

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

AB 1657 (Rogers)
Version: April 28, 2026
Hearing Date: June 9, 2026
Fiscal: No
Urgency: No
AWM

SUBJECT

Domestic violence: restraining orders

DIGEST

This bill prohibits a court from requiring a petitioner seeking an ex parte temporary restraining order under the Domestic Violence Prevention Act (DVPA) to provide notice to the party to be restrained before accepting the application for filing or issuing a decision on the application.

EXECUTIVE SUMMARY

Existing law, the DVPA, seeks to prevent acts of domestic violence, abuse, and sexual abuse and to provide for a separation of persons involved in the domestic violence for a period sufficient to enable these persons to try to resolve the causes of the violence. Existing law thus enables a party to seek a restraining order or a protective order to enjoin specific acts of abuse, exclude a person from a dwelling, or enjoin other specified behavior. The DVPA allows a victim of domestic violence to obtain a short-term temporary restraining order (TRO) on an ex parte basis and a longer-term protective order after a noticed hearing; these orders are generally sought in a single application that seeks the immediate issuance of a TRO and a hearing on the application for the protective order.

Current law states that a petition for a TRO may not be denied solely because the petitioner failed to provide notice of the application to the other party. According to the author, there is disagreement among the courts as to whether this language exempts DVPA petitioners from providing notice of a TRO application to the respondent in advance, or whether a court may, at its discretion, determine that notice to the respondent is required before filing or granting a TRO application.

This bill amends the Family Code to unambiguously prohibit a court from requiring notice to the respondent before filing or granting a TRO application under the DVPA.

The bill also prohibits a court from requiring a petitioner to state their reasons for not providing notice, and from adopting any rule of court that is inconsistent with these prohibitions.

This bill is sponsored by the California Behavioral Health Association, the California Family Justice Network and is supported by the California Commission on the Status of Women and Girls, the League of California Cities, the Los Angeles Unified School District, and the Police Officers' Research Association of California (PORAC) The Committee has not received timely opposition to this bill.

PROPOSED CHANGES TO THE LAW

Existing law:

- 1) Establishes the DVPA, which sets forth procedural and substantive requirements for the issuance of a temporary restraining order or a protective order 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, §§ 6200 et seq.)
 - a) "Domestic violence," for purposes of the DVPA, is defined as abuse perpetrated against a spouse or former spouse; a cohabitant or former cohabitant; a person with whom the respondent is having or has had a dating or engagement relationship; a person with whom the respondent has had a child, as specified; a child of a party or a child who is the subject of an action under the Uniform Parentage Act, as specified; or any other person related by consanguinity or affinity within the second degree. (Fam. Code, § 6211.)
 - b) The purpose of a DVPA order is to prevent acts of domestic violence, abuse, and sexual abuse and to provide for a separation of the persons involved in the domestic violence for a period sufficient to enable these persons to seek a resolution of the causes of the violence. (Fam. Code, § 6220.)
- 2) Authorizes a court to issue an ex parte temporary restraining order (TRO) under the DVPA without a noticed hearing to prevent the restrained party from engaging in abusive or harassing behavior, as specified. (Fam. Code, §§ 6320-6327.)
- 3) Provides that a TRO issued pursuant to 2) shall not be denied solely because the other party was not provided with notice. (Fam. Code, § 6300(b).)
- 4) Requires a TRO to be issued or denied on the same day the application is submitted to the court or the next judicial day, as specified, and that the application shall not be denied solely because the other party was not provided with notice. (Fam. Code, § 6326.)
- 5) Authorizes a court to issue DVPO under the DVPA after a noticed hearing at which the alleged abuser may appear. (Fam. Code, §§ 6340-6347.)

- 6) Provides that a court may issue a TRO or DVPO if an affidavit or testimony and any additional information provided to the court shows, to the satisfaction of the court, reasonable proof of a past act or acts of abuse, and that the court may do so based solely on the affidavit or testimony of the person requesting the order. (Fam. Code, § 6300(a).)
- 7) Establishes a general rule that a temporary restraining order may not be issued pursuant to the Family Code without notice to the respondent unless it appears from the facts shown by the declaration in support of the petition for the order, or in the petition for the order, that great or irreparable injury would result to the petitioner before the matter can be heard on notice; and exempts orders issued under the DVPA from this general rule. (Fam. Code, § 241.)
- 8) Provides that a temporary restraining order issued under the Family Code, including the DVPA, shall last for 21 days, or 25 days with good cause, from the date that the application was granted, by which time the court must hold a noticed hearing on the application for a protective order. (Fam. Code, § 242.)
- 9) Provides, notwithstanding 8), that a temporary restraining order may be extended in certain circumstances, including the respondent's right to ask for one continuance for a reasonable period to respond to the petition or if either party shows good cause for a continuance; in such cases, the temporary restraining order shall remain in effect until the end of the continued hearing. (Fam. Code, § 245.)

This bill prohibits a court from doing any of the following in connection with an ex parte application for a TRO under the DVPA:

- a) Requiring notice to the party against whom the TRO is sought in advance of accepting a filing for, or deciding, the application for an ex parte TRO.
- b) Requiring an explanation or declaration for not providing notice to the party against whom the TRO is sought in advance of accepting the filing for, or deciding, an application for an ex parte TRO.
- c) Adopting or maintaining any rule, form, or practice that is inconsistent with 1)(a) and (b).

COMMENTS

1. Author's comment

According to the author:

AB 1657 ends this loophole in local rules by removing the notice requirement before filing an ex parte restraining order in Family Code sections 6300 and 6326. Several counties currently still use this loophole to require a notice requirement that must be presented before a Temporary Restraining Order is received, and requiring the

victim to do so puts them at unnecessary risk of facing their abuser and increases stress due to having to find a replacement to send the notice requirement.

This will allow victims to face less risk when seeking justice from their abuser, as well as minimize the stress of determining who, if not them, should deliver the notice to the opposing party. Additionally, it will make the judicial system easier to navigate by removing a step that increases processing time for the judge's review of an application for a TRO.

2. Background on the DVPA

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. 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.¹

The DVPA allows a victim of domestic violence to obtain a short-term TRO on an ex parte basis and a DVPO after a noticed hearing;² these orders are generally sought in a single application that seeks the immediate issuance of a TRO and a hearing on the application for the DVPO. A TRO or a DVPO can enjoin a range of conduct, including attacking, threatening, harassing, telephoning, contacting, and coming within a specified distance of the protected person.³ Both a TRO and a DVPO can be issued solely on the basis of the affidavit or testimony presented by the petitioner.⁴ A TRO generally lasts for 21 days, by which point the court must hold a noticed hearing on the issuance of a DVPO; however, the TRO may be extended if there is good cause for continuing the noticed hearing.⁵ If the court grants the application for a DVPO, the DVPO can last for up to five years and can be extended by the court so long as the risk of abuse remains.⁶

A court may not reject an application for a TRO under the DVPA solely because the petitioner did not provide notice to the respondent.⁷ This is an exception to the Family Code's general rule that a petitioner must notify the respondent of the ex parte application unless the petitioner sets forth facts showing that the petitioner would experience great or irreparable injury if they had to give notice in advance.⁸ The California Rules of Court relating to DVPA TROs require the petitioner to set forth one

¹ *Caldwell v. Coppola* (1990) 219 Cal.App.3d 859, 863; *In re Marriage of Nadkarni* (2009) 173 Cal.App.4th 1483, 1498.

² Fam. Code, §§ 6320, 6340.

³ *Id.*, §§ 6320, 6340.

⁴ *Id.*, § 6300(a).

⁵ *Id.*, §§ 242, 245.

⁶ *Id.*, § 6345.

⁷ *Id.*, §§ 6300(b), 6326.

⁸ *See id.*, § 241.

of three statements relating to the provision of notice: a statement that the petitioner gave notice to the respondent and specified details about the notice; a statement that the petitioner made a good faith attempt to give notice but was unable to do so, with details about the attempt; or a statement that, for reasons specified, the petitioner should not be required to inform the opposing party.⁹ While there is not a significant legislative history relating to the provisions prohibiting a TRO from being denied solely due to lack of notice, this Committee's most recent analysis on the subject appears to take the position that notice to the respondent is not necessarily required for the filing or issuance of a TRO.¹⁰ While there is no case law directly analyzing whether the DVPA can eliminate the pre-filing notice requirement for a TRO, there is case law indicating that the short-term nature of the TRO permits the issuance of a TRO without notice to the respondent.¹¹

3. This bill prohibits a court from requiring notice to the other party in advance of filing or granting a request for a TRO under the DVPA

This bill prohibits a court from (1) requiring notice to be provided to the party to be restrained under a DVPA TRO in advance of accepting or granting the request, and (2) requiring an explanation for the failure to provide such pre-filing or pre-grant service. The bill also prohibits a court from adopting or maintaining a rule of court that is inconsistent with these restrictions.

According to the author, this bill is intended to close a loophole in the DVPA which courts are erroneously relying on to reject TRO requests on the basis that the petitioner did not provide notice of the petition to the respondent. The author and sponsors take the position that the DVPA already does not require notice to the respondent prior to the filing or issuance of a TRO, and therefore that this bill's express statement that no notice to the respondent is required for a TRO is a clarification of existing law.

4. Arguments in support

According to the California Behavioral Health Association

AB 1657 makes changes that a court would not be allowed to require notice to the party to be restrained before accepting or deciding an exp parte restraining order application. The court would also not be allowed to require the applicant to explain why notice was not provided. Finally this bill provides that an exp parte restraining order shall not be denied, in whole or in part, because the other party was not provided notice. These changes are important because the time between seeking protection and receiving an enforceable order is often one of the most dangerous

⁹ Cal. Rules of Court, rule 5.151(e).

¹⁰ See Sen. Com. on Judiciary, Analysis of Assem. Bill No. 2694 (2017-2018 Reg. Sess.) as amended Apr. 25, 2018, pp. 2, 5-6.

¹¹ See *Isidora M. v. Silvino M.* (2015) 239 Cal.App.4th 11, 18.

periods for survivors. Requiring a survivor to notify an abusive partner before protection is in place creates a gap that increased the risk of retaliation, intimidation, and further harm.

This bill seeks to provide greater clarity and uniformity across counties as some courts are interpreting their local rules to deny applications solely due to the failure to provide notice or failure to provide an adequate explanation for not doing so. Finally, AB 1657 applies to temporary ex parte restraining orders designed to address urgent safety needs. Respondents still receive notice after an order is issued and retain the opportunity to appear, respond, and contest the order at the required hearing before a long term order is granted.

SUPPORT

California Behavioral Health Association
California Commission on the Status of Women and Girls
League of California Cities
Los Angeles Unified School District
PORAC

OPPOSITION

None received

RELATED LEGISLATION

Pending legislation: AB 1753 (Stefani, 2026) among other things, provides that a DVPA petitioner shall not be uniformly required to provide prior notice to the subject of a proposed TRO or required to establish exceptional circumstances for failure to do so, but that the petitioner shall be required to provide prior notice only on a case-by-case basis, as specified. AB 1753 is pending before the Senate Public Safety Committee.

Prior legislation: AB 2694 (Rubio, Ch. 219, Stats. 2018) provided that a petition for a DVPA TRO shall not be denied solely because the petitioner failed to provide notice to the other party and permitted a petitioner, after the issuance of a TRO, to provide alternative service to a respondent if, after diligent effort, the petitioner establishes that there is reason to believe the respondent is evading service.

PRIOR VOTES

Assembly Floor (Ayes 76, Noes 0)
Assembly Judiciary Committee (Ayes 12, Noes 0)
