

**SENATE JUDICIARY COMMITTEE**  
**Senator Thomas Umberg, Chair**  
**2023-2024 Regular Session**

AB 1974 (Petrie-Norris)  
Version: January 30, 2024  
Hearing Date: June 4, 2024  
Fiscal: Yes  
Urgency: No  
AWM

**SUBJECT**

Family conciliation courts: evaluator training

**DIGEST**

This bill requires evaluators within the family conciliation court to be trained on the risks associated with access to firearms and ways to reduce those risks.

**EXECUTIVE SUMMARY**

Current law establishes a “family conciliation court” within each superior court to help families amicably settle domestic disputes. Family conciliation courts rely on counselors, mediators, investigators, and child custody evaluators – collectively defined as “evaluators” – who assist the family conciliation court in carrying out its functions. Evaluators must undergo continuing instruction, which includes areas of basic instruction as well as 16 hours on advanced training topics. The advanced training topics include a range of issues, including matters relating to the unique issues in a family and psychological assessment in a domestic violence case.

This bill adds, as an advanced training topic within the category of unique issues in a family and psychological assessment in a domestic violence case, training on the risks associated with firearms and ways to reduce those risks.

This bill is sponsored by the author and is supported by Brady United Against Gun Violence, the Consumer Protection Policy Center, the Junior League of Orange County, and the Legislative Coalition to Prevent Child Abuse. The Committee has not received timely opposition to this bill.

**PROPOSED CHANGES TO THE LAW**

Existing law:

- 1) Establishes the family conciliation court within each superior court in order to provide means for the reconciliation of spouses and amicable settlement of domestic and family controversies. (Fam. Code, §§ 1801, 1810.)
- 2) Authorizes the superior court to appoint one supervising counselor of conciliation and one secretary to assist the family conciliation court, and associate counselors of conciliation as needed, in disposing of its business and carrying out its functions. The supervising counselor has enumerated powers, including holding conciliation conferences with parties, making reports, and holding hearings in all family conciliation court cases as required by the judge of the family conciliation court, and making investigations, as specified. (Fam. Code, § 1814.)
- 3) Sets forth the minimum requirements for a person employed as a supervising counselor of conciliation or an associate counselor of conciliation, including a master's degree in psychology, social work, marriage, family and child counseling, or other behavioral science substantially related to marriage and family interpersonal relationships; at least two years of experience, as provided, knowledge of the state's court system and family law procedures; and the training in domestic violence issues set forth in 5). (Fam. Code, § 1815.)
- 4) Defines an "evaluator" to mean a supervising or associate counselor of conciliation, and specified mediators, court-appointed investigators, and court-appointed evaluators. (Fam. Code, § 1816(a)(2).)
- 5) Requires the evaluators set forth in 4) to participate in a program of continuing education on specified basic instruction topics, and to complete 16 hours of advanced training topics within a 12-month period, 12 hours of which must include training on matters including the appropriate structuring of the child custody evaluation process; relevant local, state, and federal laws, rules, and regulations; and the unique issues in a family and psychological assessment in a domestic violence case. (Fam. Code, § 1816(b)-(d).)

This bill adds, to the list of advanced training topics for evaluators that must be covered as part of the training on the unique issues in a family and psychological assessment in a domestic violence case, the risks associated with access to firearms and ways to reduce those risks.

## COMMENTS

### 1. Author's comment

According to the author:

AB 1974 seeks to enhance the existing domestic violence training that various family law court-connected professionals currently undergo to include training on the dangers of owning and possessing firearms.

Current law requires that a variety of court-connected professionals, including court-appointed investigators, mediators, and child custody evaluators undergo domestic violence training. California has led the way in having court-connected professionals available to assist families with conflicted child custody cases and to assist with safety planning. These professionals help families in conflict craft parenting plans and recommend child custody and visitation orders to the court.

However, they are not currently trained on how to manage and resolve domestic violence situations that involve a firearm. As evidenced by the numerous academic studies detailing the enhanced risks associated with firearm possession during instances of domestic violence, not having key information about risks and ways to decrease those risks reflects a major gap in the training these professionals receive.

AB 1974 simply requires that existing domestic violence training that court-connected mediators, evaluators, and other relevant persons take additionally include training on the increased risks of firearms. This will better prepare these professionals for when they encounter dangerous scenarios involving victims of domestic violence and their families and help save lives.

### 2. This bill expressly requires training for evaluators in the family conciliation courts to be trained on the risks associated with firearms and ways to reduce those risks

Each superior court is required to establish a “family conciliation court” to help families amicably settle domestic disputes.<sup>1</sup> Family conciliation courts rely on counselors, mediators, investigators, and child custody evaluators – collectively defined as “evaluators” – who assist the family conciliation court in carrying out its functions.<sup>2</sup> Evaluators must undergo continuing instruction, which includes areas of basic instruction as well as 16 hours on advanced training topics.<sup>3</sup> The advanced training

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<sup>1</sup> Fam. Code, div. 5, §§ 1800 et seq.

<sup>2</sup> *Id.*, § 1816.

<sup>3</sup> *Id.*, § 1816(c), (d).

topics include a range of issues, including matters relating to the unique issues in a family and psychological assessment in a domestic violence case.<sup>4</sup>

This bill adds, as an advanced training topic within the category of unique issues in a family and psychological assessment in a domestic violence case, training on the risks associated with firearms and ways to reduce those risks. According to the Assembly Judiciary Committee's analysis of this bill, these issues are already included within the current evaluator training programs; by expressly requiring training on these issues, this bill will ensure that they are not omitted from the training going forward.

### 3. Arguments in support

According to Brady United Against Gun Violence:

California has led the way in having court-connected professionals available to assist families with conflicted child custody cases and to assist with safety planning. State law requires that these professionals, which include court-appointed investigators, mediators, and child-custody evaluators undergo domestic violence training. This training includes details on the effects of exposure to domestic violence and psychological trauma on children, the influence of alcohol and drug use and abuse, and the use of psychological testing in assessing parenting abilities in domestic violence cases.

Unfortunately, these professionals are not currently trained on how to manage and resolve domestic violence situations that involve a firearm. Given the enhanced risks associated with firearm possession during instances of domestic violence, this is a clear gap.

AB 1974 requires that existing domestic violence training that court-connected mediators, evaluators, and other relevant persons take additionally include training on the increased risks of firearms. This will better prepare these professionals for when they encounter dangerous scenarios involving victims of domestic violence and their families and help save lives.

### SUPPORT

Brady United Against Gun Violence  
Consumer Protection Policy Center  
Junior League of Orange County  
Legislative Coalition to Prevent Child Abuse

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<sup>4</sup> *Id.*, § 1816(d)(5).

**OPPOSITION**

None received

**RELATED LEGISLATION**

Pending Legislation: None known.

Prior Legislation: SB 1493 (Committee on Public Safety, Ch. 197, Stats. 2022) updated an item in the list of advance training topics for evaluators, to refer to “domestic violence shelter-based programs” instead of “shelters for battered women.”

**PRIOR VOTES:**

Assembly Floor (Ayes 70, Noes 0)  
Assembly Appropriations Committee (Ayes 12, Noes 0)  
Assembly Judiciary Committee (Ayes 10, Noes 0)

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