

**SENATE JUDICIARY COMMITTEE**  
**Senator Thomas Umberg, Chair**  
**2025-2026 Regular Session**

AB 561 (Quirk-Silva)  
Version: March 10, 2025  
Hearing Date: July 1, 2025  
Fiscal: Yes  
Urgency: No  
AWM

**SUBJECT**

Restraining orders

**DIGEST**

This bill harmonizes provisions relating to filing fees, remote appearances, and alternative service in civil harassment protective order proceedings and protective order proceedings under the Domestic Violence Prevention Act (DVPA) and the Elder and Dependent Adult Civil Protection Act (EADACPA) and prohibits the charging of fees for filing or remote appearances in those proceedings.

**EXECUTIVE SUMMARY**

California has a number of provisions by which a person who is at risk of harassment, abuse, or other violence can obtain a protective order prohibiting the offending individual from engaging in specific acts. Relevant to this analysis are three such types of protective orders: civil harassment protective orders, domestic violence prevention orders (DVROs) under the DVPA, and elder and dependent adult protective orders under the EADACPA. These three regimes currently have inconsistent provisions relating to electronic filing, remote appearances, and alternative service on a respondent who cannot be located.

This bill is intended to harmonize these provisions within these three protective order types, thereby ensuring that: all documents in connection with these proceedings can be filed electronically; courts cannot charge a filing fee to the petitioner; parties and supporters can appear remotely at hearings without a fee; and the court can authorize alternative service when a petitioner has made a good faith effort to personally serve the respondent and the respondent cannot be located. The bill also prohibits a court from charging a fee for a remote appearance in any of these protective order appearances. The author has agreed to minor amendments to clarify the bill.

This bill is sponsored by Bet Tzedek Legal Services, Elder Law & Advocacy, Justice in Aging, and the San Diego County District Attorney's Office, and is supported by over 20 organizations. The Committee has not received timely opposition to this bill.

### **PROPOSED CHANGES TO THE LAW**

Existing law:

- 1) Permits a person who has suffered harassment, as defined, to obtain a civil harassment restraining order against the harasser and enjoining them from engaging in specified conduct. (Civ. Code, § 527.6.)
- 2) Establishes the DVPA (Fam. Code, §§ 6200 et seq.), which sets forth procedural and substantive requirements for the issuance of an emergency protective order, an ex parte temporary restraining order (TRO), or a longer-term restraining order issued after a noticed hearing (known as orders after hearing, or for purposes of this analysis, a DVRO) to, among other things, enjoin specific acts of abuse or prohibit the abuser from coming within a specified distance of the abused person. (Fam. Code, §§ 6218, 6300 et seq.)
- 3) Requires a court or facility that receives petitions for a DVPA order to permit those petitions and any related filings to be submitted electronically; the court or facility shall, based on the time of receipt, act on the filings as specified. (Fam. Code, § 6307(a).)
- 4) Requires the request, notice of the court date, copies of the request to serve on the respondent, and the temporary restraining order, if granted, in a DVPA case, 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. (Fam. Code, § 6307(b).)
- 5) Requires information regarding electronic filing in a DVPA case and access to the court's self-help center to be prominently displayed on each court's homepage, and for each self-help center to maintain and make available information related to domestic violence restraining orders. (Fam. Code, § 6307(c).)
- 6) Establishes the EADACPA. (Welf. & Inst. Code, div. 9, pt. 3, §§ 15600 et seq.)
- 7) Defines the following relevant terms:
  - a) "Abuse of an elder or dependent adult" means any of the following:
    - (1) physical abuse, neglect, abandonment, isolation, abduction, or other treatment with resulting physical harm or mental suffering;
    - (2) the deprivation of care by a custodian of goods or services that are necessary to

- avoid physical harm or mental suffering; or (3) financial abuse, as defined. (Welf. & Inst. Code, § 15610.07.)
- b) "Dependent adult" means a person, regardless of whether the person lives independently, between the ages of 18 and 64 years who resides in this state and who has physical or mental limitations that restrict their ability to carry out normal activities or to protect their rights, including, but not limited to, persons who have physical or developmental disabilities, or whose physical or mental abilities have diminished because of age; and includes any person between the ages of 18 and 64 years who is admitted as an inpatient to a 24-hour health facility, as defined. (Welf. & Inst. Code, § 15610.23.)
- c) "Elder" means any person residing in this state who is 65 years of age or older. (Welf. & Inst. Code, § 15610.27.)
- 8) Permits an elder or dependent adult, or a person authorized to act on behalf of an elder or a dependent adult, to seek a protective order to include restrain abuse, harassment, isolation, or financial abuse, which can be issued ex parte, after notice and hearing, or in a judgment, enjoining a range of abusive, harassing, and financially exploitative behavior, as specified. (Welf. & Inst. Code, § 15657.03.)
- 9) Requires a request for the issuance of a temporary restraining order under 8) without notice to be granted or denied on the same day the petition is submitted to the court, unless the petition is submitted too late for effective judicial review, in which case it shall be granted or denied on the next business day; if the court grants the petition, the court must hold a hearing on the petition within 21 days of the request, or 25 days for good cause showing. (Welf. & Inst. Code, § 15657.03(e), (f).)
- 10) Requires the respondent to be personally served with a copy of the petition under 8) and related documents at least five days before the hearing, and permits the respondent to file a response to a petition that explains or denies the alleged abuse. (Welf. & Inst. Code, § 15657.03(g), (k).)
- 11) Permits an order after hearing issued pursuant to 8) to last up to five years. (Welf. & Inst. Code, § 15657.03(i).)
- 12) Provides that there shall be no filing fee for a petition, response, or paper seeking the reissuance, modification, or enforcement of a protective order filed in a proceeding brought pursuant to 8). (Welf. & Inst. Code, § 15657.03(r).)
- 13) Permits a prevailing party in an action under 8) to be awarded attorney's fees and costs, if any. (Welf. & Inst. Code, § 15657.03(t).)
- 14) Provides that a person subject to a protective order under 8) shall not own, possess, purchase, receive, or attempt to receive a firearm or ammunition while the

protective order is in effect and that the person must relinquish any firearms that the person owns or possesses, as specified. (Welf. & Inst. Code, § 15657.03(u).)

15) Requires the Judicial Council to develop forms, instructions, and rules relating to matters governed by 8). (Welf. & Inst. Code, § 15657.03(y).)

16) Provides that in civil cases, with the exception of juvenile justice and civil commitment proceedings, a party who has provided notice to the court and all other parties that it intends to appear remotely may do so at any conference, hearing, or proceeding. (Code Civ. Proc., § 367.75.)

This bill:

- 1) Provides the following with respect to a civil harassment restraining order:
  - a) A person shall be permitted to submit a petition for a civil restraining order, and any related filings, electronically, consistent with the requirements of the DVPA.
  - b) The parties may appear remotely at the hearing, consistent with the requirements of the DVPA.
  - c) There shall not be a fee for the service of process by a sheriff or marshal if the order is based upon the infliction or threat of violence against the petitioner, stalking the petitioner, or acts or speech that place the petitioner in reasonable fear of violence.
- 2) Provides the following with respect to the DVPA:
  - a) Any filings submitted electronically must be at no charge to the petitioner.
  - b) A superior court may not charge a fee for a person to appear remotely at a hearing.
- 3) Provides the following with respect to an elder abuse or dependent adult protective order described in 7), above:
  - a) A person shall be permitted to submit a petition for an elder abuse or dependent adult protective order, and any related filings, electronically, consistent with the requirements of the DVPA.
  - b) If the court determines at the hearing that, after a diligent effort, the petitioner has been unable to accomplish personal service, and that there is no reason to believe that the respondent is evading service or cannot be located, then the court may specify another method of service that is reasonably calculated to give actual notice to the respondent and may prescribe the manner in which proof of service shall be made.
  - c) A party, representative of the county adult protective services agency, or witness may appear remotely at the hearing; the superior court shall not charge a fee for the remote appearance and shall develop local rules and instructions for remote appearances, which it shall post on its website.

## COMMENTS

### 1. Author's comment

According to the author:

AB 561 ensures that elder and dependent adult abuse restraining orders are accessible and equitable by aligning procedures with those already established for domestic violence and civil harassment restraining orders. Seniors and dependent adults face significant barriers to justice, including mobility challenges, fear of confronting their abusers, and limited access to legal resources. This bill modernizes the process through e-filing, remote appearances, and alternative methods of service, taking critical steps to make safety and justice more attainable for all, regardless of age or ability.

### 2. Background on civil harassment, domestic violence, and elder and dependent adult protective orders

California has a number of provisions by which a person who is at risk of harassment, abuse, or other violence can obtain a protective order prohibiting the offending individual from engaging in specific acts. Relevant to this analysis are three such types of protective orders: civil harassment protective orders, domestic violence prevention orders, and elder and dependent adult protective orders.

#### *a. Civil harassment restraining orders*

The Code of Civil Procedure permits a court to issue a restraining order against a person who is "harassing" the petitioner, provided that the harassment causes the petitioner substantial emotional distress.<sup>1</sup> These orders are available to any person being harassed and are not contingent on the relationship between the parties or the status of the petitioner.

The Code of Civil Procedure establishes the procedure for obtaining a civil harassment restraining order.<sup>2</sup> A petitioner may first obtain a temporary restraining order (TRO) on an ex parte basis; the TRO will remain in effect until the court has time to hold a noticed hearing on the petition, which must occur within 21 days, or 25 days for good cause showing, from the issuance of the TRO.<sup>3</sup> An application for a TRO must be decided on the same day it was submitted, unless the application was filed too late in the day for effective review, in which case it must be decided on the next business day.<sup>4</sup> The court

---

<sup>1</sup> Code Civ. Proc., § 527.6.

<sup>2</sup> *Ibid.*

<sup>3</sup> *Id.*, § 527.6(d)-(g).

<sup>4</sup> *Id.*, § 527.6(e).

may not charge a filing fee for a civil harassment protective order petition or the response.<sup>5</sup>

Generally speaking, a petitioner must personally serve the respondent with a copy of the petition, temporary restraining order, and notice of the hearing on the petition.<sup>6</sup> If, however, the court determines that the petitioner is unable to accomplish service after a diligent effort, and there is good cause to believe that the respondent is evading service or cannot be located, the court may permit another method of service that is reasonably calculated to give actual notice to the respondent.<sup>7</sup>

*b. Domestic violence protective orders*

The DVPA seeks to prevent acts of domestic violence, abuse, and sexual abuse, and to provide for a separation of persons involved in domestic violence for a period sufficient to enable them to seek a resolution.<sup>8</sup> The DVPA's "protective purpose is broad both in its stated intent and its breadth of persons protected" and courts are required to construe it broadly in order to accomplish the statute's purpose.<sup>9</sup>

The DVPA allows a victim of domestic violence to obtain a short-term TRO on an ex parte basis, and a DVRO after a noticed hearing.<sup>10</sup> An application for a TRO must be decided on the same day it was submitted, unless the application was filed too late in the day for effective review, in which case it must be decided on the next business day.<sup>11</sup>

The court may not charge a filing fee for a DVPA application or petition, or for a responsive pleading.<sup>12</sup> A court must permit a party to submit an application or petition electronically and may not charge a fee for electronically submitting a petition.<sup>13</sup> A party, support person, or witness may appear remotely at a DVRO hearing.<sup>14</sup>

Generally speaking, a petitioner must personally serve the respondent with a copy of the petition, temporary restraining order, and notice of the hearing on the petition.<sup>15</sup> If, however, the court determines that the petitioner is unable to accomplish service after a diligent effort, and there is good cause to believe that the respondent is evading service

---

<sup>5</sup> *Id.*, § 527.6(y).

<sup>6</sup> *Id.*, § 527.6(m).

<sup>7</sup> *Ibid.*

<sup>8</sup> Fam. Code, §§ 6200 et seq.

<sup>9</sup> *Caldwell v. Coppola* (1990) 219 Cal.App.3d 859, 863; *In re Marriage of Nadkarni* (2009) 173 Cal.App.4th 1483, 1498.

<sup>10</sup> Fam. Code, §§ 6320, 6340.

<sup>11</sup> *Id.*, § 6326.

<sup>12</sup> *Id.*, § 6222.

<sup>13</sup> *Id.*, §§ 6306.5, 6307. The restriction on charging a filing fee is contingent upon an appropriation by the Legislature. (*Id.*, § 6306.5.)

<sup>14</sup> *Id.*, § 6308.

<sup>15</sup> *Id.*, § 6340(a).

or cannot be located, the court may permit another method of service that is reasonably calculated to give actual notice to the respondent.<sup>16</sup>

*c. Elder and dependent adult abuse restraining orders*

The EADACPA is intended to protect elders and dependent adults from, and provide remedies for, elders and dependent adults who are victims of, abuse, neglect, abandonment, or financial abuse.<sup>17</sup> To that end, the EADACPA permits an elder or dependent adult, or someone acting on their behalf, to obtain a protective order against abuse or to protect them from abuse, including financial abuse, or from being improperly isolated or deprived of care by a caregiver.<sup>18</sup>

The EADACPA establishes the procedure for obtaining an elder or dependent adult protective order.<sup>19</sup> A petitioner may first obtain a temporary restraining order (TRO) on an ex parte basis; the TRO will remain in effect until the court has time to hold a noticed hearing on the petition, which must occur within 21 days, or 25 days for good cause showing, from the issuance of the TRO.<sup>20</sup> An application for a TRO must be decided on the same day it was submitted, unless the application was filed too late in the day for effective review, in which case it must be decided on the next business day.<sup>21</sup> The court may not charge a filing fee for a petition, response, or other documents filed in connection with a petition.<sup>22</sup>

The petitioner must personally serve the respondent with a copy of the petition, notice of the hearing, temporary restraining order, and any declarations in support of the petition.<sup>23</sup> The EADACPA does not specify under what circumstances, if any, the court may authorize alternative service.

3. This bill harmonizes civil harassment restraining order, DVPA, and elder and dependent adult restraining order provisions

Because the statutes governing protective orders are spread out through the Codes, changes to protective order regimes are often made piecemeal, resulting in disparate rights and protections for victims of harassment and abuse. While the Legislature enacted legislation last session to align the firearm relinquishment provisions in the

---

<sup>16</sup> *Ibid.*

<sup>17</sup> Welf. & Inst. Code, § 15600.

<sup>18</sup> *Id.*, § 15657.03.

<sup>19</sup> *Ibid.*

<sup>20</sup> *Id.*, § 15657.03(d)-(f).

<sup>21</sup> *Id.*, § 15657.03(e).

<sup>22</sup> *Id.*, § 15657.03(r).

<sup>23</sup> *Id.*, § 15657.03(k).

protective order statutes,<sup>24</sup> there has been no similar effort with respect to procedural matters.

This bill amends civil harassment restraining order, DVPA, and elder and dependent abuse restraining order statutes relating to filing, remote appearances, and alternative service so that the three regimes uniformly provide:

- The right to submit a petition and any filings related to a petition electronically, and for the petitioner, without a filing fee.
- The right to appear remotely at a proceeding, without a fee for the remote appearance.
- The right to serve a respondent through alternative means, if the petitioner establishes that they have been unable to accomplish personal service and there is reason to believe that the respondent is evading service or unable to be located.

The bill also requires each court to make information relating to electronic filing an elder or dependent adult protective order available on its home page, and for each self-help center to maintain information relating to elder abuse and dependent adult protective orders. The author has agreed to amendments that clarify the bill, set forth below in Comment 4.

#### 4. Amendments

As noted above, the author has agreed to amendments to clarify some of the bill's provisions. The amendments are set forth below, subject to any nonsubstantive changes the Office of Legislative Counsel may make:

##### Amendment 1

At page 3, delete line 6 after "this section." and lines 7-8.

##### Amendment 2

At page 6, delete lines 8-9 and insert:

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

---

<sup>24</sup> See SB 899 (Skinner, Ch. 544, Stats. 2024).



Amendment 3

At page 13, in line 5, after "(y)" insert:

(1) (A) A court that receives petitions for protective orders under 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 shall, based on the time of the receipt, act on those filings consistent with subdivision (e).

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

(2)

Amendment 4

At page 13, in lines 11-13, insert "(3)" before "A fee shall not be paid" and "(4)" before "A fee shall not be charged."

Amendment 5

At page 13, in lines 14-37, revert subdivisions (z) and (aa) to current law.

Amendment 6

At page 14, in line 32, delete "(A)"

Amendment 7

At page 14, delete lines 35-40, and at page 15, delete lines 1-2.

Amendment 8

At page 25, in line 13, after "(r)" insert "(1)"

Amendment 9

At page 25, in line 17, insert:

(2) (A) A court that receives petitions for protective orders under 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 shall, based on the time of the receipt, act on those filings consistent with subdivision (e).

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

Amendment 10

At page 26, in line 26, delete “(4)” and insert “(w)”

Amendment 11

At page 26, in line 28, after “order” insert “under this section”

Amendment 12

At page 27, delete lines 30-31.

5. Arguments in support

According to the sponsors of the bill:

AB 561 will allow elders and dependent adults seeking a EARO to: (1) e-file, so they do not have to physically go to the courthouse or fill out forms in a crowded and unfamiliar location that may not accommodate their medical needs; (2) freely appear remotely for hearings, so they do not have to sit and wait in a court room for hours or face their abuser in person; and (3) request alternative service of hearing notices in appropriate circumstances, so as not to deprive seniors of protection when their abuser is difficult to locate or actively evading service.

Elder abuse is much more prevalent than most of us realize. Researchers who undertook a meta-analysis of studies on elder abuse worldwide found that approximately one in six adults over the age of 60 are survivors of abuse. The two most common forms of abuse found were psychological/emotional abuse, including isolation, and financial abuse. By 2050, 20% of the total U.S. population will be sixty-five or older, and the fastest growing group consists of those eighty-five and up. This growing population is especially vulnerable to abuse, as a recent study found that one in five older Americans suffered abuse during the COVID-19 pandemic, up from the already high pre-pandemic levels of one in ten...

These kind of procedural requirements may seem minor, but in our experience working with elders and dependent adults in crisis, they are far from it. Here is an example of how critical these orders can be, and how unfairly difficult they can be to obtain for the elders who need them most. One older adult we assisted

faced physical abuse from her son when he grabbed her, picked her up, squeezed her, and spit in her face. He held her so tightly that one of her ribs punctured a lung, and caused her to develop pneumonia. While already dealing with the general physical deterioration of her age, she was then forced to make the hour-long drive from her rural home to the courthouse to file the petition, risking her health due to the high chance of developing additional infections. Then, she could not even locate her son to serve him with her petition, meaning her restraining order proceeding could not go forward. AB 561 would solve both of these issues.

### SUPPORT

Bet Tzedek Legal Services (co-sponsor)  
Elder Law & Advocacy (co-sponsor)  
Justice in Aging (co-sponsor)  
San Diego County District Attorney's Office (co-sponsor)  
AARP California  
Alzheimer's Association  
California Advocates for Nursing Home Reform  
California Civil Liberties Advocacy  
California Collaborative for Long-Term Services and Supports  
California Commission on Aging  
California District Attorneys Association  
California Lawyers Association, Family Law Section Executive Committee  
California Long-Term Care Ombudsman Association  
Hadassah  
JCC/Federation of San Luis Obispo  
JCRC Bay Area  
Jewish Community Federation and Empowerment Fund  
Jewish Democratic Club of Marin  
Jewish Family & Children's Services of San Francisco, the Peninsula, Marin & Sonoma Counties  
Jewish Family & Community Services East Bay  
Jewish Family Service of San Diego  
Jewish Family Service of the Desert  
Jewish Family Services of Silicon Valley  
Jewish Federation of the Greater San Gabriel and Pomona Valleys  
Jewish Free Loan Association  
Jewish Long Beach  
Jewish Public Affairs Committee of California  
JFCS Long Beach and Orange County  
Los Angeles County Sheriff's Department  
San Diegans for Gun Violence Prevention

**OPPOSITION**

None received

**RELATED LEGISLATION**

Pending legislation: AB 824 (Stefani, 2025) modifies certain procedures and requirements for specified forms of protective orders, including expressly permitting remote appearances in workplace violence restraining orders and campus violence restraining orders. AB 824 is pending before this Committee and is set to be heard on the same date as this bill.

Prior legislation:

SB 899 (Skinner, Ch. 544, Stats. 2024) extended firearm and ammunition relinquishment procedures that exist for purposes of domestic violence restraining orders to other forms of protective orders, beginning January 1, 2026.

AB 2960 (Committee on Judiciary, Ch. 420, Stats. 2022) added the provision relating to electronic filing in DVPA cases and modified the DVPA remote appearance statute.

SB 538 (Rubio, Ch. 686, Stats. 2021) required courts to accept electronic filings in DVPA and gun violence restraining order matters, and permitted the parties and witnesses in those matters to appear remotely at hearings.

**PRIOR VOTES:**

Assembly Floor (Ayes 79, Noes 0)  
Assembly Appropriations Committee (Ayes 14, Noes 0)  
Assembly Judiciary Committee (Ayes 12, Noes 0)

\*\*\*\*\*