

# Cyberstalking Law Offers New Protections

**R**on Supancic has practiced family law for more than 45 years. He is founder of the **Law Collaborative** in Woodland Hills, California's first collaborative law practice, and is an advocate for the state's recently passed cyberstalking law. He served as a lieutenant commander in the Navy's Judge Advocate General's Corps and taught family law at USC. Supancic discusses the significance of the new cyberstalking law and how it will be utilized in family law.

## RON SUPANCIC

Is a licensed balloon flight instructor.

Is a certified advanced scuba diver and has made dives at Chuuk Lagoon in Micronesia to inspect a sunken Japanese fleet from World War II.

Hung out with the Rat Pack entertainers at Romanoff's on Rodeo Drive in the 1960s.

### Question: What constitutes cyberstalking?

**Answer:** Cyberstalking addresses all of the forms of electronic harassment that heretofore were not included with the traditional form of stalking. It includes frequent texts, emails, telephone calls, iPad notices and posts on Facebook, LinkedIn and other social media that intend to annoy, harass, upset, demean, diminish, harm, frighten, threaten or disrespect a particular person. In this case, it would pertain to a spouse, a boyfriend or girlfriend, a former spouse, a rejected lover, an estranged fiancé or between other family members.

### Why is this new cyberstalking law significant?

The new statutes (Civil Code 1708.8 and Penal Code Sections 422 and 646.9) are sig-

‘The courts are now beginning to entertain electronic evidence, but I would recommend also maintaining a hard copy.’ — RON SUPANCIC

nificant because they add substantially to the ability of the courts to protect women and children and others by expanding the definition of domestic violence and spousal abuse. It also attaches penalties and fines for perpetrators engaged in the prohibited conduct.

### How will this new law affect your business and family law in general?

In my family law practice, I frequently encounter high-conflict cases in which one party is intimidating, terrifying or controlling the other party. In the past, unless you could show blood or a bruise, there was no relief. With the new cyberstalking law, in effect as of Jan. 1, I can now easily obtain restraining orders in appropriate cases. I'm delighted that there is finally a new recognition by the state of California for offensive behavior that falls short of inflicting physical harm and raises the awareness of the courts to appropriate instances of mental, emotional and psychological abuse.

### How will this law be used in cases?

It will be used as material for ... asking courts for immediate injunctions and in

obtaining restraining orders that protect women, children and others in cases where cyberstalking has been going on. When a person starts getting hit with fines and sanc-

tions, the court will be getting the message across to the perpetrator that this behavior, that was previously acceptable, is now beyond the limits of acceptability. They could get away with it in the past – not anymore.

### How do you prove cyberstalking?

The courts are now beginning to entertain electronic evidence, but I would recommend also maintaining a hard copy of evidence that is factual, detailed and in a format that is easily absorbed, just in case someone drops your phone or electronic device in the toilet. There's an old Chinese proverb that says, "The palest ink will outlast the best memory by 1,000 years." You can add "electronic hard drive" to that.

### Do you foresee people abusing this law and pretending to be cyberstalked to help their case?

I do foresee abuses to the law by those who exploit the law for their own personal gain, due to a lack of integrity. Like any other law, it's a law we need. It's going to be the job of the lawyers to distinguish real claims from false claims.



Supancic: New law will help his practice.

### How will this law affect divorce settlements monetarily?

It affects divorce settlements in three ways: attorneys' fees, child support and spousal support. Perpetrators can be held responsible for attorneys' fees, and victims are entitled to higher amounts of child support and spousal support.

In general, it's going to increase the safety of victims of domestic violence and reduce the level of physical violence, emotional violence and abusive conduct throughout the marriage. This, in turn, will reduce the amount of contested cases and, hopefully, the caseload in family court. But the best outcome will be in saving families' money and children grief and anguish in any kind of family conflict – civil, probate, family, business or any other areas of law.

— Stephanie Henkel