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July 5, 2022

The Honorable Rudy Salas  
Member of the Assembly, 32<sup>nd</sup> Assembly District  
State Capitol  
P.O. Box 942849  
Sacramento, CA 94249-0032

Re: AB 2369 (Salas)

Dear Assemblymember Salas,

On behalf of the California Association of Certified Family Law Specialists, a non-profit organization with 661 members who are certified family law specialists by the State Bar of California, Board of Legal Specialization, I write regarding Assembly Bill 2369.

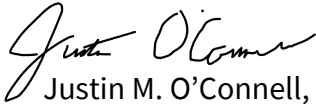
The goal of AB 2369 is to address inequities that can arise in attorney fee and cost orders in domestic violence proceedings. ACFLS notes the following changes could further address such inequities and help clarify the law.

First, fees awarded to either party should be "reasonable." Neither party should have to pay fees that are shown to be unreasonable. The lack of a reasonableness limitation might encourage overlitigation of a case. This standard would be in conformity with other fee awards in family law and civil cases.

Second, a fee award to the responding party should be mandatory and not discretionary if the responding party proves the request was "frivolous or solely intended to abuse, intimidate, or cause unnecessary delay." If a judge determines the requesting party acted inappropriately in that way, then the moving party should be subject to a mandatory (but "reasonable") fee order.

Last, as a matter of clarification that would help even with existing law, rather than using the terms “petitioner” and “respondent” it would be clearer to use the terms “requesting party” and “responding party.” Often parties to a domestic violence restraining order case are also the same parties to a family law case in which the terms “petitioner” and “respondent” are also used. So, a “petitioner” in a family law case might be the “respondent” in the related (and sometimes consolidated) domestic violence restraining order case. It can be confusing to the parties about what they are called in each case, and who is entitled to fees and who is not. Also, sometimes a judge that hears both cases needs clarification about which party is called what in each of the cases. Use of terms other than “petitioner” and “respondent” might help clarify party roles.

Respectfully submitted,



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