

SENATE THIRD READING

SB 1192 (Rubio)

As Amended June 25, 2026

Majority vote

SUMMARY

Enacts the Reclaim Act (Act) to address abusive litigation by perpetrators against victims of domestic violence in civil proceedings.

Major Provisions

- 1) Makes findings and declarations on behalf of the Legislature regarding the threat of domestic violence and the risk of abusive litigation facing domestic violence survivors
- 2) Authorizes a victim of domestic violence to file a motion for a prefiling order under the Act against another party in the action in any litigation pending in any court of this state to which the victim is a party, until a final judgment is entered. Stays the litigation and any pending discovery requests during the pendency of the motion.
- 3) Requires the court to grant a motion for a prefiling order after a noticed hearing if the court finds, by a preponderance of evidence, both of the following:
 - a) That the party against whom the order is sought is a perpetrator;
 - b) That the perpetrator has filed frivolous or abusive litigation against the victim of domestic violence, or is conducting frivolous or abusive discovery against the victim of domestic violence.
- 4) Requires that a prefiling order granted under the Act prohibit the enjoined party from filing litigation or conducting discovery against the victim of domestic violence in any civil, family, or small claims case, until and unless the enjoined party receives permission from the court.
- 5) Requires an enjoined party seeking to file litigation or conduct discovery against the victim of domestic violence in a civil, family, or small claims case to do one of the following, as applicable:
 - a) If the enjoined party seeks to file a new case, the enjoined party shall obtain permission from the presiding judge or a judge designated by the presiding judge to act on their behalf of the court where the litigation is proposed to be filed.
 - b) If the enjoined party seeks to assert a new claim in a pending matter or conduct discovery, the enjoined party shall file a noticed motion seeking permission from the court presiding over the pending matter.
- 6) Authorizes a court that receives a request from an enjoined party seeking to file litigation or conduct discovery to permit the enjoined party to file litigation or conduct discovery against the victim of domestic violence only if the court finds, by a preponderance of the evidence, that the litigation or discovery is not abusive, not frivolous, has merit, and has not been filed for the purpose of harassment or delay.

- 7) Requires a decision to grant a request for an enjoined party to file litigation or conduct discovery to be without prejudice to a future argument or finding that a litigation or discovery request does not satisfy the requirements necessary to grant the enjoined party's request.
- 8) Requires a court to do make specified determinations when adjudicating pending litigation or discovery requests filed by an enjoined party.
- 9) Requires the clerk of the court to provide the Judicial Council a copy of any prefiling orders under this title. Requires the Judicial Council to maintain a record of enjoined parties subject to those prefiling orders and the persons against whom they are enjoined from commencing litigation without permission and to monthly disseminate a list of those persons to the clerks of the courts of this state.
- 10) Requires the Judicial Council to promulgate and modify court forms and rules of court to implement the Act by January 1, 2028. Requires the forms to include a notification to a victim of domestic violence and the restrained party upon issuance of a domestic violence restraining order of the rights and obligations under the Act.
- 11) Authorizes an enjoined party subject to a prefiling order to file an application to vacate the prefiling order and remove their name from the Judicial Council's list of enjoined litigants subject to prefiling orders.
- 12) Authorizes a court to vacate a prefiling order and order removal of an enjoined party's name from the Judicial Council's list of enjoined parties subject to prefiling orders upon a showing of a material change in the facts upon which the order was granted and that the ends of justice would be served by vacating the order.

COMMENTS

Research has shown that domestic violence has far-reaching negative impacts on survivors. These impacts can be physical in nature, such as serious injury or death, and psychological. The Center for Disease Control reports that one in five homicide victims are killed by an intimate partner, and over half of female homicide victims are killed by a current or former male intimate partner. In many cases, incidents of domestic violence also lead to depression and post-traumatic stress disorder symptoms. (*About Intimate Partner Violence*, The Center for Disease Control (February 11, 2026) available at: <https://www.cdc.gov/intimate-partner-violence/about/index.html>.)

Already facing the threat of these severe health conditions stemming from domestic violence, survivors of domestic violence in civil court proceedings are too often revictimized by their abusers through frivolous litigation that, while lacking any legal merit, requires the survivor-defendant to respond in court, thereby expending precious time, money, and emotion. Existing law provides recourse for civil litigants facing repeated efforts of frivolous litigation, referred to as vexatious litigation. Additionally, a party that is protected by a domestic violence restraining order can utilize a more streamlined process to establish the other party as a vexatious litigant. However, the author and sponsors contend more must be done.

Acknowledging the severe trauma that abusive litigation in the context of domestic violence can cause, this bill codifies a statement of rights for survivors of abuse and enacts a framework akin

to the existing vexatious litigant statutes to allow survivors to seek protection from such abuse in any civil, family, or small claims action.

Under existing law, a survivor of domestic violence can establish their abuser as a vexatious litigant when 1) there is a domestic violence restraining order in place against the abuser, and 2) the abuser brought at least one frivolous action against the victim that caused them to be harassed or intimidated while the restraining order was in effect. However, the restrictions available under the existing framework only extend to initial filings, and do not capture motions for discovery which, according to the author and sponsors, are also commonly used to continuously harass and intimidate the survivor. Under the new framework proposed by this bill, a litigant could also seek to establish a prefiling order against their abuser in any pending litigation to which they are also a party and restrict their ability to file discovery requests in addition to filing initial litigation if the motion or filing are intended to harass, abuse, and maintain control over the victim. If granted, the restriction would apply to any civil, family, or small claims case.

Once a request by a protected party is granted, the newly-established vexatious litigant would need to seek approval from a presiding judge or their designee before successfully filing any new litigation or making a motion for discovery. The judge may only grant the request if they find, by a preponderance of the evidence, that the litigation or discovery is not abusive, not frivolous, has merit, and has not been filed for the purpose of harassment or delay. The bill specifies that a judge's determination that a single request may proceed does not preclude future determinations that new litigation or motion for discovery should be prohibited because they are frivolous or harassing in nature. If a party subject to a pre-filing order improperly initiates a claim or sought discovery, the matter is automatically stayed and the petitioning party is entitled to sanctions and attorneys fees upon request, subject to the defendant's ability to pay.

Finally, a litigant subject to a prefiling order under this Act may file an application to have the status revoked, thereby allowing them to file litigation more freely, so long as the court finds sufficient material change.

According to the Author

For decades, experts and advocates have recognized "coercive control" as a form of domestic violence, referring to the psychological and other abuse caused when abusers isolate and dominate victims in intimate partner relationships. Although "coercive control" was recognized in case law for years, "coercive control" was not statutorily recognized in California until the passage of SB 1141 (Rubio, 2020). Despite data from the Centers for Disease Control and Prevention (CDC) showing over 61 million women and 53 million men have experienced psychological aggression, including coercive control, by an intimate partner, the legal protections have lagged. This demonstrates the need for stronger protections to address how abusers use coercive control to manipulate and harm their victims.

Furthermore, the current vexatious litigant statutory scheme (Sections 391-391.8 of the Code of Civil Procedure) can be difficult for domestic violence survivors to access and successfully use in preventing litigation abuse perpetrated by their abuser. This is why practitioners and researchers have recognized the need for additional legal protections to protect against litigation abuse.

Arguments in Support

This bill is sponsored by the California Partnership to End Domestic Violence (CPEDV) and enjoys support from legal services providers, local governments, women's shelters, and the

American Association of University Women California and San Jose chapters. In support of the bill, CPEDV states:

Unfortunately, domestic violence often does not stop after separation or after either party has started a legal proceeding. Indeed, many abusive partners 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. These court proceedings can have significant impacts on survivors, requiring them to repeatedly appear in court and draining their financial resources, among other things.

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 will allow survivors to request that the court issue a prefilng order against their abusive partner, 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 survivor’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.

The Reclaim Act is common-sense legislation to better protect survivors against litigation and discovery abuse perpetrated by their abusive partners. For these reasons, we believe this bill represents an important step forward for survivors and we are proud to cosponsor it.

Arguments in Opposition

None on file

FISCAL COMMENTS

According to the Assembly Appropriations Committee:

- 1) Trial court cost pressures of an unknown amount, likely moderate and ongoing, together with Judicial Council staffing costs of an unknown amount (Trial Court Trust Fund (TCTF), General Fund (GF)). According to the Judicial Council, this bill would have a potentially moderate impact on court calendars and would generate staffing needs at both the court and council levels, depending on filing volume. Notably, a moderate calendar impact distributed across 58 trial courts would exceed the committee’s fiscal threshold even at modest per-court workload.
- 2) Minor and absorbable costs to the Judicial Council to adopt or amend Rules of Court and Judicial Council forms (GF). This bill provides a one-year delay before those rules and forms take effect, which the Judicial Council indicates is sufficient to absorb that workload.

VOTES**SENATE FLOOR: 33-0-7**

YES: Archuleta, Arreguín, Ashby, Blakespear, Cabaldon, Caballero, Cervantes, Choi, Cortese, Dahle, Durazo, Gonzalez, Grayson, Grove, Jones, Laird, Limón, McGuire, McNerney, Menjivar, Ochoa Bogh, Pérez, Reyes, Richardson, Rubio, Seyarto, Smallwood-Cuevas, Strickland, Umberg, Valladares, Wahab, Weber Pierson, Wiener

ABS, ABST OR NV: Allen, Alvarado-Gil, Becker, Hurtado, Niello, Padilla, Stern

ASM JUDICIARY: 12-0-0

YES: Kalra, Macedo, Bauer-Kahan, Bryan, Connolly, Dixon, Harabedian, Pacheco, Papan, Sanchez, Stefani, Zbur

ASM APPROPRIATIONS: 15-0-0

YES: Wicks, Hoover, Arambula, Calderon, Caloza, Dixon, Fong, Mark González, Krell, Pacheco, Pellerin, Sharp-Collins, Solache, Ta, Tangipa

UPDATED

VERSION: June 25, 2026

CONSULTANT: Manuela Boucher / JUD. / (916) 319-2334

FN: 0003468