
THIRD READING

Bill No: AB 1657
Author: Rogers (D), et al.
Amended: 4/28/26 in Assembly
Vote: 21

SENATE JUDICIARY COMMITTEE: 12-0, 6/9/26

AYES: Umberg, Niello, Allen, Ashby, Caballero, Durazo, Laird, Reyes,
Valladares, Wahab, Weber Pierson, Wiener

NO VOTE RECORDED: Stern

ASSEMBLY FLOOR: 76-0, 5/4/26 - See last page for vote

SUBJECT: Domestic violence: restraining orders

SOURCE: Author

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.

ANALYSIS:

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. (Family (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

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 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. This 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.

FISCAL EFFECT: Appropriation: No Fiscal Com.: No Local: No

SUPPORT: (Verified 6/11/26)

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

OPPOSITION: (Verified 6/11/26)

Family Law Section of the Los Angeles County Bar Association

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 ex 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 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.

ARGUMENTS IN OPPOSITION: According to the Family Law Section of the Los Angeles County Bar Association:

While prior notice for ex parte restraining orders may be inappropriate in most cases (due to violence in response to such notice), there are certainly cases in which such notice *is* appropriate. As practitioners, it is our position that it is the

judicial officer ruling on the application for the restraining order who must be entrusted with the decision as to whether notice would or would not be appropriate in any given case.

Given that our current statute already allows a Court to grant a restraining order without prior notice, the proposed amendment to FC6300 infringes on the Constitutional due process rights of a Defendant unnecessarily by mandating to the Court that notice shall never be required. The current statute protects the rights of both the accuser *and* the accused, by allowing the Court to dispense with the notice requirement in a particular case. There is no need to amend the statute given the current wording of Family Code Section 6300.

ASSEMBLY FLOOR: 76-0, 5/4/26

AYES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Ávila Farías, Bains, Bauer-Kahan, Berman, Boerner, Bonta, Bryan, Calderon, Carrillo, Castillo, Connolly, Davies, DeMaio, Dixon, Elhawary, Ellis, Flora, Fong, Gabriel, Gallagher, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Johnson, Kalra, Krell, Lackey, Lee, Lowenthal, Macedo, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Celeste Rodriguez, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Ta, Tangipa, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas

NO VOTE RECORDED: Arambula, Bennett, Caloza, Chen

Prepared by: Allison Whitt Meredith / JUD. / (916) 651-4113
6/12/26 12:50:01

**** END ****