
SENATE COMMITTEE ON APPROPRIATIONS

Senator Anna Caballero, Chair
2025 - 2026 Regular Session

AB 561 (Quirk-Silva) - Restraining orders

Version: August 18, 2025

Urgency: No

Hearing Date: August 25, 2025

Policy Vote: JUD. 13 - 0

Mandate: No

Consultant: Liah Burnley

Bill Summary: AB 561 facilitates electronic filings and remote appearances at hearings for specified domestic violence restraining orders (DVROs), temporary restraining orders (TROs), and elder and dependent adult abuse protective orders (EDAPOs).

Fiscal Impact: Possible revenue loss and cost pressure (Trial Court Trust Fund, General Fund) of an unknown but potentially significant amount to the courts. The bill prohibits a court from charging a fee to permit specified remote appearances. Some counties may already offer these services for free; actual revenue loss will depend on the extent to which county courts must change their practices to comply with the bill's fee prohibition. The bill also adds workload to the courts by requiring courts to make specified information about restraining orders and electronic filings available in self-help centers and on each court's website. Revenue to the courts has declined significantly in recent years, in part due to legislation waiving fees and fines in specified circumstances. Increased pressure on the Trial Court Trust Fund may create a demand for increased funding for courts from the General Fund.

Background: Existing law provides a number of circumstance-specific restraining and protective orders intended to provide legal protection to a person when they are threatened by another person. Generally, to obtain such an order, a person (the "petitioner") must pay a filing fee and file a petition with the court asking the court to issue an order against the person threatening or harassing the petitioner (the "respondent"). If they file additional paperwork with the court in support of their petition, the petitioner may be required to pay additional filing fees. The court may hold a hearing with the petitioner and respondent present to evaluate the petition and surrounding circumstances. When a judge issues a restraining or protective order, the order may prohibit the respondent from contacting the petitioner, harassing or stalking the petitioner, possessing firearms, or follow other restrictions deemed relevant by the court.

Proposed Law:

- Allows a petition and filings related to a civil harassment temporary restraining order to be filed electronically and allows parties to appear remotely at any related hearing.
- Requires a court to accept electronic petitions and filings seeking a DVRO, domestic violence TRO, or EDAPO.

- Prohibits the superior court from charging a fee for a specified party, support person, or witness to appear remotely at hearing for a DVRO or EDAPO and requires each court to develop local rules and instructions for remote appearances.
- Requires each court self-help center to make available information related to elder abuse restraining orders, and requires specified information related to electronic filings to appear prominently on each court's website home page.

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