greater than one-third are related to family or relationship violence. Victims are aware of this threat, which makes access to remote appearances essential.

"For survivors of domestic violence, nothing can be more terrifying than having to face your abuser in the confines of a courtroom," San Diego City Attorney Mara W. Elliott said. **"For that reason, some never seek court orders to protect themselves and their children. Remote testimony removes that obstacle, and also benefits those who lack transportation or childcare, which are common consequences of fleeing an abuser. Thanks to Senator Rubio, California can permanently expand access to justice and ensure the safety of victims."**

"This is essential legislation that will ensure additional harm isn't caused to victims of domestic violence or gun violence while providing them with necessary access to justice," said Mayor Todd Gloria. **"This bill will pave the way for victims of violence to get their lives back on track and begin to heal. I applaud**

Senator Rubio for her leadership in championing something that will bring survivors peace of mind when it's needed the most.”

“I used to have an image of what victims of domestic violence looked like. Until it happened to me,” said Senator Susan Rubio. **“I now see that victims are everywhere. They are our mothers, our sisters, and friends. And we have to do everything we can to support them, so they are able to come forward. Without bills like SB 538, we push victims into silence. They need to feel comfortable in order to come out of the shadows, and tell their stories without the fear of retaliation.”**

Resistance to remote testimony evaporated during the COVID-19 pandemic as courts discovered it was both practical and efficient. Most importantly, conducting domestic violence restraining order hearings online has increased participation by victims, who are most at danger when obtaining restraining orders or attempting to leave the relationship.

In San Diego, and around California, remote testimony has been used for both types of restraining orders – and all manner of court appearances – without complications or concerns. SB 538 recognizes that, even after courts fully reopen, the people most deserving of continued protection through remote hearings are victims seeking restraining orders.

Testifying in person presents unique complications for victims. It means the abuser they fled will know the date and time they will be traveling to a specific location, exposing them to retaliation, and that their abuser can intimidate them in court through body language and open threats. In addition, victims face challenges others do not: they may have relocated out of state to escape their abuser; moving out may have cost them access to transportation or childcare; and they may hold low-wage jobs that do not provide paid time off.

Victims of domestic violence, sexual assault, and sex trafficking can contact the San Diego Family Justice Center for comprehensive services in a safe and non-judgmental setting.

Call 619-533-6000 (M-F, 8:00 a.m. – 5:00 p.m.) or 888-DV-LINKS (888-385-4657), 24 hours.

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