
THIRD READING

Bill No: SB 1192
Author: Rubio (D)
Amended: 4/23/26
Vote: 21

SENATE JUDICIARY COMMITTEE: 13-0, 4/21/26

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

SENATE APPROPRIATIONS COMMITTEE: 7-0, 5/14/26

AYES: Cervantes, Seyarto, Cabaldon, Dahle, Grayson, Richardson, Wahab

SUBJECT: Domestic violence: Reclaim Act

SOURCE: California Partnership to End Domestic Violence

DIGEST: This bill establishes the Reclaim Act, which sets forth rights for a victim of domestic violence, as defined, in civil cases and establishes a framework through which a victim of domestic violence can be protected from litigation abuse in civil, family, and small claims courts.

ANALYSIS:

Existing law:

- 1) Establishes the Domestic Violence Prevention Act (DVPA), which sets forth procedural and substantive requirements for the issuance of a temporary restraining order or a protective order to, among other things, enjoin specific acts of abuse or prohibit the abuser from coming within a specified distance of the abused person. (Family (Fam.) Code, §§ 6200 et seq.)
 - a) “Domestic violence,” for purposes of the DVPA, is defined as abuse perpetrated against a spouse or former spouse; a cohabitant or former cohabitant; a person with whom the respondent is having or has had a dating or engagement relationship; a person with whom the respondent has had a

child, as specified; a child of a party or a child who is the subject of an action under the Uniform Parentage Act, as specified; or any other person related by consanguinity or affinity within the second degree. (Fam. Code, § 6211.)

- 2) States that the Legislature finds and declares within the DVPA:
 - a) Domestic violence survivors who enter the family or civil court systems seeking protection often face ongoing abuse in the form of litigation abuse.
 - b) Litigation abuse is the use of legal or bureaucratic procedures by abusive partners to continue to attack, harass, intimidate, coercively control, or maintain contact with their former partners through the litigation system by exerting power over them, forcing them to have contact, financially burdening them with excessive discovery and litigation, degrading and insulting them in legal papers, unduly delaying the court process and final resolution of important issues, or dissuading them from pursuing legal protection.
 - c) Studies show that litigation abuse causes severe consequences for survivors, including economic hardship and psychological harm, and foregoing legal relief in part or on whole.
 - d) Research also shows that judicial offices and court evaluators often misunderstand or overlook litigation abuse and its effects on survivors. (Fam. Code, § 6309(a)(1)(C).)
- 3) Establishes Title 3a within Part 2 of the Code of Civil Procedure (Title 3a), which establishes the procedure for declaring a civil litigant a “vexatious litigant” and the consequences of such a declaration. (Code Civ. Proc., pt. 3, tit. 3a, §§ 391 et seq.)
- 4) Defines a “vexatious litigant,” for purposes of civil actions, as a person who repeatedly files frivolous or meritless civil actions, motions, or other papers, as specified, or who, after being restrained pursuant to a DVPO issued after a hearing, and while the restraining order is still in place, commenced, prosecuted, or maintained one or more litigations against the person protected by the restraining order that is, or are, determined to be meritless and caused the person protected by the order to be harassed or intimidated. (Code Civ. Proc., § 391(b).)
- 5) Permits, in any litigation pending in any court of this state, at any time until a final judgment is entered, a defendant to move the court, upon notice and

hearing, for an order requiring the plaintiff to furnish security or for an order dismissing the litigation. (Code of Civil Procedure (Code Civ. Proc.), § 391.1.)

- 6) Authorizes a court, on its own motion or the motion of any party, to enter a prefiling order that prohibits a vexatious litigant from filing any new litigation in the courts of this state in propria persona without first obtaining leave of the presiding justice or presiding judge of the court where the litigation is proposed to be filed; if the court determines that a plaintiff subject to this requirement has filed a litigation that has no merit and was filed for the purpose of harassment or delay, the court may dismiss the action. (Code Civ. Proc., § 391.3.)
- 7) Defines “frivolous,” within the context of frivolous actions for which a court may order a party to pay sanctions, as “totally and completely without merit or for the sole purpose of harassing an opposing party.” (Code Civ. Proc., § 128.5.(b)(2).)

This bill:

- 1) Makes findings and declarations relating to the prevalence of domestic violence in California, the form of ongoing abuse known as “litigation abuse,” and the bill’s intent to protect survivors and children from litigation abuse while empowering survivors to reclaim and maintain their freedom.
- 2) Establishes a new title within Part 2 of the Code of Civil Procedure, Title 3b, which establishes a process declaring a perpetrator of domestic violence a vexatious litigant and restrictions on how such a vexatious litigant may pursue civil claims against their victim; this title may be cited as the “Reclaim Act.”
- 3) Defines relevant terms, including:
 - a) “Abusive discovery” means the use of discovery processes by a perpetrator of domestic violence to harass, intimidate, coercively control, or maintain contact with the victim of their domestic violence by exerting power over them, forcing them to have contact, financially burdening them with excessive discovery, degrading them and insulting them in legal papers, unduly delaying the court process and final resolution of important issues, or dissuading them from pursuing legal protection.
 - b) “Abusive litigation” means any litigation described in subparagraph (C) of paragraph (1) of subdivision (a) of Section 6309 of the Family Code (listed in item 2) of the “Existing Law” section of this analysis).
 - c) “Domestic violence” has the same meaning as in the DVPA.

- d) “Enjoined party” means the person who has committed domestic violence against the victim of domestic violence and who is subject to a prefiling order under Title 3b.
 - e) “Frivolous” means frivolous as defined in Section 128.5 of the Code of Civil Procedure.
 - f) “Perpetrator” means the person who committed domestic violence against the victim of domestic violence.
 - g) “Victim of domestic violence” means a person who has found to be a victim of domestic violence, as specified:
- 4) Provides that, notwithstanding any other law, every victim of domestic violence has the following basic rights in every civil, family, and small claims court:
- a) To be treated with fairness and respect for their privacy and dignity, and to be free from intimidation, harassment, and abuse, throughout the process.
 - b) To be safe, secure, free from abuse, and reasonably protected.
 - c) To prevent the disclosure of confidential information or records, which could be used to locate or harass the victim or the victim’s family, or which disclose confidential communications made in the course of medical or counseling treatment, or which are otherwise privileged or confidential by law.
 - d) To be informed of these rights as well as the rights and remedies available under Title 3b and the DVPA.
- 5) Provides that a victim, the attorney of a victim, or a lawful representative of the victim may enforce the rights enumerated in 4) in any trial or appellate court with jurisdiction over the case as a matter of right, and that the court shall act promptly on such a request; however, this provision does not create any cause of action for compensation or damages against the State, any political subdivision of the State, any officer, employee, or agent of the State or any of its political subdivisions, or any officer or employee of the court.
- 6) Provides that the recognition or granting of rights to victims in 4)-5) shall not be construed to deny or disparage other rights possessed by victims of domestic violence.

- 7) Provides that the victim of domestic violence shall not be charged a filing or other fee for any document filed under Title 3b.
- 8) Requires the court to permit any filings under Title 3b to be filed electronically, without charge.
- 9) Provides that any party may have a support person pursuant to the terms of Section 6303 of the Family Code.
- 10) Establishes a procedure through which a victim of domestic violence can obtain a prefiling order against a perpetrator of domestic violence, thereby requiring the perpetrator to obtain leave from the court before filing an action, filing papers in an action, or seeking discovery from, the victim.
- 11) Requires a clerk of the court to provide the Judicial Council with a copy of any prefiling order issued under Title 3b. The Judicial Council shall maintain a record of enjoined parties subject to those prefiling orders and shall monthly disseminate a list of those persons to the clerks of the courts of this state.
- 12) Requires the Judicial Council to promulgate and modify court forms and rules of court to implement Title 3b.
- 13) Provides that, if an enjoined party attempts to serve, file a court paper, or seek discovery against the victim of domestic violence, or does so, without first obtaining court permission, the litigation and discovery are automatically stayed until further order of the court.
- 14) Provides that the court shall grant a request by the victim of domestic violence for sanctions, attorney's fees, and costs when the enjoined party violates a prefiling order, provided that the court finds the enjoined party has the ability to pay.
- 15) Amends the findings and declarations in Section 6309 of the Family Code relating to litigation abuse to eliminate the reference to survivors who enter the family or civil court systems seeking protection, and to add to the list of types of litigation abuse perpetrated against survivors, the term "emotionally or financially harming them with unnecessarily, irrelevant, or intrusive discovery."

Comments

A growing body of academic evidence discusses the tragic 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 DVPA: respondents engage 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. While there is no question that a respondent has a due process right to legitimate and necessary discovery, abusers should not be able to wield the discovery process to retraumatize their victims and impede the issuance of meritorious protective orders. 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.

This bill is intended to ensure that victims of domestic violence can safely access justice in the civil law system and to protect them from litigation abuse at the hands of their abusers. To that end, the bill contains two main provisions: a statement of rights, and a framework for preventing litigation abuse modeled after the existing framework for vexatious litigants. Under the framework, a victim of domestic abuse can obtain an order requiring their abuser to obtain permission from the court before filing litigation against, or seeking discovery from, the victim in civil, family, or small claims court; a court may grant such permission only if the litigation or discovery is not abusive, is not frivolous, has merit, and is not intended to harass or delay the victim.

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

According to The Senate Committee on Appropriations:

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 pre-filing 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 pre-filing 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 pre-filing order. The pre-filing 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).

SUPPORT: (Verified 5/14/26)

California Partnership to End Domestic Violence (source)
American Association of University Women
California Legislative Women's Caucus
Domestic Violence & Homeless Services Coalition
Hilde B Foundation
Maitri
No Peace No Quiet
Plumas Rural Services
Shelter from the Storm
Strong Hearted Native Women's Coalition, Inc.
Survivor Justice Center

OPPOSITION: (Verified 5/14/26)

None received

ARGUMENTS IN SUPPORT: According to the California Partnership to End Domestic Violence:

For decades, experts and advocates have recognized "coercive control" as a form of domestic violence, referring to the psychological and other kinds of abuse caused when abusers isolate and dominate survivors in domestic violence situations. However, "coercive control" was not legally recognized in California

until the passage of your bill SB 1141 in 2020. Unfortunately, domestic violence often does not stop after separation or after either party has started a legal proceeding. Indeed, many abusers often continue their abuse through the legal system even after a survivor leaves a domestic violence situation, by, among other things, filing frivolous pleadings, making derogatory remarks, delaying proceedings, and seeking unnecessary discovery. This is partly because the court process is sometimes one of the key ways an abuser can maintain contact or control over a survivor. This demonstrates the need for stronger protections to address how abusers use coercive control in court to manipulate and harm their victims.

The Reclaim Act will help close existing loopholes in the law by, among other things, creating a new type of prefilng order for domestic violence survivors—which is meant to complement the existing vexatious litigation laws. The Reclaim Act allows survivors to request that the court issue a prefilng order against their abuser, and requires the trial court to grant the request and issue the prefilng order if it finds that a litigant has filed or attempted to file frivolous or abusive litigation against the victim, or has conducted or attempted to conduct frivolous or abusive discovery. If granted, the prefilng order would prohibit a litigant from continuing, or filing litigation, or conducting discovery against the victim in any civil or family law case unless they first obtain court permission. If the litigant tries to do so without court permission, the court must grant the victim’s request for sanctions and attorney fees—if the litigant can pay—and any lost wages and other reasonable expenses needed to respond and stay safe.

Prepared by: Allison Whitt Meredith / JUD. / (916) 651-4113
5/16/26 10:42:17

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