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CONSENT

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Bill No: AB 1375  
Author: Hoover (R), et al.  
Amended: 7/17/25 in Senate  
Vote: 21

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SENATE JUDICIARY COMMITTEE: 13-0, 7/15/25

AYES: Umberg, Niello, Allen, Arreguín, Ashby, Caballero, Durazo, Laird, Stern, Valladares, Wahab, Weber Pierson, Wiener

SENATE APPROPRIATIONS COMMITTEE: Senate Rule 28.8

ASSEMBLY FLOOR: 79-0, 6/3/25 - See last page for vote

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**SUBJECT:** Consideration when determining child custody: human trafficking

**SOURCE:** 3Strands Global Foundation

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**DIGEST:** This bill requires a family court, when making a determination of the best interest of a child for purposes of a custody determination, to consider any relevant evidence that a parent has caused human trafficking of the child or other parent.

**ANALYSIS:**

Existing law:

- 1) Establishes a civil cause of action for a victim of human trafficking, as defined in 5), that allows them to bring an action for actual damages, compensatory damages, punitive damages, injunctive relief, statutory damages, or any other appropriate relief; a prevailing plaintiff may also be awarded attorney's fees and costs. (Civil (Civ.) Code, § 52.5.)
- 2) States that it is the public policy of this state to ensure that:

- a) The health, safety, and welfare of children is the court's primary concern in determining the best interests of children when making any orders regarding the physical or legal custody or visitation of children;
  - b) Children have the right to be safe and free from abuse, and that the perpetration of child abuse or domestic violence in a household where a child resides is detrimental to the health, safety, and welfare of the child; and
  - c) Children have frequent and continuing contact with both parents after the parents have separated or dissolved their marriage, or ended their relationship, and to encourage parents to share the rights and responsibilities of child-rearing in order to effect this policy, except when the contact would not be in the best interests of the child, as provided. (Family (Fam.) Code, § 3020(a), (b).)
- 3) Requires that custody of a child be granted according to a set order of preference, based on the best interests of the child, but that the order of preference establishes neither a preference, nor a presumption, for or against joint legal custody, joint physical custody, or sole custody, but allows the court and the family the widest discretion to choose a parenting plan that is in the best interest of the child. (Fam. Code, § 3040.)
- 4) Provides that when determining the best interests of a child, a court may consider any relevant factors and must consider: the health, safety, and welfare of the child; any history of abuse by any party seeking custody, any family members of any party seeking custody, or the intimate partner or cohabitant of any party seeking custody; the nature and amount of contact with the parents; and substance abuse by a parent. The court may not consider the sex, gender identity, gender expression, or sexual orientation of a parent, legal guardian, or relative in determining the best interests of the child. (Fam. Code, § 3011.)
- 5) Provides that a person who deprives or violates the personal liberty of another with the intent to obtain forced labor or services is guilty of human trafficking and shall be punished by imprisonment in the state prison for five, eight, or 12 years and a fine of not more than \$500,000; the penalty can be increased based on the presence of certain factors, including the possibility of 15 years to life when the offense involves force, fear, fraud, deceit, coercion, violence, duress, menace, or threat of unlawful injury to the victim or to another person. (Penal (Pen.) Code, § 236.1.)

This bill requires a family court, when making a determination of the best interest of a child for purposes of a custody determination, to consider any relevant evidence that a parent has caused human trafficking of the child or other parent.

### Comments

“Under California’s statutory scheme governing child custody and visitation determinations, the overarching concern is the best interest of the child.”<sup>1</sup> That scheme “allows the court and the family the widest discretion to choose a parenting plan that is in the best interest of the child.”<sup>2</sup> When determining the best interest of a child, a court may consider any relevant factors, and must consider the following: the health, safety, and welfare of the child; any history of abuse or neglect by the party seeking custody; the nature and amount of contact with the parents; and substance abuse by a parent.<sup>3</sup> The analysis is always informed by the fact that the right to participate in the raising of one’s child is a protected constitutional right that cannot be cast aside without good cause.<sup>4</sup>

This bill requires a family court, when making a determination of the best interest of a child for purposes of a custody determination, to consider any relevant evidence that a parent has caused human trafficking of the child or other parent.

**FISCAL EFFECT:** Appropriation: No Fiscal Com.: No Local: No

**SUPPORT:** (Verified 8/18/25)

3Strands Global Foundation (source)

**OPPOSITION:** (Verified 8/18/25)

None received

**ARGUMENTS IN SUPPORT:** According to the 3Strands Global Foundation:

As an organization dedicated to fighting human trafficking and supporting survivors, we recognize that traffickers often use children as a means of control, intimidation, and coercion. Many survivors of trafficking, particularly women and mothers, face ongoing legal battles where their traffickers seek custody of their children as a way to further exert power over them. Without clear legal protections, family courts may fail to recognize the trauma and danger that

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<sup>1</sup> *Montenegro v. Diaz* (2001) 26 Cal.4th 249, 255; see §§ 3011, 3020, 3040 & 3041.

<sup>2</sup> Fam. Code, § 3040.

<sup>3</sup> *Id.*, §§ 3011, 3020.

<sup>4</sup> *E.g., Troxel v. Granville* (2000) 530 U.S. 57, 65-66.

trafficking survivors and their children face when forced to share custody with an abusive parent...

By passing AB 1375, California would take an essential step in preventing further victimization of trafficking survivors and their children within the family court system. This legislation prioritizes the safety and well-being of vulnerable individuals and ensures that courts have a clear framework for addressing trafficking in custody cases.

ASSEMBLY FLOOR: 79-0, 6/3/25

AYES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Castillo, Chen, Connolly, Davies, DeMaio, Dixon, Elhawary, Ellis, Flora, Fong, Gabriel, Gallagher, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Kalra, Krell, Lackey, Lee, Lowenthal, Macedo, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Celeste Rodriguez, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Ta, Tangipa, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas

Prepared by: Allison Whitt Meredith / JUD. / (916) 651-4113  
8/21/25 16:45:46

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