

# CALIFORNIA CIVIL PROTECTION ORDERS

Survivors across the country seek safety through civil protection orders. Courts use these vital orders to issue stay away orders, or order an abuser pay medical bills, and even make temporary custody decisions. The remedies are important, but jurisdictions often have several types of orders and the distinctions are not always clear. This resource provides a brief overview of the different types of civil protection orders in each jurisdiction, answering vital questions such as: who can apply; and who can be restrained? The orders included in this resource are limited to those where a survivor can apply themselves, other protective measures may exist in your jurisdiction—reach out to VRLC’s TA team if you have questions!

In California, there are 4 types of civil protection orders:

- Domestic Violence Restraining Orders** are available for individuals seeking protection from a domestic partner including, but not limited to a spouse, dating relationship, or parent of their child (Cal. Fam. Code §§ 6300-6390).
- Civil Harassment Orders** are available for individuals seeking protection from any individual who has harassed them; harassment includes sexual violence (Cal. C. P. § 527.6).
- Restraining Orders to Prevent Elder or Dependent Adult Abuse** are available for adults over 65 or adults in inpatient care seeking protection from physical harm, mental abuse, or financial abuse (Cal. Wel. & Inst. Code § 15657.03).
- Gun Violence Restraining Order** may be sought by a person with a specific relationship to an individual who poses a serious threat of physical harm to themselves or someone else (Cal. Penal Code §§ 18100-18205).



# DOMESTIC VIOLENCE RESTRAINING ORDER

<p><b>Who can apply?</b></p>	<p>Anyone who has been a victim of <b>domestic violence</b> may apply for a DVRO, regardless of when the most recent act of abuse occurred.  <i>Cal. Fam. Code § 6301.</i></p> <p><b>Domestic violence is</b> any of the following perpetrated by those with a specific relationship to the petitioner:</p> <ul style="list-style-type: none"> <li>• Intentionally or recklessly cause or attempt to cause bodily injury;</li> <li>• Sexual assault;</li> <li>• To cause someone to fear imminent serious bodily injury;</li> <li>• Stalking;</li> <li>• Threatening;</li> <li>• Harassing;</li> <li>• Destroying personal property; or</li> <li>• Disturbing the peace of that person.</li> </ul> <p><i>Cal. Fam. Code § 6203; Cal. Fam. Code § 6320.</i></p> <p>See “Who can be Restrained?” for the eligible relationship types.</p>
<p><b>Can minors apply?</b></p>	<p>Yes. Minors who are 12 years old or older can file for restraining orders without the assistance of a parent or guardian. If a minor is under 18 and living with a parent or guardian, a copy of the restraining order must be sent to at least one parent or guardian, unless the judge determines it is not in the minor’s best interest to do so.  <i>Cal. Fam. Code § 6301; Cal.C.C.P. § 372(b)(1), (b)(2).</i></p>
<p><b>Who can be restrained?</b></p>	<p>Parties may seek a DVRO against:</p> <ul style="list-style-type: none"> <li>• A spouse or former spouse;</li> <li>• A cohabitant or former cohabitant;</li> </ul> <p style="text-align: right;"><i>continued on next page</i></p>



## DOMESTIC VIOLENCE RESTRAINING ORDER

<p><b>Who can be restrained?</b></p>	<ul style="list-style-type: none"> <li>• A person they are dating or used to date, including a same-sex partner;</li> <li>• The mother or father of their child;</li> <li>• A person related to them by blood, marriage, or adoption.</li> </ul> <p><i>Cal. Fam. Code § 6211.</i></p>
<p><b>What types of relief may a court order?</b></p>	<p>Before a hearing, the court may enter an ex parte temporary order:</p> <ul style="list-style-type: none"> <li>• Preventing a party from engaging in behavior that constitutes abuse;</li> <li>• Granting the petitioner custody of animals and ordering the respondent to stay away from, and not harm, animals;</li> <li>• Excluding a party from a dwelling;</li> <li>• Enjoining a party from a specified behavior that the court determines is necessary;</li> <li>• Prohibiting a party from taking any action to obtain the address or location of any protected person;</li> <li>• Determining the temporary custody and visitation of a minor child;</li> <li>• Restricting access to records and information regarding a minor child;</li> <li>• Determining the temporary use, possession, and control of real or personal property of the parties and the payment of any liens or encumbrances coming due during the period the order is in effect;</li> <li>• Restraining married person from specific acts in relation to community and separate property; and</li> <li>• Restraining specific acts as to insurance or other coverage.</li> </ul> <p><i>Cal. Fam. Code § 6211.</i></p> <p>After a hearing, the court may enter a final order:</p> <ul style="list-style-type: none"> <li>• Granting any of the relief it could have granted before the hearing;</li> <li>• Establish child support, if there is no existing order;</li> </ul> <p style="text-align: right;"><i>continued on next page</i></p>



## DOMESTIC VIOLENCE RESTRAINING ORDER

<p><b>What types of relief may a court order?</b></p>	<ul style="list-style-type: none"> <li>• Ordering one party to pay restitution to another;</li> <li>• Determine the possession and control of property and personal possessions;</li> <li>• Requiring the restrained party to participate in a batterer's program;</li> <li>• Requiring a party to pay the prevailing party's attorneys' fees and costs.</li> </ul> <p><i>Cal. Fam. Code § 6340 - 6344.</i></p>
<p><b>How long does the order last?</b></p>	<p>A temporary, ex parte, DVRO applies from the time the order is requested until the court holds a hearing. A DVRO entered after a hearing can last as long as five years. Unless otherwise stated on the relevant order, the DVRO will last three years from the date of issuance.</p> <p><i>Cal. Fam. Code § 6345.</i></p>
<p><b>Can the order be renewed?</b></p>	<p>Yes. At any time within three months before the DVRO expires, the petitioner may apply for a renewal of another five years or permanently. The petitioner does not have to prove any further abuse.</p> <p><i>Cal. Fam. Code § 6345(a).</i></p>
<p><b>Is a hearing with the respondent required?</b></p>	<p>A hearing is required. The respondent is not required to attend, but the respondent must be given formal notice that the petitioner has filed for a restraining order and a hearing has been scheduled.</p> <p><i>Cal. Fam. Code §§ 6340(a); 6383.</i></p>



# CIVIL HARASSMENT ORDER

<p><b>Who can apply?</b></p>	<p>Anyone who has experienced <b>harassment</b> by anyone else may apply to the court for a CHO against that party.  <i>Cal. C. C. P. § 527.6(a)(1).</i></p> <p><b>Harassment is defined as:</b></p> <ul style="list-style-type: none"> <li>• Unlawful violence, or a credible threat thereof; or</li> <li>• A willful course of conduct directed at a specific person that seriously alarms, annoys, or harasses the person, and that serves no legitimate purpose.</li> </ul> <p><i>Cal. Civ. Proc. Code § 527.6(b)(3).</i></p>
<p><b>Can minors apply?</b></p>	<p>Yes.</p> <p>And a minor under 12 years of age, will have a guardian ad litem appointed for the limited purpose of requesting or opposing a request for a temporary restraining order or order after hearing, or both.  <i>Cal. Civ. Proc. Code § 527.6(a)(2).</i></p>
<p><b>Who can be restrained?</b></p>	<p>Anyone who has engaged in acts of harassment.</p>
<p><b>What types of relief may a court order?</b></p>	<p>The court may issue an ex parte temporary order that:</p> <ul style="list-style-type: none"> <li>• Prohibit the respondent from harassing, intimidating, or physically assaulting petitioner;</li> <li>• Prohibit respondent from sexually assaulting petitioner;</li> <li>• Prohibit respondent from contacting petitioner;</li> <li>• Prohibit respondent from destroying personal property;</li> </ul> <p style="text-align: right;"><i>continued on next page</i></p>



# CIVIL HARASSMENT ORDER

<p><b>What types of relief may a court order?</b></p>	<ul style="list-style-type: none"> <li>• Require respondent stay away from petitioner; or</li> <li>• Grants certain protection to pets or companion animals.</li> </ul> <p><i>Cal. Civ. Proc. Code § 527.6(b)(6).</i></p> <p>After a hearing, the court may issue a final order with any of the above remedies as well as:</p> <ul style="list-style-type: none"> <li>• Respondent must relinquish all firearms and is prohibited from owning or obtaining a firearm while the order is in place; and</li> <li>• Information about a minor contained in an order may be sealed and kept confidential under certain circumstances.</li> </ul> <p><i>Cal. Civ. Proc. Code § 527.6.</i></p>
<p><b>How long does the order last?</b></p>	<p>A petitioner may be granted a temporary CHO, which will last 21-25 days, if they show reasonable proof of harassment.</p> <p>A CHO after a hearing may last up to five years and can be extended for an additional five years thereafter. If the order is issued without an expiration date, it will last three years from the date of issuance.</p> <p><i>Cal. C. C. P. §§ 527.6(f), (j).</i></p>
<p><b>Can the order be renewed?</b></p>	<p>Yes. At any time within three months before the CHO expires, the petitioner may apply for a renewal of up to another five years. The petitioner does not have to prove any further abuse.</p> <p><i>Cal. C. C. P. § 527.6(j)(1).</i></p>
<p><b>Is a hearing with the respondent required?</b></p>	<p>The respondent is not required to attend the hearing, but must be notified that, if they do not attend, the court may make orders against them that could last up to five years.</p> <p><i>Cal. C. C. P. § 527.6(n).</i></p>



# RESTRAINING ORDER TO PREVENT ELDER OR DEPENDENT ADULT ABUSE

<p><b>Who can apply?</b></p>	<p>An elderly person (defined as someone above 65 years old) or <b>dependent adult</b> who is a victim of abuse may apply.</p> <p>A dependent adult is defined as anyone who is inpatient in a 24-hour health facility; or someone between the ages of 18 and 64 who has physical or mental limitations that restrict their ability to carry out normal activities or to protect their rights, even if they live independently.</p> <p><i>Cal Wel. &amp; Inst. Code §§ 15657.03(a)(1); 15610.07; 15610.23; 15610.27.</i></p>
<p><b>Can minors apply?</b></p>	<p>This is not applicable, because the class protected by this restraining order cannot be under 18 years old.</p>
<p><b>Who can be restrained?</b></p>	<p>Anyone who has subjected an elderly person or dependent adult to physical abuse, neglect, abandonment, isolation, abduction, or other treatment with resulting physical harm or pain or mental suffering; the deprivation by a care custodian of goods or services that are necessary to avoid physical harm or mental suffering; or financial abuse, may be restrained.</p> <p><i>Cal. Welf. &amp; Inst. Code §§ 15657.03; 15610.07.</i></p>
<p><b>What types of relief may a court order?</b></p>	<p>Before a hearing, the court may enter an ex parte temporary order:</p> <ul style="list-style-type: none"> <li>• Prohibiting the abuser from harassing, intimidating, molesting, attacking, striking, stalking, threatening, sexually assaulting, battering, abusing, and telephoning the party (including, but not limited to, making annoying telephone calls);</li> <li>• Prohibiting the abuser from destroying the party’s personal property/disturbing their peace and from contacting the party;</li> </ul> <p style="text-align: right;"><i>continued on next page</i></p>



## RESTRAINING ORDER TO PREVENT ELDER OR DEPENDENT ADULT ABUSE

<p><b>What types of relief may a court order?</b></p>	<ul style="list-style-type: none"> <li>• On a showing of good cause, granting certain protections to the companion animal(s) of the petitioner;</li> <li>• Ordering the abuser to stay a specified distance away from the party and compel the abuser to move out of the home shared with the party if certain conditions are met; and</li> <li>• Enjoining a party from specified behavior that the court determines is necessary.</li> </ul> <p>After a hearing, the court may enter an order:</p> <ul style="list-style-type: none"> <li>• Granting any of the relief it could have granted before the hearing;</li> <li>• Finding that specific debts were incurred as the result of financial abuse of the elder or dependent adult by the respondent; and</li> <li>• Enjoining a party from abusing an elder or dependent adult by isolating them.</li> </ul> <p><i>Cal Wel. &amp; Inst. Code § 15657.03(b)(5).</i></p>
<p><b>How long does the order last?</b></p>	<p>The court may issue a temporary, ex parte, order lasting until the hearing, generally 21-25 days. After the hearing, the order may last up to five years. If the order is issued without an expiration date, it will last three years from the date of issuance.</p> <p><i>Cal Wel. &amp; Inst. Code §§ 15657.03(d), (e), (f), (i).</i></p>
<p><b>Can the order be renewed?</b></p>	<p>Yes. These orders may be renewed upon the request of a party, either for five years or permanently, without a showing of any further abuse. The request for renewal may be brought at any time within the three months of the order's expiration.</p> <p><i>Cal. Welf. &amp; Inst. Code § 15657.03(i)(1).</i></p>



## RESTRAINING ORDER TO PREVENT ELDER OR DEPENDENT ADULT ABUSE

**Is a hearing with the respondent required?**

The respondent is not required to attend the hearing, but must be notified that, if they do not attend, the court may make orders against them that could last up to five years.

*Cal. Welf. & Inst. Code § 15657.03(j), (k).*

## GUN VIOLENCE RESTRAINING ORDER

<b>Who can apply?</b>	<p>The petitioner must be the subject's immediate family member, employer, coworker, an employee or teacher of a secondary or postsecondary school that the subject has attended in the last six months, a law enforcement officer, a roommate of the subject of the petition, an individual who has a dating relationship with the subject of the petition, or an individual who has a child in common with the subject of the petition. Each of these relationships must also include regular interaction with the respondent.</p> <p><i>Cal. Penal Code § 18150.</i></p>
<b>Can minors apply?</b>	<p>If the minor is an immediate family member of the respondent, it appears they may apply.</p> <p><i>Cal. Penal Code § 181500(a)(1)(A), (3).</i></p>
<b>Who can be restrained?</b>	<p>Anyone who poses a significant danger, in the near future, of causing personal injury to him/herself or another person by having in his/her custody or control, owning, purchasing, possessing, or receiving a firearm or ammunition, and less restrictive methods either have been tried and did not work or are inappropriate for the circumstances.</p> <p><i>Cal. Penal Code § 181500(b).</i></p>
<b>What types of relief may a court order?</b>	<p>Respondent may be enjoined from having a gun or ammunition, buying or attempting to buy a gun or ammunition, and may be required to turn in any guns and ammunition to the police or sell them to (or store them with) a licensed gun dealer.</p> <p><i>Cal. Penal Code §§ 18120; 18125, 18135, 18160, 18180.</i></p>



## GUN VIOLENCE RESTRAINING ORDER

<p><b>How long does the order last?</b></p>	<p>A temporary ex parte GVRO may be granted that lasts 21 days. <i>Cal. Penal Code § 18125.</i></p> <p>If the judge issues a GVRO after the respondent has notice and the opportunity to appear, the judge can issue the order to last for between one to five years. <i>Cal. Penal Code § 18175(e).</i></p>
<p><b>Can the order be renewed?</b></p>	<p>A GVRO issued after notice and a hearing may be renewed within the three months before it expires for an additional one to five-year term at the request of anyone who could initially seek the order if they can demonstrate the conditions that supported the order continue to exist. The respondent may submit one request per year to request a hearing to terminate the order if those conditions no longer exist. <i>Cal. Penal Code § 18185; 18190.</i></p>
<p><b>Is a hearing with the respondent required?</b></p>	<p>The court may issue a temporary emergency GVRO or an ex parte GVRO without a hearing. <i>Cal. Penal Code §§ 18125; 18155.</i></p> <p>A hearing is required in order for the court to enter a GVRO that is effective for more than 21 days. <i>Cal. Penal Code §§ 18175; 18197.</i></p> <p>If a person subject to a GVRO was not present in court at the time the order was issued or renewed, the GVRO shall be personally served on the restrained person by a law enforcement officer, or by a person as provided in Section 414.10 of the Code of Civil Procedure, if the restrained person can reasonably be located. <i>Cal. Penal Code § 18197.</i></p>



## GUN VIOLENCE RESTRAINING ORDER

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## HOW TO APPLY

Petitioning parties may obtain an application, fill out the requisite forms, obtain a hearing date, and then serve respondent with proper notice.

Forms are available at the courthouse and online at <https://selfhelp.courts.ca.gov/>

**SCAN ME!**



**For specific questions about how to use this guide, or if you have any other questions, VRLC is here to help!**

This project was supported by Grant No. 15JOVW-23-GK-05124-MUMU awarded by the Office on Violence Against Women, U.S. Department of Justice. The opinions, findings, conclusions, and recommendations expressed in this publication are those of the author(s) and do not necessarily reflect the views of the U.S. Department of Justice.