

AMENDED IN SENATE JULY 10, 2025

AMENDED IN ASSEMBLY MARCH 10, 2025

CALIFORNIA LEGISLATURE—2025–26 REGULAR SESSION

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, to amend Sections 6307 and 6308 of the Family Code, *to amend Section 6103.2 of the Government Code*, and to amend Section 15657.03 of the Welfare and Institutions Code, relating to restraining orders.

LEGISLATIVE COUNSEL'S DIGEST

AB 561, as amended, 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.~~

This bill would authorize a petition prohibiting harassment and any related filings to be submitted electronically, as specified, at no charge to the petitioner. The bill would require the request, notice of the court date, copies of the request to serve on the respondent, and the temporary restraining order, if granted, to be provided to a petitioner who filed

electronically to be provided to the petitioner electronically, unless the petitioner notes, at the time of electronic filing, that these documents will be picked up from the court.

The bill would authorize a party or witness to appear remotely at the hearing on the petition for a protective order, and prohibit the superior court from charging a fee for the remote appearance. The bill would require the superior court of each county to develop, and post on its internet website, local rules and instructions regarding remote appearances for protective orders.

The bill would make a conforming change.

(2) Existing law requires a court or court facility that receives petitions for domestic violence restraining orders to permit the petitions and related filings to be submitted electronically, ~~as specified.~~ *specified, and prohibits a filing fee for an application, responsive pleading, or an order to show cause that seeks to obtain, modify, or enforce a domestic violence restraining order, as specified. Existing law requires the request, notice of the court date, copies of the request to serve on the respondent, and the temporary restraining order, if granted, to be provided to the petitioner electronically, unless the petitioner notes, at the time of electronic filing, that these documents will be picked up from the court or court facility. Existing law authorizes a party, support person, or witness to appear remotely at a domestic violence restraining order hearing. Existing law requires the superior court of each county to develop local rules and instructions for remote appearances and requires them to be posted on the court's internet website.*

This bill would require a court or court facility that receives petitions for domestic violence restraining orders to accept electronic filings at no charge to the petitioner, and would prohibit a superior court from charging a fee for a party, support person, or witness to appear remotely at a domestic violence restraining order hearing.

(3) Existing law authorizes an elder or dependent adult who has suffered abuse to seek ~~protective orders.~~ *a protective order and prohibits a filing fee for a petition, response, or paper seeking the reissuance, modification, or enforcement of a protective order.*

This bill would require a court or court facility that receives petitions for protective orders for elder or dependent adults to permit those petitions and any ~~related filings related to those petitions~~ to be submitted electronically, ~~as specified.~~ *The specified, at no charge to the petitioner. The bill would require the request, notice of the court date, copies of the request to serve on the respondent, and the temporary restraining*

order, if granted, to be provided to a petitioner who filed electronically, unless the petitioner notes, at the time of electronic filing, that these documents will be picked up from the court.

The bill would authorize a party, representative of the county adult protective services agency, or witness to appear remotely at the hearing on a petition for a protective order for an elder or ~~dependent~~, *dependent* adult, and prohibit the superior court from charging a fee for the remote appearance. The bill would require the superior court of each county to develop, and post on its internet website, local rules and instructions regarding remote appearances for protective orders for elder or dependent adults. The bill would require information regarding electronic filing and access to the court's self-help center to be prominently displayed on each superior court's home page, and require each self-help center to maintain and make available information related to elder abuse restraining orders. ~~The bill would authorize the Judicial Council to adopt or amend rules and forms to implement these provisions.~~

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 or cannot be located.

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. ~~The petition and any filings related to the petition may~~

1 ~~be submitted electronically, as provided in Section 6307 of the~~
2 ~~Family Code.~~

3 (2) An individual need not be a resident of the state to file a
4 petition for an order under this section. A petition for an order as
5 specified in paragraph (1) may be filed in any superior court in
6 this state, consistent with Section 410.10 of the Code of Civil
7 Procedure, which may include, but is not limited to:

8 (A) The county in which the petitioner resides or is temporarily
9 located.

10 (B) The county in which the defendant resides.

11 (C) The county in which the offense occurred.

12 (D) Any other court that may have jurisdiction over the parties
13 or the subject matter of the case.

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

19 (b) For purposes of this section, the following terms have the
20 following meanings:

21 (1) "Course of conduct" is a pattern of conduct composed of a
22 series of acts over a period of time, however short, evidencing a
23 continuity of purpose, including following or stalking an individual,
24 making harassing telephone calls to an individual, or sending
25 harassing correspondence to an individual by any means, including,
26 but not limited to, the use of public or private mails, interoffice
27 mail, facsimile, or email. Constitutionally protected activity is not
28 included within the meaning of "course of conduct."

29 (2) "Credible threat of violence" is a knowing and willful
30 statement or course of conduct that would place a reasonable person
31 in fear for the person's safety or the safety of the person's
32 immediate family, and that serves no legitimate purpose.

33 (3) "Harassment" is unlawful violence, a credible threat of
34 violence, or a knowing and willful course of conduct directed at
35 a specific person that seriously alarms, annoys, or harasses the
36 person, and that serves no legitimate purpose. The course of
37 conduct must be that which would cause a reasonable person to
38 suffer substantial emotional distress, and must actually cause
39 substantial emotional distress to the petitioner.

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

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

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

10 (A) An order enjoining a party from harassing, intimidating,
11 molesting, attacking, striking, stalking, threatening, sexually
12 assaulting, battering, abusing, telephoning, including, but not
13 limited to, making annoying telephone calls, as described in Section
14 653m of the Penal Code, destroying personal property, contacting,
15 either directly or indirectly, by mail or otherwise, or coming within
16 a specified distance of, or disturbing the peace of, the petitioner.
17 On a showing of good cause, in an order issued pursuant to this
18 subparagraph in connection with an animal owned, possessed,
19 leased, kept, or held by the petitioner, or residing in the residence
20 or household of the petitioner, the court may do either or both of
21 the following:

22 (i) Grant the petitioner exclusive care, possession, or control of
23 the animal.

24 (ii) Order the respondent to stay away from the animal and
25 refrain from taking, transferring, encumbering, concealing,
26 molesting, attacking, striking, threatening, harming, or otherwise
27 disposing of the animal.

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

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

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

38 (d) Upon filing a petition for orders under this section, the
39 petitioner may obtain a temporary restraining order in accordance
40 with Section 527, except to the extent this section provides an

1 inconsistent rule. The temporary restraining order may include
2 any of the restraining orders described in paragraph (6) of
3 subdivision (b). A temporary restraining order may be issued with
4 or without notice, based on a declaration that, to the satisfaction
5 of the court, shows reasonable proof of harassment of the petitioner
6 by the respondent, and that great or irreparable harm would result
7 to the petitioner.

8 (e) A request for the issuance of a temporary restraining order
9 without notice under this section shall be granted or denied on the
10 same day that the petition is submitted to the court. If the petition
11 is filed too late in the day to permit effective review, the order
12 shall be granted or denied on the next day of judicial business in
13 sufficient time for the order to be filed that day with the clerk of
14 the court.

15 (f) A temporary restraining order issued under this section shall
16 remain in effect, at the court's discretion, for a period not to exceed
17 21 days, or, if the court extends the time for hearing under
18 subdivision (g), not to exceed 25 days, unless otherwise modified
19 or terminated by the court.

20 (g) Within 21 days, or, if good cause appears to the court, 25
21 days from the date that a petition for a temporary order is granted
22 or denied, a hearing shall be held on the petition. If a request for
23 a temporary order is not made, the hearing shall be held within 21
24 days, or, if good cause appears to the court, 25 days, from the date
25 that the petition is filed.

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

29 (i) (1) At the hearing, the judge shall receive any testimony
30 that is relevant, and may make an independent inquiry. If the judge
31 finds by clear and convincing evidence that unlawful harassment
32 exists, an order shall issue prohibiting the harassment.

33 ~~(2) The parties may appear remotely at the hearing, as provided~~
34 ~~in Section 6308 of the Family Code.~~

35 (2) *A party or witness may appear remotely at the hearing on*
36 *a petition for an order under this section. The superior court of*
37 *each county shall not charge a fee for a party to appear remotely*
38 *at the hearing and shall develop local rules and instructions for*
39 *remote appearances permitted under this paragraph, which shall*
40 *be posted on its internet website.*

1 (j) (1) In the discretion of the court, an order issued after notice
2 and hearing under this section may have a duration of no more
3 than five years, subject to termination or modification by further
4 order of the court either on written stipulation filed with the court
5 or on the motion of a party. The order may be renewed, upon the
6 request of a party, for a duration of no more than five additional
7 years, without a showing of any further harassment since the
8 issuance of the original order, subject to termination or
9 modification by further order of the court either on written
10 stipulation filed with the court or on the motion of a party. A
11 request for renewal may be brought any time within the three
12 months before the order expires.

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

16 (3) If an action is filed for the purpose of terminating or
17 modifying a protective order before the expiration date specified
18 in the order by a party other than the protected party, the party
19 who is protected by the order shall be given notice, pursuant to
20 subdivision (b) of Section 1005, of the proceeding by personal
21 service or, if the protected party has satisfied the requirements of
22 Chapter 3.1 (commencing with Section 6205) of Division 7 of
23 Title 1 of the Government Code, by service on the Secretary of
24 State. If the party who is protected by the order cannot be notified
25 before the hearing for modification or termination of the protective
26 order, the court shall deny the motion to modify or terminate the
27 order without prejudice or continue the hearing until the party who
28 is protected can be properly noticed and may, upon a showing of
29 good cause, specify another method for service of process that is
30 reasonably designed to afford actual notice to the protected party.
31 The protected party may waive the protected party's right to notice
32 if the protected party is physically present in court and does not
33 challenge the sufficiency of the notice.

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

37 (l) In a proceeding under this section, if there are allegations of
38 unlawful violence or credible threats of violence, a support person
39 may accompany a party in court and, if the party is not represented
40 by an attorney, may sit with the party at the table that is generally

1 reserved for the party and the party's attorney. The support person
2 is present to provide moral and emotional support for a person
3 who alleges they are a victim of violence. The support person is
4 not present as a legal adviser and may not provide legal advice.
5 The support person may assist the person who alleges they are a
6 victim of violence in feeling more confident that they will not be
7 injured or threatened by the other party during the proceedings if
8 the person who alleges the person is a victim of violence and the
9 other party are required to be present in close proximity. This
10 subdivision does not preclude the court from exercising its
11 discretion to remove the support person from the courtroom if the
12 court believes the support person is prompting, swaying, or
13 influencing the party assisted by the support person.

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

21 (2) If the court determines at the hearing that, after a diligent
22 effort, the petitioner has been unable to accomplish personal
23 service, and that there is reason to believe that the respondent is
24 evading service or cannot be located, then the court may specify
25 another method of service that is reasonably calculated to give
26 actual notice to the respondent and may prescribe the manner in
27 which proof of service shall be made.

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

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

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

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

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

23
24 “If you have been personally served with this temporary
25 restraining order and notice of hearing, but you do not appear at
26 the hearing either in person or by a lawyer, and a restraining order
27 that is the same as this temporary restraining order except for the
28 expiration date is issued at the hearing, a copy of the restraining
29 order will be served on 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

35 (4) If information about a minor has been made confidential
36 pursuant to subdivision (v), the notice shall identify the
37 information, specifically, that has been made confidential and shall
38 include a statement that disclosure or misuse of that information
39 is punishable as a contempt of court.

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

5 (2) The court shall order the petitioner or the attorney for the
6 petitioner to deliver a copy of an order issued under this section,
7 or reissuance, extension, modification, or termination of the order,
8 and any subsequent proof of service, by the close of the business
9 day on which the order, reissuance, extension, modification, or
10 termination was made, to a law enforcement agency having
11 jurisdiction over the residence of the petitioner and to any
12 additional law enforcement agencies within the court's discretion
13 as are requested by the petitioner.

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

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

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

27 (4) Each appropriate law enforcement agency shall make
28 available information as to the existence and current status of
29 orders issued under this section to law enforcement officers
30 responding to the scene of reported harassment.

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

38 (6) Upon receiving information at the scene of an incident of
39 harassment that a protective order has been issued under this
40 section, or that a person who has been taken into custody is the

1 subject of an order, if the protected person cannot produce a
2 certified copy of the order, a law enforcement officer shall
3 immediately attempt to verify the existence of the order.

4 (7) If the law enforcement officer determines that a protective
5 order has been issued but not served, the officer shall immediately
6 notify the respondent of the terms of the order and shall at that
7 time also enforce the order. Verbal notice of the terms of the order
8 shall constitute service of the order and is sufficient notice for
9 purposes of this section and for purposes of Section 29825 of the
10 Penal Code. Verbal notice shall include the information required
11 pursuant to paragraph (4) of subdivision (q).

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

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

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

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

24 (3) A person who owns, possesses, purchases, or receives, or
25 attempts to purchase or receive, a firearm or ammunition while
26 the protective order is in effect is punishable pursuant to Section
27 29825 of the Penal Code.

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

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

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

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

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

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

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

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

19 (i) By the minor's legal guardian who petitioned to keep the
20 information confidential pursuant to this subdivision or the
21 protected party in an order pursuant to this division, provided that
22 the disclosure is necessary to prevent harassment or is in the
23 minor's best interest. A legal guardian or a protected party who
24 makes a disclosure under this clause is subject to the sanction in
25 subparagraph (A) only if the disclosure was malicious.

26 (ii) By a person to whom confidential information is disclosed,
27 provided that the disclosure is necessary to prevent harassment or
28 is in the best interest of the minor, no more information than
29 necessary is disclosed, and a delay would be caused by first
30 obtaining a court order to authorize the disclosure of the
31 information. A person who makes a disclosure pursuant to this
32 clause is subject to the sanction in subparagraph (A) if the person
33 discloses the information in a manner that recklessly or maliciously
34 disregards these requirements.

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

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

39 (ii) The respondent to allow the respondent to comply with the
40 order for confidentiality and to allow the respondent to comply

1 with and respond to the protective order. A notice shall be provided
2 to the respondent that identifies the specific information that has
3 been made confidential and shall include a statement that disclosure
4 is punishable by a monetary fine.

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

10 (C) The court may authorize a disclosure of any portion of the
11 confidential information to any person that files a petition if
12 necessary to prevent harassment, as defined under subdivision (b),
13 or if it is in the best interest of the minor. The party who petitioned
14 the court to keep the information confidential pursuant to this
15 subdivision shall be served personally or by first-class mail with
16 a copy of the petition and afforded an opportunity to object to the
17 disclosure.

18 (w) This section does not apply to any action or proceeding
19 covered by Title 1.6C (commencing with Section 1788) of Part 4
20 of Division 3 of the Civil Code or by Division 10 (commencing
21 with Section 6200) of the Family Code. This section does not
22 preclude a petitioner from using other existing civil remedies.

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

27 (2) A temporary restraining order or order after hearing relating
28 to civil harassment issued by a court pursuant to this section shall
29 be issued on forms adopted by the Judicial Council and that have
30 been approved by the Department of Justice pursuant to subdivision
31 (i) of Section 6380 of the Family Code. However, the fact that an
32 order issued by a court pursuant to this section was not issued on
33 forms adopted by the Judicial Council and approved by the
34 Department of Justice shall not, in and of itself, make the order
35 unenforceable.

36 (y) ~~There (1)~~ (A) *A court that receives petitions for protective*
37 *orders under this section shall permit those petitions and any*
38 *filings related to those petitions to be submitted electronically at*
39 *no charge to the petitioner. The court shall, based on the time of*
40 *the receipt, act on those filings consistent with subdivision (e).*

1 (B) *The request, notice of the court date, copies of the request*
2 *to serve on the respondent, and the temporary restraining order,*
3 *if granted, shall be provided to a petitioner who filed the petition*
4 *electronically, unless the petitioner notes, at the time of electronic*
5 *filing, that these documents will be picked up from the court.*

6 (2) *There is no filing fee for a petition that alleges that a person*
7 *has inflicted or threatened violence against the petitioner, stalked*
8 *the petitioner, or acted or spoken in any other manner that has*
9 *placed the petitioner in reasonable fear of violence, and that seeks*
10 *a protective or restraining order restraining stalking, future*
11 *violence, or threats of violence, in an action brought pursuant to*
12 *this section.*~~A~~

13 (A) *A fee shall not be paid for a subpoena filed in connection*
14 *with a petition alleging these acts.*~~A~~

15 (B) *A fee shall not be paid for filing a response to a petition*
16 *alleging these acts.*

17 (z) (1) *Subject to paragraph (4) of subdivision (b) of Section*
18 *6103.2 of the Government Code, there shall not be a fee for the*
19 *service of process by a sheriff or marshal of a protective or*
20 *restraining order to be issued pursuant to subdivision (y): issued,*
21 *if either of the following conditions apply:*

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

25 (B) *The protective or restraining order issued pursuant to this*
26 *section is based upon unlawful violence or a credible threat of*
27 *violence.*

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

31 SEC. 2. Section 6307 of the Family Code is amended to read:

32 6307. (a) (1) *A court or court facility that receives petitions*
33 *for domestic violence restraining orders under this part or domestic*
34 *violence temporary restraining orders under Part 4 (commencing*
35 *with Section 240) of Division 2 shall permit those petitions and*
36 *any filings related to those petitions to be submitted electronically*
37 *at no charge to the petitioner. The court or court facility shall,*
38 *based on the time of receipt, act on these filings consistent with*
39 *Section 246.*

1 (2) The request, notice of the court date, copies of the request
2 to serve on the respondent, and the temporary restraining order, if
3 granted, shall be provided to the petitioner electronically, unless
4 the petitioner notes, at the time of electronic filing, that these
5 documents will be picked up from the court or court facility.

6 (b) (1) Information regarding electronic filing and access to
7 the court's self-help center shall be prominently displayed on each
8 court's homepage.

9 (2) Each self-help center shall maintain and make available
10 information related to domestic violence restraining orders pursuant
11 to this section.

12 (c) The Judicial Council may adopt or amend rules and forms
13 to implement this section.

14 SEC. 3. Section 6308 of the Family Code is amended to read:

15 6308. A party, support person as defined in Section 6303, or
16 witness may appear remotely at the hearing on a petition for a
17 domestic violence restraining order. The superior court of each
18 county shall not charge a fee for any of these persons to appear
19 remotely at the hearing and shall develop local rules and
20 instructions for remote appearances permitted under this section,
21 which shall be posted on its internet website.

22 SEC. 4. Section 6103.2 of the Government Code is amended
23 to read:

24 6103.2. (a) Section 6103 does not apply to any fee or charge
25 or expense for official services rendered by a sheriff or marshal
26 in connection with the levy of writs of attachment, execution,
27 possession, or sale. The fee, charge, or expense may be advanced
28 to the sheriff or marshal, as otherwise required by law.

29 (b) (1) Notwithstanding Section 6103, the sheriff or marshal,
30 in connection with the service of process or notices, may require
31 that all fees which a public agency, or any person or entity, is
32 required to pay under provisions of law other than this section, be
33 prepaid by a public agency named in Section 6103, or by any
34 person or entity, prior to the performance of any official act. This
35 authority to require prepayment shall include fees governed by
36 Section 6103.5.

37 (2) This subdivision does not apply to the service of process or
38 notices in any action by the district attorney's office for the
39 establishment or enforcement of a child support obligation.

(3) This subdivision does not apply to a particular jurisdiction unless the sheriff or marshal, as the case may be, imposes the requirement of prepayment upon public agencies and upon all persons or entities within the private sector.

(4) The requirement for prepayment of a fee deposit does not apply to orders or injunctions described in paragraph (1) of subdivision ~~(x)~~ (z) of Section 527.6, paragraph (1) of subdivision (w) of Section 527.8, or paragraph (1) of subdivision (w) of Section 527.85 of the Code of Civil Procedure, Division 10 (commencing with Section 6200) of the Family Code (Prevention of Domestic Violence), Division 3.2 (commencing with Section 18100) of Title 2 of Part 6 of the Penal Code (Gun Violence Restraining Orders), and Chapter 11 (commencing with Section 15600) of Part 3 of Division 9 of the Welfare and Institutions Code (Elder Abuse and Dependent Adult Civil Protection Act).

However, a sheriff or marshal may submit a billing to the superior court for payment of fees in the manner prescribed by the Judicial Council irrespective of the in forma pauperis status of any party under Rules 3.50 to 3.58, inclusive, of the California Rules of Court. The fees for service, cancellation of service, and making a not found return may not exceed the amounts provided in Sections 26721, 26736, and 26738, respectively, and are subject to the provisions of Section 26731.

~~SEC. 4.~~

SEC. 5. Section 15657.03 of the Welfare and Institutions Code is amended to read:

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

~~(B) A court or court facility that receives petitions for a protective order pursuant to this section shall permit those petitions and any filings related to those petitions to be submitted electronically at no charge to the petitioner. The court or court facility shall, based on the time of receipt of the petition, act on these filings consistent with Section 246 of the Family Code. Electronic filings shall be subject to all relevant provisions of Section 6307 of the Family Code.~~

(2) (A) A petition may be brought on behalf of an abused elder or dependent adult by a conservator or a trustee of the elder or dependent adult, an attorney-in-fact of an elder or dependent adult

1 who acts within the authority of a power of attorney, a person
2 appointed as a guardian ad litem for the elder or dependent adult,
3 or other person legally authorized to seek the relief.

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

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

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

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

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

22 (B) In the case of a petition filed pursuant to clause (i) of
23 subparagraph (A) by a county adult protective services agency, a
24 referral shall be made to the public guardian consistent with Section
25 2920 of the Probate Code prior to or concurrent with the filing of
26 the petition, unless a petition for appointment of a conservator has
27 already been filed with the probate court by the public guardian
28 or another party.

29 (C) A county adult protective services agency shall be subject
30 to any confidentiality restrictions that otherwise apply to its
31 activities under law and shall disclose only those facts as necessary
32 to establish reasonable cause for the filing of the petition, including,
33 in the case of a petition filed pursuant to clause (i) of subparagraph
34 (A), to establish the agency’s belief that the elder or dependent
35 adult has suffered abuse and has an impaired ability to appreciate
36 and understand the circumstances that place the elder or dependent
37 adult at risk, and as may be requested by the court in determining
38 whether to issue an order under this section.

39 (b) For purposes of this section:

40 (1) “Abuse” has the meaning set forth in Section 15610.07.

1 (2) “Conservator” means the legally appointed conservator of
2 the person or estate of the petitioner, or both.

3 (3) “Interested party” means an individual with a personal,
4 preexisting relationship with the elder or dependent adult. A
5 preexisting relationship may be shown by a description of past
6 involvement with the elder or dependent adult, time spent together,
7 and any other proof that the individual spent time with the elder
8 or dependent adult.

9 (4) “Petitioner” means the elder or dependent adult to be
10 protected by the protective orders and, if the court grants the
11 petition, the protected person.

12 (5) “Protective order” means an order that includes any of the
13 following restraining orders, whether issued ex parte, after notice
14 and hearing, or in a judgment:

15 (A) An order enjoining a party from abusing, intimidating,
16 molesting, attacking, striking, stalking, threatening, sexually
17 assaulting, battering, harassing, telephoning, including, but not
18 limited to, making annoying telephone calls as described in Section
19 653m of the Penal Code, destroying personal property, contacting,
20 either directly or indirectly, by mail or otherwise, or coming within
21 a specified distance of, or disturbing the peace of, the petitioner,
22 and, in the discretion of the court, on a showing of good cause, of
23 other named family or household members or a conservator, if
24 any, of the petitioner. On a showing of good cause, in an order
25 issued pursuant to this subparagraph in connection with an animal
26 owned, possessed, leased, kept, or held by the petitioner, or residing
27 in the residence or household of the petitioner, the court may do
28 either or both of the following:

29 (i) Grant the petitioner exclusive care, possession, or control of
30 the animal.

31 (ii) Order the respondent to stay away from the animal and
32 refrain from taking, transferring, encumbering, concealing,
33 molesting, attacking, striking, threatening, harming, or otherwise
34 disposing of the animal.

35 (B) An order excluding a party from the petitioner’s residence
36 or dwelling, except that this order shall not be issued if legal or
37 equitable title to, or lease of, the residence or dwelling is in the
38 sole name of the party to be excluded, or is in the name of the party
39 to be excluded and any other party besides the petitioner.

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

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

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

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

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

23 (II) The elder or dependent adult expressly desires contact with
24 the interested party. A court shall use all means at its disposal to
25 determine whether the elder or dependent adult desires contact
26 with the person and has the capacity to consent to that contact.

27 (III) The respondent's isolation of the elder or dependent adult
28 from the interested party was not in response to an actual or
29 threatened abuse of the elder or dependent adult by the interested
30 party or the elder or dependent adult's desire not to have contact
31 with the interested party.

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

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

39 (iv) An order enjoining isolation shall not be issued under this
40 section if the elder or dependent adult resides in a long-term care

1 facility, as defined in Section 9701, or a residential facility, as
2 defined in Section 1502 of the Health and Safety Code. In those
3 cases, action may be taken under appropriate federal law.

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

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

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

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

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

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

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

35 (e) A request for the issuance of a temporary restraining order
36 without notice under this section shall be granted or denied on the
37 same day that the petition is submitted to the court, unless the
38 petition is filed too late in the day to permit effective review, in
39 which case the order shall be granted or denied on the next day of

1 judicial business in sufficient time for the order to be filed that day
2 with the clerk of the court.

3 (f) Within 21 days, or, if good cause appears to the court, 25
4 days, from the date that a request for a temporary restraining order
5 is granted or denied, a hearing shall be held on the petition. If no
6 request for temporary orders is made, the hearing shall be held
7 within 21 days, or, if good cause appears to the court, 25 days,
8 from the date that the petition is filed.

9 (g) The respondent may file a response that explains or denies
10 the alleged abuse.

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

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

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

32 (3) If an action is filed for the purpose of terminating or
33 modifying a protective order prior to the expiration date specified
34 in the order by a party other than the protected party, the party
35 who is protected by the order shall be given notice, pursuant to
36 subdivision (b) of Section 1005 of the Code of Civil Procedure,
37 of the proceeding by personal service or, if the protected party has
38 satisfied the requirements of Chapter 3.1 (commencing with
39 Section 6205) of Division 7 of Title 1 of the Government Code,
40 by service on the Secretary of State. If the party who is protected

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

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

26 (k) (1) Except as provided in paragraph (2), upon the filing of
27 a petition for protective orders under this section, the respondent
28 shall be personally served with a copy of the petition, notice of
29 the hearing or order to show cause, temporary restraining order,
30 if any, and any declarations in support of the petition. Service shall
31 be made at least five days before the hearing. The court may, on
32 motion of the petitioner or on its own motion, shorten the time for
33 service on the respondent.

34 (2) If the court determines at the hearing that, after a diligent
35 effort, the petitioner has been unable to accomplish personal
36 service, and that there is reason to believe that the respondent is
37 evading service or cannot be located, then the court may specify
38 another method of service that is reasonably calculated to give
39 actual notice to the respondent and may prescribe the manner in
40 which proof of service shall be made.

1 (l) A notice of hearing under this section shall notify the
2 respondent that if the respondent does not attend the hearing, the
3 court may make orders against the respondent that could last up
4 to five years.

5 (m) The respondent shall be entitled, as a matter of course, to
6 one continuance, for a reasonable period, to respond to the petition.

7 (n) (1) Either party may request a continuance of the hearing,
8 which the court shall grant on a showing of good cause. The request
9 may be made in writing before or at the hearing or orally at the
10 hearing. The court may also grant a continuance on its own motion.

11 (2) If the court grants a continuance, any temporary restraining
12 order that has been granted shall remain in effect until the end of
13 the continued hearing, unless otherwise ordered by the court. In
14 granting a continuance, the court may modify or terminate a
15 temporary restraining order.

16 (o) (1) If a respondent, named in an order issued under this
17 section after a hearing, has not been served personally with the
18 order but has received actual notice of the existence and substance
19 of the order through personal appearance in court to hear the terms
20 of the order from the court, no additional proof of service is
21 required for enforcement of the order.

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

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

36 “If you have been personally served with a temporary restraining
37 order and notice of hearing, but you do not appear at the hearing
38 either in person or by a lawyer, and a restraining order that is the
39 same as this temporary restraining order except for the expiration

1 date is issued at the hearing, a copy of the order will be served on
2 you by mail at the following address:

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

7 (p) (1) Information on a protective order relating to elder or
8 dependent adult abuse issued by a court pursuant to this section
9 shall be transmitted to the Department of Justice in accordance
10 with either paragraph (2) or (3).

11 (2) The court shall order the petitioner or the attorney for the
12 petitioner to deliver a copy of an order issued under this section,
13 or a reissuance, extension, modification, or termination of the
14 order, and any subsequent proof of service, by the close of the
15 business day on which the order, reissuance, extension,
16 modification, or termination was made, to each law enforcement
17 agency having jurisdiction over the residence of the petitioner, and
18 to any additional law enforcement agencies within the court’s
19 discretion as are requested by the petitioner.

20 (3) Alternatively, the court or its designee shall transmit, within
21 one business day, to law enforcement personnel all information
22 required under subdivision (b) of Section 6380 of the Family Code
23 regarding any order issued under this section, or a reissuance,
24 extension, modification, or termination of the order, and any
25 subsequent proof of service, by either one of the following
26 methods:

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

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

33 (4) Each appropriate law enforcement agency shall make
34 available information as to the existence and current status of these
35 orders to law enforcement officers responding to the scene of
36 reported abuse.

37 (5) An order issued under this section shall, on request of the
38 petitioner, be served on the respondent, whether or not the
39 respondent has been taken into custody, by any law enforcement
40 officer who is present at the scene of reported abuse involving the

1 parties to the proceeding. The petitioner shall provide the officer
2 with an endorsed copy of the order and a proof of service, which
3 the officer shall complete and send to the issuing court.

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

10 (7) If the law enforcement officer determines that a protective
11 order has been issued but not served, the officer shall immediately
12 notify the respondent of the terms of the order and where a written
13 copy of the order can be obtained, and the officer shall at that time
14 also enforce the order. The law enforcement officer's oral notice
15 of the terms of the order shall constitute service of the order and
16 is sufficient notice for the purposes of this section and for the
17 purposes of Section 273.6 of the Penal Code.

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

23 (q) This section does not preclude either party from
24 representation by private counsel or from appearing on the party's
25 own behalf.

26 (r) (1) There shall not be a filing fee for a petition, response,
27 or paper seeking the reissuance, modification, or enforcement of
28 a protective order filed in a proceeding brought pursuant to this
29 section.

30 (2) (A) *A court that receives petitions for protective orders*
31 *under this section shall permit those petitions and any filings*
32 *related to those petitions to be submitted electronically at no*
33 *charge to the petitioner. The court shall, based on the time of the*
34 *receipt, act on those filings consistent with subdivision (e).*

35 (B) *The request, notice of the court date, copies of the request*
36 *to serve on the respondent, and the temporary restraining order,*
37 *if granted, shall be provided to a petitioner who filed the petition*
38 *electronically, unless the petitioner notes, at the time of electronic*
39 *filing, that these documents will be picked up from the court.*

1 (s) Pursuant to paragraph (4) of subdivision (b) of Section
2 6103.2 of the Government Code, a petitioner shall not be required
3 to pay a fee for law enforcement to serve an order issued under
4 this section.

5 (t) The prevailing party in an action brought under this section
6 may be awarded court costs and attorney's fees, if any.

7 (u) (1) A person subject to a protective order under this section
8 shall not own, possess, purchase, receive, or attempt to receive a
9 firearm or ammunition while the protective order is in effect.

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

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

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

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

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

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

39 (3) Upon the filing of a petition for a protective order and upon
40 issuance of an order granting the petition, the county adult

1 protective services agency shall take all reasonable steps to provide
2 for the safety of the elder or dependent adult, pursuant to Chapter
3 13 (commencing with Section 15750), which may include, but are
4 not limited to, facilitating the location of alternative
5 accommodations for the elder or dependent adult, if needed.

6 ~~(4)~~

7 (w) A party, representative of the county adult protective
8 services agency, or witness may appear remotely at the hearing
9 on a petition for a protective ~~order~~ *order under this section*. The
10 superior court of each county shall not charge a fee for any of these
11 persons to appear remotely at the hearing and shall develop local
12 rules and instructions for remote appearances permitted under this
13 section, which shall be posted on its internet website.

14 ~~(w)~~

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

18 ~~(x)~~

19 (y) This section does not apply to any action or proceeding
20 governed by Title 1.6C (commencing with Section 1788) of Part
21 4 of Division 3 of the Civil Code, Chapter 3 (commencing with
22 Section 525) of Title 7 of Part 2 of the Code of Civil Procedure,
23 or Division 10 (commencing with Section 6200) of the Family
24 Code. This section does not preclude a petitioner's right to use
25 other existing civil remedies.

26 ~~(y)~~

27 (z) (1) The Judicial Council shall develop forms, instructions,
28 and rules relating to matters governed by this section. The petition
29 and response forms shall be simple and concise, and shall be used
30 by parties in actions brought pursuant to this section.

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

34 ~~(z)~~

35 (aa) When issuing a protective order pursuant to this section
36 for abuse involving acts described in paragraph (1) or (2) of
37 subdivision (a) of Section 15610.07, after notice and a hearing,
38 the court may, if appropriate, also issue an order requiring the
39 restrained party to participate in mandatory clinical counseling or
40 anger management courses provided by a counselor, psychologist,

1 psychiatrist, therapist, clinical social worker, or other mental or
2 behavioral health professional licensed in the state to provide those
3 services.

4 ~~(aa)~~

5 *(ab)* (1) Information regarding electronic filing and access to
6 the superior court's self-help center shall be prominently displayed
7 on each superior court's home page.

8 (2) Each self-help center shall maintain and make available
9 information related to elder abuse restraining orders pursuant to
10 this section.

11 ~~(ab) The Judicial Council may adopt or amend rules and forms~~
12 ~~to implement this section.~~

O