

The Nuts and Bolts of Restraining Orders

by Rachel Margolis Chapman

- Domestic Violence
- Civil Harassment
- Elder and Dependent Adult Abuse
- Gun Violence
- Workplace Violence
- Private Postsecondary School Violence

The following charts were prepared using information compiled from the California Courts online Self-Help Guide, (maintained by the Judicial Branch of California), the Contra Costa County Court website, Judicial Council forms, and this author’s independent legal research to fill in the gaps. Many practitioners

are unaware of the differing civil restraining orders that are available, and that may be relevant to their practice. Reference these charts to quickly learn the nuts and bolts of each type of civil restraining order, including how to obtain each order in Contra Costa County.

Domestic Violence Restraining Orders

Who Can Ask for it?	Elements/ Definitions	Burden of proof	Duration	Authorizing Statutes	How to Obtain in Contra Costa County
Spouse or former spouse; cohabitant or former cohabitant as defined in Fam. Code 6209; a person with a past or present dating relationship; a person with whom the respondent has had a child; any other person related by consanguinity or affinity within the second degree (blood relatives, in-laws, and step-relationships)	Only need to prove a past act of abuse (likelihood of future harm is not required), as defined by the DVPA. Abuse can be spoken, written, physical, sexual, or emotional; it includes threats to harm you or your family, stalking, harassment, destroying personal property, repeated contact, and “disturbing the peace” (“to destroy someone’s mental or emotional calm”; includes coercive control)	Preponderance of the evidence	Up to 5 years; may be renewed for 5+ additional years or permanently.	DVPA (Fam. Code § 6200 et. Seq.)	<p>All DVRO requests may be submitted as a PDF to familylawemergency@contracosta.courts.ca.gov.</p> <p>If Petitioner lives in West County, is not married to Respondent, and does not have children with Respondent, then you may submit your request to the George D. Carroll Courthouse, 100 37th St, Richmond, in person or drop box from 8 am to 4 pm, or via mail.</p> <p>If Petitioner lives in East County, is not married to Respondent, and does not have children with Respondent, then you may submit your request to the Richard E. Arnason Justice Center, 1000 Center Dr., Pittsburg, in person or drop box from 8 am to 4 pm, or via mail.</p> <p>All other cases (involving shared children or married parties, or residents of Central County) must be submitted at Spinetta Family Law Center, 751 Pine St., Martinez, in person or drop box from 8 am to 4 pm, or via mail.</p>

Civil Harassment Restraining Orders

Who Can Ask for it?	Elements/ Definitions	Burden of proof	Duration	Authorizing Statutes	How to Obtain in Contra Costa County
Anyone, including neighbors or other unrelated persons	The moving party must prove: (1) an ongoing “course of conduct” which involves following, stalking, or harassment (in person, by phone, or email), (2) a credible threat of violence which would cause apprehension in a reasonable person, and, (3) that said conduct actually caused the person seeking protection to suffer substantial emotional distress.	Clear and convincing evidence	Up to 5 years; may be renewed for 5 additional years.	CCP § 527.6	Wakefield Taylor Courthouse, Dept. 57, Room 102 725 Court St., Martinez Mon – Fri between 9 am and 10:30 am

Gun Violence Restraining Orders

Who Can Ask for it?	Elements/ Definitions	Burden of proof	Duration	Authorizing Statutes	How to Obtain in Contra Costa County
<p>Law enforcement officer or agency; immediate family member or anyone who regularly lives with them or lived with them in the last 6 months; employer; employee if regular contact and worked together at least 1 year and has their employer's permission; employee or teacher of school attended in the last 6 months with permission from school administration or staff supervisor</p>	<p>Can stop someone from having, owning, or buying any firearms, firearm parts, ammunition, or magazines</p> <p>Must prove: (1) the subject poses a significant danger of causing personal injury to themselves or another by having in their custody or control, owning, purchasing, possessing, or receiving a firearm, ammunition, or magazine, and (2) a GVRO is necessary because less restrictive alternatives either have been tried and found to be ineffective, or are inadequate or inappropriate for the subject</p>	<p>Clear and convincing evidence</p>	<p>Up to 5 years; may be renewed for up to 5 additional years.</p>	<p>PC § 18175</p>	<p>Wakefield Taylor Courthouse, Dept. 57, Room 102 725 Court St., Martinez</p> <p>Mon – Fri between 9 am and 10:30 am</p> <p>May also be submitted by email as a PDF to civilgunviolence@contracosta.ca.gov</p>

Elder & Dependent Adult Abuse

Restraining Orders

Who Can Ask for it?	Elements/ Definitions	Burden of proof	Duration	Authorizing Statutes	How to Obtain in Contra Costa County
<p>Someone who is 65 or older or a dependent adult can ask for protection for themselves; others can ask for an RO to protect an elder or dependent adult if they are their conservator or trustee, their attorney or guardian ad litem, or a representative of the county adult protective services agency</p>	<p>Can stop someone who is abusing or neglecting an elderly or dependent adult; abuse can be emotional, physical, or financial.</p>	<p>Preponderance of the evidence</p>	<p>Up to 5 years; may be renewed for 5 additional years or permanently.</p>	<p>W&I § 15657.03</p>	<p>Wakefield Taylor Courthouse, Dept. 57, Room 102 725 Court St., Martinez</p> <p>Mon – Fri between 9 am and 10:30 am</p>

Workplace Violence Restraining Orders

Who Can Ask for it?	Elements/ Definitions	Burden of proof	Duration	Authorizing Statutes	How to Obtain in Contra Costa County
Only an employer	An employer can get an RO against a person who has been violent, threatened violence, or stalked 1 or more employees	Clear and convincing evidence	Up to 3 years; may be renewed for up to 3 additional years.	CCP § 527.8	Wakefield Taylor Courthouse, Dept. 57, Room 102 725 Court St., Martinez Mon – Fri between 9 am and 10:30 am

Private Postsecondary School Violence Restraining Orders

Who Can Ask for it?	Elements/ Definitions	Burden of proof	Duration	Authorizing Statutes	How to Obtain in Contra Costa County
Only a chief administration officer (principal, president, or highest-ranking official), or a school safety officer from a private postsecondary educational institution	Can be granted against someone who has been violent or made a credible threat of violence against 1 or more students; requires the threat be for act that would likely take place on campus	Clear and convincing evidence	Up to 3 years; may be renewed for up to 3 additional years.	CCP § 527.85	Wakefield Taylor Courthouse, Dept. 57, Room 102 725 Court St., Martinez Mon – Fri between 9 am and 10:30 am