
THIRD READING

Bill No: AB 561
Author: Quirk-Silva (D)
Amended: 8/18/25 in Senate
Vote: 21

SENATE JUDICIARY COMMITTEE: 13-0, 7/8/25

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

SENATE APPROPRIATIONS COMMITTEE: 7-0, 8/29/25

AYES: Caballero, Seyarto, Cabaldon, Dahle, Grayson, Richardson, Wahab

ASSEMBLY FLOOR: 79-0, 6/2/25 - See last page for vote

SUBJECT: Restraining orders

SOURCE: Bet Tzedek Legal Services
Elder Law & Advocacy
Justice in Aging
San Diego County District Attorney's Office

DIGEST: This bill harmonizes provisions relating to filing fees, remote appearances, and alternative service in civil harassment protective order proceedings and protective order proceedings under the Domestic Violence Prevention Act (DVPA) and the Elder and Dependent Adult Civil Protection Act (EADACPA) and prohibits the charging of fees for filing or remote appearances in those proceedings.

ANALYSIS:

Existing law:

- 1) Permits a person who has suffered harassment, as defined, to obtain a civil harassment restraining order against the harasser and enjoining them from engaging in specified conduct. (Civil Code (Civ. Code), § 527.6.)

- 2) Establishes the DVPA (Family Code (Fam. Code), §§ 6200 et seq.), which sets forth procedural and substantive requirements for the issuance of an emergency protective order, an ex parte temporary restraining order (TRO), or a longer-term restraining order issued after a noticed hearing (known as orders after hearing, or for purposes of this analysis, a DVRO) 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, §§ 6218, 6300 et seq.)
- 3) Requires a court or facility that receives petitions for a DVPA order to permit those petitions and any related filings to be submitted electronically; the court or facility shall, based on the time of receipt, act on the filings as specified. (Fam. Code, § 6307(a).)
- 4) Requires the request, notice of the court date, copies of the request to serve on the respondent, and the temporary restraining order, if granted, in a DVPA case, to be provided to the petitioner electronically unless the petitioner notes, at the time of electronic filing, that these documents will be picked up from the court or court facility. (Fam. Code, § 6307(b).)
- 5) Requires information regarding electronic filing in a DVPA case and access to the court's self-help center to be prominently displayed on each court's homepage, and for each self-help center to maintain and make available information related to domestic violence restraining orders. (Fam. Code, § 6307(c).)
- 6) Establishes the EADACPA. (Welfare and Institutions Code (Welf. & Inst. Code), div. 9, pt. 3, §§ 15600 et seq.)
- 7) Defines the following relevant terms:
 - a) "Abuse of an elder or dependent adult" means any of the following: (1) physical abuse, neglect, abandonment, isolation, abduction, or other treatment with resulting physical harm or mental suffering; (2) the deprivation of care by a custodian of goods or services that are necessary to avoid physical harm or mental suffering; or (3) financial abuse, as defined. (Welf. & Inst. Code, § 15610.07.)
 - b) "Dependent adult" means a person, regardless of whether the person lives independently, between the ages of 18 and 64 years who resides in this state and who has physical or mental limitations that restrict their ability to carry out normal activities or to protect their rights, including, but not limited to, persons who have physical or developmental disabilities, or

whose physical or mental abilities have diminished because of age; and includes any person between the ages of 18 and 64 years who is admitted as an inpatient to a 24-hour health facility, as defined. (Welf. & Inst. Code, § 15610.23.)

- c) “Elder” means any person residing in this state who is 65 years of age or older. (Welf. & Inst. Code, § 15610.27.)
- 8) Permits an elder or dependent adult, or a person authorized to act on behalf of an elder or a dependent adult, to seek a protective order to include restrain abuse, harassment, isolation, or financial abuse, which can be issued ex parte, after notice and hearing, or in a judgment, enjoining a range of abusive, harassing, and financially exploitative behavior, as specified. (Welf. & Inst. Code, § 15657.03.)
- 9) Requires a request for the issuance of a temporary restraining order under 8) without notice to be granted or denied on the same day the petition is submitted to the court, unless the petition is submitted too late for effective judicial review, in which case it shall be granted or denied on the next business day; if the court grants the petition, the court must hold a hearing on the petition within 21 days of the request, or 25 days for good cause showing. (Welf. & Inst. Code, § 15657.03(e), (f).)
- 10) Requires the respondent to be personally served with a copy of the petition under 8) and related documents at least five days before the hearing, and permits the respondent to file a response to a petition that explains or denies the alleged abuse. (Welf. & Inst. Code, § 15657.03(g), (k).)
- 11) Permits an order after hearing issued pursuant to 8) to last up to five years. (Welf. & Inst. Code, § 15657.03(i).)
- 12) Provides that there shall be no filing fee for a petition, response, or paper seeking the reissuance, modification, or enforcement of a protective order filed in a proceeding brought pursuant to 8). (Welf. & Inst. Code, § 15657.03(r).)
- 13) Permits a prevailing party in an action under 8) to be awarded attorney’s fees and costs, if any. (Welf. & Inst. Code, § 15657.03(t).)
- 14) Provides that a person subject to a protective order under 8) shall not own, possess, purchase, receive, or attempt to receive a firearm or ammunition while the protective order is in effect and that the person must relinquish any firearms that the person owns or possesses, as specified. (Welf. & Inst. Code, § 15657.03(u).)

- 15) Provides that in civil cases, with the exception of juvenile justice and civil commitment proceedings, a party who has provided notice to the court and all other parties that it intends to appear remotely may do so at any conference, hearing, or proceeding. (Code of Civil Procedure (Code Civ. Proc.), § 367.75.)

This bill:

- 1) Provides the following with respect to a civil harassment restraining order:
 - a) A person shall be permitted to submit a petition for a civil restraining order, and any related filings, electronically, consistent with the requirements of the DVPA.
 - b) The parties may appear remotely at the hearing, consistent with the requirements of the DVPA.
 - c) There shall not be a fee for the service of process by a sheriff or marshal if the order is based upon the infliction or threat of violence against the petitioner, stalking the petitioner, or acts or speech that place the petitioner in reasonable fear of violence.
- 2) Provides the following with respect to the DVPA:
 - a) Any filings submitted electronically must be at no charge to the petitioner.
 - b) A superior court may not charge a fee for a person to appear remotely at a hearing.
- 3) Provides the following with respect to an elder abuse or dependent adult protective order:
 - a) A person shall be permitted to submit a petition for an elder abuse or dependent adult protective order, and any related filings, electronically, consistent with the requirements of the DVPA.
 - b) If the court determines at the hearing that, after a diligent effort, the petitioner has been unable to accomplish personal service, and that there is no reason to believe that the respondent is evading service or cannot be located, then the court may specify another method of service that is reasonably calculated to give actual notice to the respondent and may prescribe the manner in which proof of service shall be made.
- 4) A party, representative of the county adult protective services agency, or witness may appear remotely at the hearing; the superior court shall not charge

a fee for the remote appearance and shall develop local rules and instructions for remote appearances, which it shall post on its website.

Comments

California has a number of provisions by which a person who is at risk of harassment, abuse, or other violence can obtain a protective order prohibiting the offending individual from engaging in specific acts. Relevant to this analysis are three such types of protective orders: civil harassment protective orders, domestic violence prevention orders (DVROs) under the DVPA, and elder and dependent adult protective orders under the EADACPA. These three regimes currently have inconsistent provisions relating to electronic filing, remote appearances, and alternative service on a respondent who cannot be located.

This bill is intended to harmonize these provisions within these three protective order types, thereby ensuring that: all documents in connection with these proceedings can be filed electronically; courts cannot charge a filing fee to the petitioner; parties and supporters can appear remotely at hearings without a fee; and the court can authorize alternative service when a petitioner has made a good faith effort to personally serve the respondent and the respondent cannot be located. The bill also prohibits a court from charging a fee for a remote appearance in any of these protective order appearances. The author has agreed to minor amendments to clarify the bill.

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

According to the Senate Appropriations Committee, the fiscal impact is as follows:

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.

SUPPORT: (Verified 8/25/29)

Bet Tzedek Legal Services (co-source)
Elder Law & Advocacy (co-source)
Justice in Aging (co-source)
San Diego County District Attorney's Office (co-source)
AARP California
Alzheimer's Association
Asian Americans Advancing Justice Southern California
California Advocates for Nursing Home Reform
California Civil Liberties Advocacy
California Collaborative for Long-Term Services and Supports
California Commission on Aging
California District Attorneys Association
California Elder Justice Coalition
California Lawyers Association, Family Law Section Executive Committee
California Long-Term Care Ombudsman Association
California Senior Legislature
Civil Prosecutors Coalition
County of San Diego
Hadassah
JCC/Federation of San Luis Obispo
JCRC Bay Area
Jewish Community Federation and Empowerment Fund
Jewish Democratic Club of Marin
Jewish Family & Children's Services of San Francisco, the Peninsula, Marin & Sonoma Counties
Jewish Family & Community Services East Bay
Jewish Family Service of San Diego
Jewish Family Service of the Desert
Jewish Family Services of Silicon Valley
Jewish Federation of the Greater San Gabriel and Pomona Valleys
Jewish Free Loan Association
Jewish Long Beach
Jewish Public Affairs Committee of California
JFCS Long Beach and Orange County
Little Hoover Commission
Los Angeles County Sheriff's Department
Office of the San Diego City Attorney
San Diegans for Gun Violence Prevention
Southern California Neuropsychology Group

Wise & Healthy Aging

OPPOSITION: (Verified 8/29/25)

None received

ARGUMENTS IN SUPPORT: According to Bet Tzedek Legal Services, Elder Law & Advocacy, and Justice in Aging:

AB 561 will allow elders and dependent adults seeking a EARO to: (1) e-file, so they do not have to physically go to the courthouse or fill out forms in a crowded and unfamiliar location that may not accommodate their medical needs; (2) freely appear remotely for hearings, so they do not have to sit and wait in a court room for hours or face their abuser in person; and (3) request alternative service of hearing notices in appropriate circumstances, so as not to deprive seniors of protection when their abuser is difficult to locate or actively evading service.

Elder abuse is much more prevalent than most of us realize. Researchers who undertook a meta-analysis of studies on elder abuse worldwide found that approximately one in six adults over the age of 60 are survivors of abuse. The two most common forms of abuse found were psychological/emotional abuse, including isolation, and financial abuse. By 2050, 20% of the total U.S. population will be sixty-five or older, and the fastest growing group consists of those eighty-five and up. This growing population is especially vulnerable to abuse, as a recent study found that one in five older Americans suffered abuse during the COVID-19 pandemic, up from the already high pre-pandemic levels of one in ten...

These kind of procedural requirements may seem minor, but in our experience working with elders and dependent adults in crisis, they are far from it. Here is an example of how critical these orders can be, and how unfairly difficult they can be to obtain for the elders who need them most. One older adult we assisted faced physical abuse from her son when he grabbed her, picked her up, squeezed her, and spit in her face. He held her so tightly that one of her ribs punctured a lung, and caused her to develop pneumonia. While already dealing with the general physical deterioration of her age, she was then forced to make the hour-long drive from her rural home to the courthouse to file the petition, risking her health due to the high chance of developing additional infections. Then, she could not even locate her son to serve him with her petition, meaning her restraining order proceeding could not go forward. AB 561 would solve both of these issues.

ASSEMBLY FLOOR: 79-0, 6/2/25

AYES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Castillo, Chen, Connolly, Davies, DeMaio, Dixon, Elhawary, Ellis, Flora, Fong, Gabriel, Gallagher, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, 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

Prepared by: Allison Whitt Meredith / JUD. / (916) 651-4113
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