



# Los Angeles Superior Court

## WHAT IS DOMESTIC VIOLENCE?

The California Domestic Violence Prevention Act is outlined in the Family Code and provides definitions for abuse and domestic violence in sections 6200, et seq.

In common language, if you have been beaten, cut, kicked, threatened, stalked or raped by your spouse, former spouse or partner, by the father or mother of your children, by someone you have dated or lived with in a dating relationship or by a family member, you may be the victim of domestic violence.

Family members are defined as your parents, grandparents, brother, sister, children or grandchildren.

## WHAT CAN THE COURT DO?

Restraining orders and protective orders can be obtained from the Court. Restraining orders and protective orders are rulings by the Court that may prohibit your assailant from harming you or your children. The following are different kinds of protective/restraining orders:

### Emergency Protective Order (EPO)

This can be issued to you right away at the request of a police officer. It is only valid for five to seven days (5 court days or 7 calendar days, whichever is shorter [Family Code section 6256]). You can apply to extend the Court order.

### Temporary Restraining Order (TRO)

You can apply to the Court for a TRO. A TRO takes effect immediately and lasts up to 21 days. During this time, the restrained person must be served with a copy of the order and the notice of the hearing date. A list of court locations where you can request a TRO is included in this brochure.

### Order After Hearing

If a TRO is granted, it will expire on the date of the hearing. At the hearing, the Judge may extend the restraining order up to 5 years [Family Code section 6345].

### Criminal Protective Order

If criminal charges are brought against the defendant by the District Attorney or the City Attorney, the Judge may issue a protective order for witnesses and/or victims at the defendant's arraignment or at any other criminal proceeding. These orders may be extended by the Judge through the term of probation. The terms and conditions of the protective order remain enforceable, notwithstanding, any acts of the parties and may only be changed by Court order.

## WHAT MUST YOU DO?

When a TRO is issued at your request, the Court gives a copy of the order to law enforcement. You should keep a copy of the order in your possession. You must arrange to have a copy of the order and notice of the hearing given to the restrained person. This is called "service." You cannot serve the

order yourself. It must be served by someone over the age of 18. The police can be asked to serve it for you.

If you need to call the police because of some act by the restrained person before he/she has been served, the police will give the restrained person notice of the terms of the order [Family Code section 6383].

## WHAT LAW ENFORCEMENT CAN DO

The police may arrest a restrained person who violates a protective order when that person has had notice of the terms of the order. The following are methods of proving the restrained person has had notice of the order:

1. Personal service with a signed proof of service form. (Personal service of the TRO is required.)
2. Notice resulting from the appearance of the restrained person in Court when the order is made.
  - a. The TRO was personally served on the restrained person with a notice of hearing, even if the restrained person did not appear at the hearing; and
  - b. The terms and the Order After Hearing are identical to the TRO except the duration for the order and a copy of the Order After Hearing was mailed to the restrained person [Family Code section 6384].
3. A Criminal Protective Order is served by the Court, no additional notice is required.

## WHAT ABOUT A PROTECTIVE ORDER FROM ANOTHER STATE?

If you have a protective/restraining order that was issued in another state or territory of the United States, the order will be considered valid if the issuing Court had jurisdiction under the laws of that state, tribe, or territory. There is a presumption that the order is valid if it appears authentic [Family Code section 6402(e)].

In order to ensure enforcement, you should be prepared either to show or indicate that the defendant has had notice of the out-of-state order.

## NOTICE OF INMATE'S RELEASE

It is the responsibility of the victim to request notification of an inmate's release.

For inmates in custody in the Los Angeles County Jail, please contact: Los Angeles County VINE (Victim Information & Notification Everyday) at 1-877-VINE-4-LA (1-877-846-3452).

For inmates serving sentences in the State Prison system, please contact the California Department of Corrections and Rehabilitation, Office of Victim & Survivor Rights & Services at 1-877-256-6877.

For additional information, please visit the website at: [www.cdcr.ca.gov/Victim\\_Services/index.html](http://www.cdcr.ca.gov/Victim_Services/index.html)