

Assembly Bill 2534

Forced Marriage Restraining Orders

Assembly Members Ash Kalra

SUMMARY

Assembly Bill (AB) 2534 extends protections under the Domestic Violence Prevention Act (DVPA) to attempted forced marriages and survivors of forced marriages that have already occurred. This bill will help protect individuals from being forced into a marriage or from attempts, threats, or preparations to compel marriage, and provide relief when they are seeking to escape or recover from that coercion.

BACKGROUND

The U.S. Department of State defines a forced marriage as one that takes place at any age without the consent of one or both people in the marriage. Survivors of forced marriage frequently experience overlapping forms of abuse, including threats of violence, sexual assault, confinement, isolation, financial control, surveillance, and immigration-related threats. Additionally, coercion is often reinforced through extended family members or community actors, and survivors may be pressured to travel out of state or outside the country to complete a marriage ceremony.

Under existing law, it is a crime to force a person against their will to marry another person. However, this often requires harm to have already occurred, leaving victims of attempted or forced marriage without protection until after travel or the ceremony has already taken place.

Although California's DVPA recognizes coercive control and conduct that disturbs the peace of the protected party, forced marriage is not clearly named as a basis for a Domestic Violence Restraining Order (DVRO). California courts need explicit authority to intervene when there is a credible risk of forced marriage, including before a marriage occurs.

SOLUTION

AB 2534 ensures survivors of attempted or forced marriage have access to timely relief through the DVPA before irreversible harm occurs by expanding protections to include this specific form of abuse and coercive control. Specifically, this bill adds a party to a forced marriage or attempted forced marriage to the list of eligible persons who can file for a DVRO.

Under this bill, the court may issue any order authorized under the DVPA, but it also includes the following:

- (1) Prohibits the facilitation of any marriage involving the protected party during the term of the order,
- (2) Requires the return of passports, visas, or other travel documents necessary to prevent removal of the protected party,
- (3) Restrains third parties who knowingly aid or abet conduct prohibited under this bill,
- (4) Ensures that a person is not removed from school, or prevented from attending school, medical or mental health appointments, meetings with service providers or attorneys, or extracurricular activities, and
- (5) Prevents the transportation of a person for reasons related to a forced marriage.

Ultimately, AB 2534 empowers survivors, gives courts the clear authority to prevent forced marriages, and creates avenues to escape the harms of a forced marriage that has already occurred.

SPONSORS

Family Violence Law Center
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