

Three kids killed in a church shooting illustrates the flaws of our domestic violence laws BY JULIA WEBER

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The horrific murder of three children in Sacramento at the hands of their father left me devastated and angry last Monday. I've spent decades working in the California legal and judicial system to address domestic violence. So much effort on the part of so many has gone into policy development in this area — and so much more needs to be done. While the shooter, who also killed another adult and himself, is ultimately responsible for this act of unspeakable violence, we need to take a hard look at how we can prevent these types of tragedies from occurring. Because, sadly, this event is not unique.

In 2020, 10-year old Wyland Gomes was shot and killed by his father during a supervised visit at the home of his paternal grandparents. Tragedy results too often when a parent subject to a restraining order is allowed supervised (or unsupervised) time with children. Early in my career, I provided supervised visitation services at a courthouse in Missouri. These were some of the scariest cases of my career — even though secure locations were provided. We must do a better job in these contentious custody matters given the easy availability of deadly weapons in our country.

California provides very little funding for supervised visitation, distributing around \$655,000 of federal funding across the entire state in 2021. This funding must be increased. And in some family cases, virtual visits or no contact orders might be safer. We need to ensure these options are available to families and considered by courts so that families are not expected to make these arrangements themselves. Advocates and court employees should familiarize themselves with the firearm violence prevention tools at their disposal. In California, domestic violence restraining orders, civil harassment orders, and workplace violence prevention orders all prohibit the restrained party from having firearms. These orders identify a specific named person or people whom the restrained party needs to stay away from. When someone who is prohibited has a firearm — as appears to have happened in last week's shooting — they may have failed to relinquish the gun in their possession when the order was issued, or they may have managed to illegally obtain it afterward. In either case, ensuring compliance with existing prohibitions is critical. In recent years, much attention has been given to "red flag laws," known in California as gun violence restraining orders (GVROs). These laws, which are narrowly focused on restricting firearm access and don't name any protected parties, are not designed to address situations where a victim needs comprehensive protection from someone who has harmed them. While GVROs is an important and necessary tool in certain situations, such as concerns about suicide or general mass shooting threats, our state must do more to provide access to the multiple protections other civil restraining orders provide. In California, domestic violence restraining orders also include other remedies — like the ability to provide for no visitation or supervised visitation at a safe, secure location. Courts and law enforcement need to facilitate access to and compliance with these orders. Critically, violations of the firearm prohibition need to be addressed immediately and consistently.

For this to happen, we need dedicated local staff supporting the coordination and implementation of relinquishment procedures. California has invested significant resources in ensuring that firearm relinquishment occurs after someone is convicted of a serious crime but has far too little resources ensuring that people subject to a court restraining orders promptly and safely get rid of their guns. Senate Bill 320, which went into effect on January 1st of this year, aims to protect survivors and victims by reducing the time it takes for someone to give up their firearm after they become subject to a domestic violence restraining order. Courts also need to provide information about how those prohibited from accessing guns can comply with the court order, and where people concerned about violations of this order can get help. The intersection of domestic violence, child custody, and firearms is a matter of life and death. This area requires an appropriate allocation of resources, effective policies, and fair, consistent implementation. Despite the complications and challenges, we must refuse to accept the murder of any more children whose parents shouldn't have access to deadly weapons.

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