

ASSEMBLY BILL

No. 561

Introduced by Assembly Member Quirk-Silva

February 12, 2025

An act to amend Section 527.6 of the Code of Civil Procedure, and to amend Section 15657.03 of the Welfare and Institutions Code, relating to restraining orders.

LEGISLATIVE COUNSEL'S DIGEST

AB 561, as introduced, Quirk-Silva. Restraining orders.

(1) Existing law authorizes a person who has suffered harassment, as defined, to seek a temporary restraining order and an order prohibiting harassment. Existing law prohibits a filing fee for, and a fee for the service of process by a sheriff or marshal of, a protective or restraining order if the order is based upon stalking, unlawful violence, or a credible threat of violence.

This bill would authorize a petitioner, at no cost, to file a petition for a protective or restraining order electronically and remotely appear at the hearing if the order is based upon stalking, unlawful violence, or a credible threat of violence. The bill would require the Judicial Council to prepare and develop related forms.

(2) Existing law authorizes an elder or dependent adult who has suffered abuse to seek protective orders.

This bill would require, by April 1, 2026, a court or court facility that receives petitions for protective orders for elder or dependent adults to permit those petitions and any filings related to those petitions to be submitted electronically, as specified. The bill would authorize a party or witness to appear remotely for free at the hearing on a petition for a protective order for an elder or dependent adult. The bill would require

the superior court of each county to develop, and post on its internet website, local rules and instructions regarding electronic filing and remote appearances for protective orders for elder or dependent adults. The bill would require the superior court of each county to provide telephone numbers to call to obtain assistance regarding electronic filing and remote appearances.

Existing law, upon the filing of a petition for protective orders for an elder or dependent adult, requires the respondent to be personally served with a copy of the petition, notice of the hearing or order to show cause, temporary restraining order, if any, and any declarations in support of the petition, at least five days before the hearing.

This bill would authorize a court to permit an alternative method of service, as specified, if at the time of a hearing with respect to an order issued based on an ex parte temporary protective order, the court determines that, after diligent effort, the petitioner has been unable to accomplish personal service, and that there is reason to believe that the restrained party is evading service.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 527.6 of the Code of Civil Procedure is
- 2 amended to read:
- 3 527.6. (a) (1) A person who has suffered harassment as
- 4 defined in subdivision (b) may seek a temporary restraining order
- 5 and an order after hearing prohibiting harassment as provided in
- 6 this section.
- 7 (2) An individual need not be a resident of the state to file a
- 8 petition for an order under this section. A petition for an order as
- 9 specified in paragraph (1) may be filed in any superior court in
- 10 this state, consistent with Section 410.10 of the Code of Civil
- 11 Procedure, which may include, but is not limited to:
- 12 (A) The county in which the petitioner resides or is temporarily
- 13 located.
- 14 (B) The county in which the defendant resides.
- 15 (C) The county in which the offense occurred.
- 16 (D) Any other court that may have jurisdiction over the parties
- 17 or the subject matter of the case.

1 (3) A minor, under 12 years of age, accompanied by a duly
2 appointed and acting guardian ad litem, shall be permitted to appear
3 in court without counsel for the limited purpose of requesting or
4 opposing a request for a temporary restraining order or order after
5 hearing, or both, under this section as provided in Section 374.

6 (b) For purposes of this section, the following terms have the
7 following meanings:

8 (1) “Course of conduct” is a pattern of conduct composed of a
9 series of acts over a period of time, however short, evidencing a
10 continuity of purpose, including following or stalking an individual,
11 making harassing telephone calls to an individual, or sending
12 harassing correspondence to an individual by any means, including,
13 but not limited to, the use of public or private mails, interoffice
14 mail, facsimile, or email. Constitutionally protected activity is not
15 included within the meaning of “course of conduct.”

16 (2) “Credible threat of violence” is a knowing and willful
17 statement or course of conduct that would place a reasonable person
18 in fear for the person’s safety or the safety of the person’s
19 immediate family, and that serves no legitimate purpose.

20 (3) “Harassment” is unlawful violence, a credible threat of
21 violence, or a knowing and willful course of conduct directed at
22 a specific person that seriously alarms, annoys, or harasses the
23 person, and that serves no legitimate purpose. The course of
24 conduct must be that which would cause a reasonable person to
25 suffer substantial emotional distress, and must actually cause
26 substantial emotional distress to the petitioner.

27 (4) “Petitioner” means the person to be protected by the
28 temporary restraining order and order after hearing and, if the court
29 grants the petition, the protected person.

30 (5) “Respondent” means the person against whom the temporary
31 restraining order and order after hearing are sought and, if the
32 petition is granted, the restrained person.

33 (6) “Temporary restraining order” and “order after hearing”
34 mean orders that include any of the following restraining orders,
35 whether issued ex parte or after notice and hearing:

36 (A) An order enjoining a party from harassing, intimidating,
37 molesting, attacking, striking, stalking, threatening, sexually
38 assaulting, battering, abusing, telephoning, including, but not
39 limited to, making annoying telephone calls, as described in Section
40 653m of the Penal Code, destroying personal property, contacting,

1 either directly or indirectly, by mail or otherwise, or coming within
2 a specified distance of, or disturbing the peace of, the petitioner.
3 On a showing of good cause, in an order issued pursuant to this
4 subparagraph in connection with an animal owned, possessed,
5 leased, kept, or held by the petitioner, or residing in the residence
6 or household of the petitioner, the court may do either or both of
7 the following:

8 (i) Grant the petitioner exclusive care, possession, or control of
9 the animal.

10 (ii) Order the respondent to stay away from the animal and
11 refrain from taking, transferring, encumbering, concealing,
12 molesting, attacking, striking, threatening, harming, or otherwise
13 disposing of the animal.

14 (B) An order enjoining a party from specified behavior that the
15 court determines is necessary to effectuate orders described in
16 subparagraph (A).

17 (7) “Unlawful violence” is any assault or battery, or stalking as
18 prohibited in Section 646.9 of the Penal Code, but does not include
19 lawful acts of self-defense or defense of others.

20 (c) In the discretion of the court, on a showing of good cause,
21 a temporary restraining order or order after hearing issued under
22 this section may include other named family or household
23 members.

24 (d) Upon filing a petition for orders under this section, the
25 petitioner may obtain a temporary restraining order in accordance
26 with Section 527, except to the extent this section provides an
27 inconsistent rule. The temporary restraining order may include
28 any of the restraining orders described in paragraph (6) of
29 subdivision (b). A temporary restraining order may be issued with
30 or without notice, based on a declaration that, to the satisfaction
31 of the court, shows reasonable proof of harassment of the petitioner
32 by the respondent, and that great or irreparable harm would result
33 to the petitioner.

34 (e) A request for the issuance of a temporary restraining order
35 without notice under this section shall be granted or denied on the
36 same day that the petition is submitted to the court. If the petition
37 is filed too late in the day to permit effective review, the order
38 shall be granted or denied on the next day of judicial business in
39 sufficient time for the order to be filed that day with the clerk of
40 the court.

1 (f) A temporary restraining order issued under this section shall
2 remain in effect, at the court's discretion, for a period not to exceed
3 21 days, or, if the court extends the time for hearing under
4 subdivision (g), not to exceed 25 days, unless otherwise modified
5 or terminated by the court.

6 (g) Within 21 days, or, if good cause appears to the court, 25
7 days from the date that a petition for a temporary order is granted
8 or denied, a hearing shall be held on the petition. If a request for
9 a temporary order is not made, the hearing shall be held within 21
10 days, or, if good cause appears to the court, 25 days, from the date
11 that the petition is filed.

12 (h) The respondent may file a response that explains, excuses,
13 justifies, or denies the alleged harassment, or may file a
14 cross-petition under this section.

15 (i) At the hearing, the judge shall receive any testimony that is
16 relevant, and may make an independent inquiry. If the judge finds
17 by clear and convincing evidence that unlawful harassment exists,
18 an order shall issue prohibiting the harassment.

19 (j) (1) In the discretion of the court, an order issued after notice
20 and hearing under this section may have a duration of no more
21 than five years, subject to termination or modification by further
22 order of the court either on written stipulation filed with the court
23 or on the motion of a party. The order may be renewed, upon the
24 request of a party, for a duration of no more than five additional
25 years, without a showing of any further harassment since the
26 issuance of the original order, subject to termination or
27 modification by further order of the court either on written
28 stipulation filed with the court or on the motion of a party. A
29 request for renewal may be brought any time within the three
30 months before the order expires.

31 (2) The failure to state the expiration date on the face of the
32 form creates an order with a duration of three years from the date
33 of issuance.

34 (3) If an action is filed for the purpose of terminating or
35 modifying a protective order before the expiration date specified
36 in the order by a party other than the protected party, the party
37 who is protected by the order shall be given notice, pursuant to
38 subdivision (b) of Section 1005, of the proceeding by personal
39 service or, if the protected party has satisfied the requirements of
40 Chapter 3.1 (commencing with Section 6205) of Division 7 of

1 Title 1 of the Government Code, by service on the Secretary of
2 State. If the party who is protected by the order cannot be notified
3 before the hearing for modification or termination of the protective
4 order, the court shall deny the motion to modify or terminate the
5 order without prejudice or continue the hearing until the party who
6 is protected can be properly noticed and may, upon a showing of
7 good cause, specify another method for service of process that is
8 reasonably designed to afford actual notice to the protected party.
9 The protected party may waive the protected party's right to notice
10 if the protected party is physically present in court and does not
11 challenge the sufficiency of the notice.

12 (k) This section does not preclude either party from
13 representation by private counsel or from appearing on the party's
14 own behalf.

15 (l) In a proceeding under this section, if there are allegations of
16 unlawful violence or credible threats of violence, a support person
17 may accompany a party in court and, if the party is not represented
18 by an attorney, may sit with the party at the table that is generally
19 reserved for the party and the party's attorney. The support person
20 is present to provide moral and emotional support for a person
21 who alleges they are a victim of violence. The support person is
22 not present as a legal adviser and may not provide legal advice.
23 The support person may assist the person who alleges they are a
24 victim of violence in feeling more confident that they will not be
25 injured or threatened by the other party during the proceedings if
26 the person who alleges the person is a victim of violence and the
27 other party are required to be present in close proximity. This
28 subdivision does not preclude the court from exercising its
29 discretion to remove the support person from the courtroom if the
30 court believes the support person is prompting, swaying, or
31 influencing the party assisted by the support person.

32 (m) (1) Except as provided in paragraph (2), upon the filing of
33 a petition under this section, the respondent shall be personally
34 served with a copy of the petition, temporary restraining order, if
35 any, and notice of hearing of the petition. Service shall be made
36 at least five days before the hearing. The court may for good cause,
37 on motion of the petitioner or on its own motion, shorten the time
38 for service on the respondent.

39 (2) If the court determines at the hearing that, after a diligent
40 effort, the petitioner has been unable to accomplish personal

1 service, and that there is reason to believe that the respondent is
2 evading service or cannot be located, then the court may specify
3 another method of service that is reasonably calculated to give
4 actual notice to the respondent and may prescribe the manner in
5 which proof of service shall be made.

6 (n) A notice of hearing under this section shall notify the
7 respondent that if the respondent does not attend the hearing, the
8 court may make orders against the respondent that could last up
9 to five years.

10 (o) The respondent shall be entitled, as a matter of course, to
11 one continuance, for a reasonable period, to respond to the petition.

12 (p) (1) Either party may request a continuance of the hearing,
13 which the court shall grant on a showing of good cause. The request
14 may be made in writing before or at the hearing, or orally at the
15 hearing. The court may also grant a continuance on its own motion.

16 (2) If the court grants a continuance, any temporary restraining
17 order that has been granted shall remain in effect until the end of
18 the continued hearing, unless otherwise ordered by the court. In
19 granting a continuance, the court may modify or terminate a
20 temporary restraining order.

21 (q) (1) If a respondent named in a restraining order issued after
22 a hearing has not been served personally with the order but has
23 received actual notice of the existence and substance of the order
24 through personal appearance in court to hear the terms of the order
25 from the court, additional proof of service is not required for
26 enforcement of the order.

27 (2) If the respondent named in a temporary restraining order is
28 personally served with the order and notice of hearing with respect
29 to a restraining order or protective order based on the temporary
30 restraining order, but the respondent does not appear at the hearing,
31 either personally or by an attorney, and the terms and conditions
32 of the restraining order or protective order issued at the hearing
33 are identical to the temporary restraining order, except for the
34 duration of the order, the restraining order or protective order
35 issued at the hearing may be served on the respondent by first-class
36 mail sent to the respondent at the most current address for the
37 respondent available to the court.

38 (3) The Judicial Council form for temporary orders issued
39 pursuant to this subdivision shall contain a statement in
40 substantially the following form:

1
2 “If you have been personally served with this temporary
3 restraining order and notice of hearing, but you do not appear at
4 the hearing either in person or by a lawyer, and a restraining order
5 that is the same as this temporary restraining order except for the
6 expiration date is issued at the hearing, a copy of the restraining
7 order will be served on you by mail at the following address: ____.

8 If that address is not correct or you wish to verify that the
9 temporary restraining order was converted to a restraining order
10 at the hearing without substantive change and to find out the
11 duration of that order, contact the clerk of the court.”
12

13 (4) If information about a minor has been made confidential
14 pursuant to subdivision (v), the notice shall identify the
15 information, specifically, that has been made confidential and shall
16 include a statement that disclosure or misuse of that information
17 is punishable as a contempt of court.

18 (r) (1) Information on a temporary restraining order or order
19 after hearing relating to civil harassment issued by a court pursuant
20 to this section shall be transmitted to the Department of Justice in
21 accordance with either paragraph (2) or (3).

22 (2) The court shall order the petitioner or the attorney for the
23 petitioner to deliver a copy of an order issued under this section,
24 or reissuance, extension, modification, or termination of the order,
25 and any subsequent proof of service, by the close of the business
26 day on which the order, reissuance, extension, modification, or
27 termination was made, to a law enforcement agency having
28 jurisdiction over the residence of the petitioner and to any
29 additional law enforcement agencies within the court’s discretion
30 as are requested by the petitioner.

31 (3) Alternatively, the court or its designee shall transmit, within
32 one business day, to law enforcement personnel all information
33 required under subdivision (b) of Section 6380 of the Family Code
34 regarding any order issued under this section, or a reissuance,
35 extension, modification, or termination of the order, and any
36 subsequent proof of service, by either one of the following
37 methods:

38 (A) Transmitting a physical copy of the order or proof of service
39 to a local law enforcement agency authorized by the Department

1 of Justice to enter orders into the California Law Enforcement
2 Telecommunications System (CLETS).

3 (B) With the approval of the Department of Justice, entering
4 the order or proof of service into CLETS directly.

5 (4) Each appropriate law enforcement agency shall make
6 available information as to the existence and current status of
7 orders issued under this section to law enforcement officers
8 responding to the scene of reported harassment.

9 (5) An order issued under this section shall, on request of the
10 petitioner, be served on the respondent, whether or not the
11 respondent has been taken into custody, by any law enforcement
12 officer who is present at the scene of reported harassment involving
13 the parties to the proceeding. The petitioner shall provide the
14 officer with an endorsed copy of the order and a proof of service
15 that the officer shall complete and send to the issuing court.

16 (6) Upon receiving information at the scene of an incident of
17 harassment that a protective order has been issued under this
18 section, or that a person who has been taken into custody is the
19 subject of an order, if the protected person cannot produce a
20 certified copy of the order, a law enforcement officer shall
21 immediately attempt to verify the existence of the order.

22 (7) If the law enforcement officer determines that a protective
23 order has been issued but not served, the officer shall immediately
24 notify the respondent of the terms of the order and shall at that
25 time also enforce the order. Verbal notice of the terms of the order
26 shall constitute service of the order and is sufficient notice for
27 purposes of this section and for purposes of Section 29825 of the
28 Penal Code. Verbal notice shall include the information required
29 pursuant to paragraph (4) of subdivision (q).

30 (s) The prevailing party in an action brought pursuant to this
31 section may be awarded court costs and attorney's fees, if any.

32 (t) Willful disobedience of a temporary restraining order or
33 order after hearing granted pursuant to this section is punishable
34 pursuant to Section 273.6 of the Penal Code.

35 (u) (1) A person subject to a protective order issued pursuant
36 to this section shall not own, possess, purchase, receive, or attempt
37 to purchase or receive a firearm or ammunition while the protective
38 order is in effect.

(2) The court shall order a person subject to a protective order issued pursuant to this section to relinquish any firearms the person owns or possesses pursuant to Section 527.9.

(3) A person who owns, possesses, purchases, or receives, or attempts to purchase or receive, a firearm or ammunition while the protective order is in effect is punishable pursuant to Section 29825 of the Penal Code.

(v) (1) A minor or the minor's legal guardian may petition the court to have information regarding the minor that was obtained in connection with a request for a protective order pursuant to this section, including, but not limited to, the minor's name, address, and the circumstances surrounding the request for a protective order with respect to that minor, be kept confidential.

(2) The court may order the information specified in paragraph (1) be kept confidential if the court expressly finds all of the following:

(A) The minor's right to privacy overcomes the right of public access to the information.

(B) There is a substantial probability that the minor's interest will be prejudiced if the information is not kept confidential.

(C) The order to keep the information confidential is narrowly tailored.

(D) No less restrictive means exist to protect the minor's privacy.

(3) (A) If the request is granted, except as provided in paragraph (4), information regarding the minor shall be maintained in a confidential case file and shall not become part of the public file in the proceeding or any other civil proceeding involving the parties. Except as provided in subparagraph (B), if the court determines that disclosure of confidential information has been made without a court order, the court may impose a sanction of up to one thousand dollars (\$1,000). A minor who has alleged harassment, as defined in subdivision (b), shall not be sanctioned for disclosure of the confidential information. If the court imposes a sanction, the court shall first determine whether the person has or is reasonably likely to have the ability to pay.

(B) Confidential information may be disclosed without a court order only in the following circumstances:

(i) By the minor's legal guardian who petitioned to keep the information confidential pursuant to this subdivision or the

1 protected party in an order pursuant to this division, provided that
2 the disclosure is necessary to prevent harassment or is in the
3 minor's best interest. A legal guardian or a protected party who
4 makes a disclosure under this clause is subject to the sanction in
5 subparagraph (A) only if the disclosure was malicious.

6 (ii) By a person to whom confidential information is disclosed,
7 provided that the disclosure is necessary to prevent harassment or
8 is in the best interest of the minor, no more information than
9 necessary is disclosed, and a delay would be caused by first
10 obtaining a court order to authorize the disclosure of the
11 information. A person who makes a disclosure pursuant to this
12 clause is subject to the sanction in subparagraph (A) if the person
13 discloses the information in a manner that recklessly or maliciously
14 disregards these requirements.

15 (4) (A) Confidential information shall be made available to
16 both of the following:

17 (i) Law enforcement pursuant to subdivision (r), to the extent
18 necessary and only for the purpose of enforcing the order.

19 (ii) The respondent to allow the respondent to comply with the
20 order for confidentiality and to allow the respondent to comply
21 with and respond to the protective order. A notice shall be provided
22 to the respondent that identifies the specific information that has
23 been made confidential and shall include a statement that disclosure
24 is punishable by a monetary fine.

25 (B) At any time, the court on its own may authorize a disclosure
26 of any portion of the confidential information to certain individuals
27 or entities as necessary to prevent harassment, as defined under
28 subdivision (b), including implementation of the protective order,
29 or if it is in the best interest of the minor.

30 (C) The court may authorize a disclosure of any portion of the
31 confidential information to any person that files a petition if
32 necessary to prevent harassment, as defined under subdivision (b),
33 or if it is in the best interest of the minor. The party who petitioned
34 the court to keep the information confidential pursuant to this
35 subdivision shall be served personally or by first-class mail with
36 a copy of the petition and afforded an opportunity to object to the
37 disclosure.

38 (w) This section does not apply to any action or proceeding
39 covered by Title 1.6C (commencing with Section 1788) of Part 4
40 of Division 3 of the Civil Code or by Division 10 (commencing

1 with Section 6200) of the Family Code. This section does not
2 preclude a petitioner from using other existing civil remedies.

3 (x) (1) The Judicial Council shall develop forms, instructions,
4 and rules relating to matters governed by this section. The petition
5 and response forms shall be simple and concise, and their use by
6 parties in actions brought pursuant to this section is mandatory.

7 (2) A temporary restraining order or order after hearing relating
8 to civil harassment issued by a court pursuant to this section shall
9 be issued on forms adopted by the Judicial Council and that have
10 been approved by the Department of Justice pursuant to subdivision
11 (i) of Section 6380 of the Family Code. However, the fact that an
12 order issued by a court pursuant to this section was not issued on
13 forms adopted by the Judicial Council and approved by the
14 Department of Justice shall not, in and of itself, make the order
15 unenforceable.

16 (y) There is no filing fee for a petition that alleges that a person
17 has inflicted or threatened violence against the petitioner, stalked
18 the petitioner, or acted or spoken in any other manner that has
19 placed the petitioner in reasonable fear of violence, and that seeks
20 a protective or restraining order restraining stalking, future
21 violence, or threats of violence, in an action brought pursuant to
22 this section. A fee shall not be paid for a subpoena filed in
23 connection with a petition alleging these acts. A fee shall not be
24 paid for filing a response to a petition alleging these acts.

25 (z) (1) Subject to paragraph (4) of subdivision (b) of Section
26 6103.2 of the Government Code, there shall not be a fee for the
27 service of process by a sheriff or marshal of a protective or
28 restraining order to be issued, if either of the following conditions
29 apply:

30 (A) The protective or restraining order issued pursuant to this
31 section is based upon stalking, as prohibited by Section 646.9 of
32 the Penal Code.

33 (B) The protective or restraining order issued pursuant to this
34 section is based upon unlawful violence or a credible threat of
35 violence.

36 (2) The Judicial Council shall prepare and develop forms for
37 persons who wish to avail themselves of the services described in
38 this subdivision.

39 (aa) (1) *If a protective or restraining order to be issued*
40 *pursuant to this section is based upon stalking, as prohibited by*

1 *Section 646.9 of the Penal Code, unlawful violence, or a credible*
2 *threat of violence, then the petitioner may do both of the following*
3 *at no cost:*

4 (A) *File the petition electronically.*

5 (B) *Remotely appear at the hearing.*

6 (2) *The Judicial Council shall prepare and develop forms for*
7 *persons who wish to avail themselves of the services described in*
8 *this subdivision.*

9 SEC. 2. Section 15657.03 of the Welfare and Institutions Code
10 is amended to read:

11 15657.03. (a) (1) An elder or dependent adult who has suffered
12 abuse, as defined in Section 15610.07, may seek protective orders
13 as provided in this section.

14 (2) (A) A petition may be brought on behalf of an abused elder
15 or dependent adult by a conservator or a trustee of the elder or
16 dependent adult, an attorney-in-fact of an elder or dependent adult
17 who acts within the authority of a power of attorney, a person
18 appointed as a guardian ad litem for the elder or dependent adult,
19 or other person legally authorized to seek the relief.

20 (B) (i) Subject to clause (ii), if the petition alleges abuse of an
21 elder or dependent adult in the form of isolation, the term “other
22 person legally authorized to seek the relief” as used in subparagraph
23 (A) includes an interested party as defined in paragraph (3) of
24 subdivision (b).

25 (ii) Clause (i) shall apply only for the purpose of seeking an
26 order enjoining isolation under subparagraph (E) of paragraph (5)
27 of subdivision (b).

28 (3) (A) A petition under this section may be brought on behalf
29 of an elder or dependent adult by a county adult protective services
30 agency in either of the following circumstances:

31 (i) If the elder or dependent adult has suffered abuse as defined
32 in subdivision (b) and has an impaired ability to appreciate and
33 understand the circumstances that place the elder or dependent at
34 risk of harm.

35 (ii) If the elder or dependent adult has provided written
36 authorization to a county adult protective services agency to act
37 on that person’s behalf.

38 (B) In the case of a petition filed pursuant to clause (i) of
39 subparagraph (A) by a county adult protective services agency, a
40 referral shall be made to the public guardian consistent with Section

1 2920 of the Probate Code prior to or concurrent with the filing of
2 the petition, unless a petition for appointment of a conservator has
3 already been filed with the probate court by the public guardian
4 or another party.

5 (C) A county adult protective services agency shall be subject
6 to any confidentiality restrictions that otherwise apply to its
7 activities under law and shall disclose only those facts as necessary
8 to establish reasonable cause for the filing of the petition, including,
9 in the case of a petition filed pursuant to clause (i) of subparagraph
10 (A), to establish the agency's belief that the elder or dependent
11 adult has suffered abuse and has an impaired ability to appreciate
12 and understand the circumstances that place the elder or dependent
13 adult at risk, and as may be requested by the court in determining
14 whether to issue an order under this section.

15 (b) For purposes of this section:

16 (1) "Abuse" has the meaning set forth in Section 15610.07.

17 (2) "Conservator" means the legally appointed conservator of
18 the person or estate of the petitioner, or both.

19 (3) "Interested party" means an individual with a personal,
20 preexisting relationship with the elder or dependent adult. A
21 preexisting relationship may be shown by a description of past
22 involvement with the elder or dependent adult, time spent together,
23 and any other proof that the individual spent time with the elder
24 or dependent adult.

25 (4) "Petitioner" means the elder or dependent adult to be
26 protected by the protective orders and, if the court grants the
27 petition, the protected person.

28 (5) "Protective order" means an order that includes any of the
29 following restraining orders, whether issued ex parte, after notice
30 and hearing, or in a judgment:

31 (A) An order enjoining a party from abusing, intimidating,
32 molesting, attacking, striking, stalking, threatening, sexually
33 assaulting, battering, harassing, telephoning, including, but not
34 limited to, making annoying telephone calls as described in Section
35 653m of the Penal Code, destroying personal property, contacting,
36 either directly or indirectly, by mail or otherwise, or coming within
37 a specified distance of, or disturbing the peace of, the petitioner,
38 and, in the discretion of the court, on a showing of good cause, of
39 other named family or household members or a conservator, if
40 any, of the petitioner. On a showing of good cause, in an order

1 issued pursuant to this subparagraph in connection with an animal
2 owned, possessed, leased, kept, or held by the petitioner, or residing
3 in the residence or household of the petitioner, the court may do
4 either or both of the following:

5 (i) Grant the petitioner exclusive care, possession, or control of
6 the animal.

7 (ii) Order the respondent to stay away from the animal and
8 refrain from taking, transferring, encumbering, concealing,
9 molesting, attacking, striking, threatening, harming, or otherwise
10 disposing of the animal.

11 (B) An order excluding a party from the petitioner's residence
12 or dwelling, except that this order shall not be issued if legal or
13 equitable title to, or lease of, the residence or dwelling is in the
14 sole name of the party to be excluded, or is in the name of the party
15 to be excluded and any other party besides the petitioner.

16 (C) An order enjoining a party from specified behavior that the
17 court determines is necessary to effectuate orders described in
18 subparagraph (A) or (B).

19 (D) (i) After notice and a hearing only, a finding that specific
20 debts were incurred as the result of financial abuse of the elder or
21 dependent adult by the respondent. For purposes of this
22 subparagraph, the acts that may support this order include, but are
23 not limited to, the crimes proscribed by Section 530.5 of the Penal
24 Code.

25 (ii) The finding pursuant to clause (i) shall not entitle the
26 petitioner to any remedies other than those actually set forth in
27 this section. The finding pursuant to clause (i) shall not affect the
28 priority of any lien or other security interest.

29 (E) (i) After notice and a hearing only, an order enjoining a
30 party from abusing an elder or dependent adult by isolating them.
31 An order may be issued under this subparagraph to restrain the
32 respondent for the purpose of preventing a recurrence of isolation
33 if the court finds by a preponderance of the evidence, to the
34 satisfaction of the court, that the following requirements are met:

35 (I) The respondent's past act or acts of isolation of the elder or
36 dependent adult repeatedly prevented contact with the interested
37 party.

38 (II) The elder or dependent adult expressly desires contact with
39 the interested party. A court shall use all means at its disposal to

1 determine whether the elder or dependent adult desires contact
2 with the person and has the capacity to consent to that contact.

3 (III) The respondent's isolation of the elder or dependent adult
4 from the interested party was not in response to an actual or
5 threatened abuse of the elder or dependent adult by the interested
6 party or the elder or dependent adult's desire not to have contact
7 with the interested party.

8 (ii) The order may specify the actions to be enjoined, including
9 enjoining the respondent from preventing the interested party from
10 in-person or remote online visits with the elder or dependent adult,
11 including telephone and online contact.

12 (iii) An order enjoining isolation under this section is not
13 required for an elder or dependent adult to visit with anyone with
14 whom the elder or dependent adult desires visitation.

15 (iv) An order enjoining isolation shall not be issued under this
16 section if the elder or dependent adult resides in a long-term care
17 facility, as defined in Section 9701, or a residential facility, as
18 defined in Section 1502 of the Health and Safety Code. In those
19 cases, action may be taken under appropriate federal law.

20 (v) An order enjoining isolation shall not be issued under this
21 section if the elder or dependent adult is a patient of a health facility
22 as defined in subdivision (a), (b), or (f) of Section 1250 of the
23 Health and Safety Code. In those cases, action may be taken under
24 other appropriate state or federal law.

25 (6) "Respondent" means the person against whom the protective
26 orders are sought and, if the petition is granted, the restrained or
27 enjoined person.

28 (c) Except as provided in subdivision (b), an order may be issued
29 under this section, with or without notice, to restrain any person
30 for the purpose of preventing a recurrence of abuse, if a declaration
31 shows, to the satisfaction of the court, reasonable proof of a past
32 act or acts of abuse of the petitioning elder or dependent adult.

33 (d) (1) *By April 1, 2026, a court or court facility that receives*
34 *petitions for orders under this section shall permit those petitions*
35 *and any filings related to those petitions to be submitted*
36 *electronically during and after normal business hours. The*
37 *deadlines applicable to any action taken by the court with respect*
38 *to a petition filed directly with the court shall apply to any action*
39 *taken with respect to a petition submitted electronically.*

1 (2) *The superior court of each county shall develop, and post*
2 *on its internet website, local rules and instructions for electronic*
3 *filing permitted under this subdivision.*

4 (3) *The superior court of each county shall provide, and post*
5 *on its internet website, a telephone number for the public to call*
6 *to obtain information about electronic filing permitted under this*
7 *subdivision. The telephone number shall be staffed during regular*
8 *business hours, and court staff shall respond to all telephonic*
9 *inquiries within one business day.*

10 ~~(d)~~

11 (e) Upon filing a petition for protective orders under this section,
12 the petitioner may obtain a temporary restraining order in
13 accordance with Section 527 of the Code of Civil Procedure, except
14 to the extent this section provides a rule that is inconsistent. The
15 temporary restraining order may include any of the protective
16 orders described in paragraph (5) of subdivision (b). However, the
17 court may issue an ex parte order excluding a party from the
18 petitioner's residence or dwelling only on a showing of all of the
19 following:

20 (1) Facts sufficient for the court to ascertain that the party who
21 will stay in the dwelling has a right under color of law to possession
22 of the premises.

23 (2) That the party to be excluded has assaulted or threatens to
24 assault the petitioner, other named family or household member
25 of the petitioner, or a conservator of the petitioner.

26 (3) That physical or emotional harm would otherwise result to
27 the petitioner, other named family or household member of the
28 petitioner, or a conservator of the petitioner.

29 ~~(e)~~

30 (f) A request for the issuance of a temporary restraining order
31 without notice under this section shall be granted or denied on the
32 same day that the petition is submitted to the court, unless the
33 petition is filed too late in the day to permit effective review, in
34 which case the order shall be granted or denied on the next day of
35 judicial business in sufficient time for the order to be filed that day
36 with the clerk of the court.

37 ~~(f)~~

38 (g) Within 21 days, or, if good cause appears to the court, 25
39 days, from the date that a request for a temporary restraining order
40 is granted or denied, a hearing shall be held on the petition. If no

1 request for temporary orders is made, the hearing shall be held
2 within 21 days, or, if good cause appears to the court, 25 days,
3 from the date that the petition is filed.

4 ~~(g)~~

5 *(h)* The respondent may file a response that explains or denies
6 the alleged abuse.

7 ~~(h)~~

8 *(i)* The court may issue, upon notice and a hearing, any of the
9 orders set forth in paragraph (5) of subdivision (b). The court may
10 issue, after notice and hearing, an order excluding a person from
11 a residence or dwelling if the court finds that physical or emotional
12 harm would otherwise result to the petitioner, other named family
13 or household member of the petitioner, or conservator of the
14 petitioner.

15 ~~(i)~~

16 *(j)* (1) In the discretion of the court, an order issued after notice
17 and a hearing under this section may have a duration of not more
18 than five years, subject to termination or modification by further
19 order of the court either on written stipulation filed with the court
20 or on the motion of a party. These orders may be renewed upon
21 the request of a party, either for five years or permanently, without
22 a showing of any further abuse since the issuance of the original
23 order, subject to termination or modification by further order of
24 the court either on written stipulation filed with the court or on the
25 motion of a party. The request for renewal may be brought at any
26 time within the three months before the expiration of the order.

27 (2) The failure to state the expiration date on the face of the
28 form creates an order with a duration of three years from the date
29 of issuance.

30 (3) If an action is filed for the purpose of terminating or
31 modifying a protective order prior to the expiration date specified
32 in the order by a party other than the protected party, the party
33 who is protected by the order shall be given notice, pursuant to
34 subdivision (b) of Section 1005 of the Code of Civil Procedure,
35 of the proceeding by personal service or, if the protected party has
36 satisfied the requirements of Chapter 3.1 (commencing with
37 Section 6205) of Division 7 of Title 1 of the Government Code,
38 by service on the Secretary of State. If the party who is protected
39 by the order cannot be notified prior to the hearing for modification
40 or termination of the protective order, the court shall deny the

1 motion to modify or terminate the order without prejudice or
2 continue the hearing until the party who is protected can be
3 properly noticed and may, upon a showing of good cause, specify
4 another method for service of process that is reasonably designed
5 to afford actual notice to the protected party. The protected party
6 may waive the right to notice if that party is physically present in
7 court and does not challenge the sufficiency of the notice.

8 ~~(j)~~

9 (k) In a proceeding under this section, a support person may
10 accompany a party in court and, if the party is not represented by
11 an attorney, may sit with the party at the table that is generally
12 reserved for the party and the party's attorney. The support person
13 is present to provide moral and emotional support for a person
14 who alleges to be a victim of abuse. The support person is not
15 present as a legal adviser and may not provide legal advice. The
16 support person may assist the person who alleges to be a victim
17 of abuse in feeling more confident that the alleged abuse victim
18 will not be injured or threatened by the other party during the
19 proceedings if the person who alleges to be a victim of abuse and
20 the other party are required to be present in close proximity. This
21 subdivision does not preclude the court from exercising its
22 discretion to remove the support person from the courtroom if the
23 court believes the support person is prompting, swaying, or
24 influencing the party assisted by the support person.

25 ~~(k)~~

26 (l) (1) Upon the filing of a petition for protective orders under
27 this section, the respondent shall be personally served with a copy
28 of the petition, notice of the hearing or order to show cause,
29 temporary restraining order, if any, and any declarations in support
30 of the petition. Service shall be made at least five days before the
31 hearing. The court may, on motion of the petitioner or on its own
32 motion, shorten the time for service on the respondent.

33 ~~(l)~~

34 (2) (A) *If at the time of a hearing with respect to an order issued*
35 *pursuant to this section based on an ex parte temporary protective*
36 *order, the court determines that, after diligent effort, the petitioner*
37 *has been unable to accomplish personal service, and that there is*
38 *reason to believe that the restrained party is evading service, the*
39 *court may permit an alternative method of service designed to give*
40 *reasonable notice of the action to the respondent. Alternative*

1 *methods of service include, but are not limited to, both of the*
2 *following:*

3 *(i) Service by publication pursuant to the standards set forth in*
4 *Section 415.50 of the Code of Civil Procedure.*

5 *(ii) Service by first-class mail sent to the respondent at the most*
6 *current address for the respondent that is available to the court*
7 *or delivering a copy of the pleadings and orders at the respondent's*
8 *home or place of employment, pursuant to the standards set forth*
9 *in Sections 415.20 to 415.40, inclusive, of the Code of Civil*
10 *Procedure.*

11 *(B) If the court permits an alternative method of service under*
12 *this paragraph, the court shall grant a continuance to allow for*
13 *the alternative service pursuant to subdivision (p).*

14 *(m) A notice of hearing under this section shall notify the*
15 *respondent that if the respondent does not attend the hearing, the*
16 *court may make orders against the respondent that could last up*
17 *to five years.*

18 ~~*(m)*~~

19 *(n) (1) A party or witness may appear remotely for free at the*
20 *hearing on a petition for a protective order issued under this*
21 *section.*

22 *(2) The superior court of each county shall develop, and post*
23 *on its internet website, local rules and instructions for remote*
24 *appearances permitted under this subdivision.*

25 *(3) The superior court of each county shall provide, and post*
26 *on its internet website, a telephone number for the public to call*
27 *to obtain assistance regarding remote appearances. The telephone*
28 *number shall be staffed 30 minutes before the start of the court*
29 *session at which the hearing will take place, and during the court*
30 *session.*

31 *(o) The respondent shall be entitled, as a matter of course, to*
32 *one continuance, for a reasonable period, to respond to the petition.*

33 ~~*(n)*~~

34 *(p) (1) Either party may request a continuance of the hearing,*
35 *which the court shall grant on a showing of good cause. The request*
36 *may be made in writing before or at the hearing or orally at the*
37 *hearing. The court may also grant a continuance on its own motion.*

38 *(2) If the court grants a continuance, any temporary restraining*
39 *order that has been granted shall remain in effect until the end of*
40 *the continued hearing, unless otherwise ordered by the court. In*

1 granting a continuance, the court may modify or terminate a
2 temporary restraining order.

3 ~~(e)~~

4 (q) (1) If a respondent, named in an order issued under this
5 section after a hearing, has not been served personally with the
6 order but has received actual notice of the existence and substance
7 of the order through personal appearance in court to hear the terms
8 of the order from the court, no additional proof of service is
9 required for enforcement of the order.

10 (2) If the respondent named in a temporary restraining order is
11 personally served with the order and notice of hearing with respect
12 to a restraining order or protective order based on the temporary
13 restraining order, but the respondent does not appear at the hearing,
14 either personally or by an attorney, and the terms and conditions
15 of the restraining order or protective order issued at the hearing
16 are identical to the temporary restraining order, except for the
17 duration of the order, then the restraining order or protective order
18 issued at the hearing may be served on the respondent by first-class
19 mail sent to the respondent at the most current address for the
20 respondent that is available to the court.

21 (3) The Judicial Council form for temporary orders issued
22 pursuant to this subdivision shall contain a statement in
23 substantially the following form:

24 “If you have been personally served with a temporary restraining
25 order and notice of hearing, but you do not appear at the hearing
26 either in person or by a lawyer, and a restraining order that is the
27 same as this temporary restraining order except for the expiration
28 date is issued at the hearing, a copy of the order will be served on
29 you by mail at the following address:

30 If that address is not correct or you wish to verify that the
31 temporary restraining order was converted to a restraining order
32 at the hearing without substantive change and to find out the
33 duration of that order, contact the clerk of the court.”

34 ~~(p)~~

35 (r) (1) Information on a protective order relating to elder or
36 dependent adult abuse issued by a court pursuant to this section
37 shall be transmitted to the Department of Justice in accordance
38 with either paragraph (2) or (3).

39 (2) The court shall order the petitioner or the attorney for the
40 petitioner to deliver a copy of an order issued under this section,

1 or a reissuance, extension, modification, or termination of the
2 order, and any subsequent proof of service, by the close of the
3 business day on which the order, reissuance, extension,
4 modification, or termination was made, to each law enforcement
5 agency having jurisdiction over the residence of the petitioner, and
6 to any additional law enforcement agencies within the court's
7 discretion as are requested by the petitioner.

8 (3) Alternatively, the court or its designee shall transmit, within
9 one business day, to law enforcement personnel all information
10 required under subdivision (b) of Section 6380 of the Family Code
11 regarding any order issued under this section, or a reissuance,
12 extension, modification, or termination of the order, and any
13 subsequent proof of service, by either one of the following
14 methods:

15 (A) Transmitting a physical copy of the order or proof of service
16 to a local law enforcement agency authorized by the Department
17 of Justice to enter orders into the California Law Enforcement
18 Telecommunications System (CLETS).

19 (B) With the approval of the Department of Justice, entering
20 the order or proof of service into CLETS directly.

21 (4) Each appropriate law enforcement agency shall make
22 available information as to the existence and current status of these
23 orders to law enforcement officers responding to the scene of
24 reported abuse.

25 (5) An order issued under this section shall, on request of the
26 petitioner, be served on the respondent, whether or not the
27 respondent has been taken into custody, by any law enforcement
28 officer who is present at the scene of reported abuse involving the
29 parties to the proceeding. The petitioner shall provide the officer
30 with an endorsed copy of the order and a proof of service, which
31 the officer shall complete and send to the issuing court.

32 (6) Upon receiving information at the scene of an incident of
33 abuse that a protective order has been issued under this section,
34 or that a person who has been taken into custody is the respondent
35 to that order, if the protected person cannot produce an endorsed
36 copy of the order, a law enforcement officer shall immediately
37 attempt to verify the existence of the order.

38 (7) If the law enforcement officer determines that a protective
39 order has been issued but not served, the officer shall immediately
40 notify the respondent of the terms of the order and where a written

1 copy of the order can be obtained, and the officer shall at that time
2 also enforce the order. The law enforcement officer's oral notice
3 of the terms of the order shall constitute service of the order and
4 is sufficient notice for the purposes of this section and for the
5 purposes of Section 273.6 of the Penal Code.

6 (8) This subdivision does not apply, and the protective order
7 shall not be subject to the requirements of Section 6380 of the
8 Family Code, if the protective order issued pursuant to this section
9 was made solely on the basis of isolation unaccompanied by force,
10 threat, harassment, intimidation, or any other form of abuse.

11 ~~(q)~~
12 (s) This section does not preclude either party from
13 representation by private counsel or from appearing on the party's
14 own behalf.

15 ~~(r)~~
16 (t) There shall not be a filing fee for a petition, response, or
17 paper seeking the reissuance, modification, or enforcement of a
18 protective order filed in a proceeding brought pursuant to this
19 section.

20 ~~(s)~~
21 (u) Pursuant to paragraph (4) of subdivision (b) of Section
22 6103.2 of the Government Code, a petitioner shall not be required
23 to pay a fee for law enforcement to serve an order issued under
24 this section.

25 ~~(t)~~
26 (v) The prevailing party in an action brought under this section
27 may be awarded court costs and attorney's fees, if any.

28 ~~(u)~~
29 (w) (1) A person subject to a protective order under this section
30 shall not own, possess, purchase, receive, or attempt to receive a
31 firearm or ammunition while the protective order is in effect.

32 (2) The court shall order a person subject to a protective order
33 issued under this section to relinquish any firearms that the person
34 owns or possesses pursuant to Section 527.9 of the Code of Civil
35 Procedure.

36 (3) Every person who owns, possesses, purchases, or receives,
37 or attempts to purchase or receive a firearm or ammunition while
38 subject to a protective order issued under this section is punishable
39 pursuant to Section 29825 of the Penal Code.

(4) This subdivision does not apply in a case in which a protective order issued under this section was made solely on the basis of financial abuse or isolation unaccompanied by force, threat, harassment, intimidation, or any other form of abuse.

~~(v)~~

(x) In a proceeding brought under paragraph (3) of subdivision (a), all of the following apply:

(1) Upon the filing of a petition for a protective order, the elder or dependent adult on whose behalf the petition has been filed shall receive a copy of the petition, a notice of the hearing, and any declarations submitted in support of the petition. The elder or dependent adult shall receive this information at least five days before the hearing. The court may, on motion of the petitioner or on its own motion, shorten the time for provision of this information to the elder or dependent adult.

(2) The adult protective services agency shall make reasonable efforts to assist the elder or dependent adult to attend the hearing and provide testimony to the court, if that person wishes to do so. If the elder or dependent adult does not attend the hearing, the agency shall provide information to the court at the hearing regarding the reasons why the elder or dependent adult is not in attendance.

(3) Upon the filing of a petition for a protective order and upon issuance of an order granting the petition, the county adult protective services agency shall take all reasonable steps to provide for the safety of the elder or dependent adult, pursuant to Chapter 13 (commencing with Section 15750), which may include, but are not limited to, facilitating the location of alternative accommodations for the elder or dependent adult, if needed.

~~(w)~~

(y) Willful disobedience of a temporary restraining order or restraining order after hearing granted under this section is punishable pursuant to Section 273.6 of the Penal Code.

~~(x)~~

(z) This section does not apply to any action or proceeding governed by Title 1.6C (commencing with Section 1788) of Part 4 of Division 3 of the Civil Code, Chapter 3 (commencing with Section 525) of Title 7 of Part 2 of the Code of Civil Procedure, or Division 10 (commencing with Section 6200) of the Family

1 Code. This section does not preclude a petitioner's right to use
2 other existing civil remedies.

3 ~~(y)~~

4 ~~(aa)~~ (1) The Judicial Council shall develop forms, instructions,
5 and rules relating to matters governed by this section. The petition
6 and response forms shall be simple and concise, and shall be used
7 by parties in actions brought pursuant to this section.

8 (2) On or before February 1, 2023, the Judicial Council shall
9 revise or promulgate forms as necessary to implement the changes
10 made by the act that added this paragraph.

11 ~~(z)~~

12 ~~(ab)~~ When issuing a protective order pursuant to this section
13 for abuse involving acts described in paragraph (1) or (2) of
14 subdivision (a) of Section 15610.07, after notice and a hearing,
15 the court may, if appropriate, also issue an order requiring the
16 restrained party to participate in mandatory clinical counseling or
17 anger management courses provided by a counselor, psychologist,
18 psychiatrist, therapist, clinical social worker, or other mental or
19 behavioral health professional licensed in the state to provide those
20 services.

21 ~~(aa)~~

22 ~~(ac)~~ This section shall become operative on January 1, 2023.