
SENATE COMMITTEE ON APPROPRIATIONS

Senator Sabrina Cervantes, Chair
2025 - 2026 Regular Session

SB 1192 (Rubio) - Domestic violence: Reclaim Act

Version: April 23, 2026

Urgency: No

Hearing Date: May 11, 2026

Policy Vote: JUD. 13 - 0

Mandate: No

Consultant: Bob Franzoia

Bill Summary: SB 1217, the Reclaim Act, revises vexatious litigant statutes to include actions protecting victims of domestic violence in court proceedings.

Fiscal Impact: Unknown, potentially minor costs to the trial courts to create a process for domestic violence victims to seek protection from abusive litigation by requesting a prefiling order at any time until the final judgement is entered in litigation. The processes in this bill could lead to shorter court proceedings with attendant workload and resource cost reductions. The fiscal impact to the courts would depend on many unknown factors, including the number of prefiling orders offsetting further discovery requested by the perpetrator being determined frivolous or abusive.

Victims would not be charged filing fees for any filings related to seeking a prefiling order. The prefiling process would allow the filing of documents electronically and that any party may appear remotely in these hearings.

Clerks of the court would be required to provide the Judicial Council (JC) with a copy of any prefiling orders issued. The JC would be required to maintain records of all prefiling orders issued and to create and modify court forms to implement the prefiling processes.

An hour of court time costs approximately \$1,300 in staff workload. Filings increased over the past year, driven mostly by misdemeanors and infractions, and civil limited cases. The increase in filings from the previous year is greater than 5% for civil limited and unlimited, appellate division appeals, juvenile delinquency, misdemeanors and infractions, and probate. While the courts are not funded on a workload basis, an increase in workload could result in delayed court services and would put pressure on the General Fund to fund additional staff and resources and to increase the amount appropriated to backfill for trial court operations. The Governor's 2026-27 budget proposes \$70 million to help pay for increased trial court operation costs beginning in 2026-27 (General Fund).

Background: A growing body of academic evidence discusses the phenomenon of "abuse by litigation," a form of coercive control through which abusers perpetuate the abuse of their victims through the judicial system. Stakeholders report that this practice is rampant in proceedings to obtain a protective order under the Domestic Violence Prevention Act (DVPA) with abusers engaging in needless, extensive discovery as a way to prolong the process, delay the issuance of an order, and force contact with and wear down the victim. In recent years, the Legislature has taken action to prevent

litigation abuse by allowing a person restrained by a DVPA restraining order to be declared a vexatious litigant when certain conditions are met, and requiring a court to grant approval for any discovery sought in advance of a hearing under the DVPA.

Proposed Law: This bill is intended to prevent domestic violence abusers from using the courts to harass their victims by filing meritless motions, misusing discovery to maintain contact and control by expanding the definition of vexatious litigants and creating a pre-approval discovery procedure in specified cases.

Related Legislation: SB 738 (Rubio) 2025 created a vexatious litigant regime specifically for people suffering from litigation abuse. SB 738 was held on the Senate Appropriations Committee Suspense File.

SB 741 (Min) Chapter/2023 prohibits discovery pursuant to the Civil Discovery Act for purposes of the DVPA except when a court grants a discovery request upon a showing of good cause making the request.

AB 2391 (Cunningham) Chapter 84/2021 expanded the vexatious litigant statute to allow a person protected by a domestic violence protective order to seek an order declaring the restrained person a vexatious litigant and imposing financial security requirements on that person when the restrained person has filed at least one meritless action against the protected person that harassed or intimidated the protected person.