

CONCURRENCE IN SENATE AMENDMENTS

AB 561 (Quirk-Silva)

As Amended September 4, 2025

Majority vote

SUMMARY

Makes various changes to the laws governing the issuance of protective orders preventing abuse and harassment in order to expedite and facilitate issuance of such orders, including by *requiring, as of January 1, 2027, the electronic submission of documents at no charge to the petitioner and remote hearings at no charge to the parties; allows service of a protective order preventing elder or dependent adult abuse to be made by means other than personal service in limited circumstances; and clarifies that there shall be no fee for service by law enforcement of specific protective orders preventing abuse and harassment.*

Major Provisions

- 1) Allows, *as of January 1, 2027*, a petition and any filings related to the petition for a temporary restraining order and an order after hearing to prohibit civil harassment to be submitted electronically; and allows the parties to appear remotely at any hearing on such petition.
- 2) Requires, *as of January 1, 2027*, any court or court facility that receives petitions for domestic violence restraining orders or domestic violence temporary restraining orders to allow those petitions and any filings related to those petitions to be submitted to the court electronically.
- 3) Prohibits, *as of January 1, 2027*, the superior court of each county from charging a fee for any party, support person, or witness to appear remotely at a hearing on a petition for a domestic violence restraining order and requires each court to develop local rules and instructions for remote appearances *which shall be posted on its internet website.*
- 4) *Clarifies that a court that receives petitions for domestic violence protective orders shall, as of January 1, 2027, permit those petitions and any filings related to those petitions to be submitted electronically at no charge to the petitioner.*
- 5) *Provides that the request, notice of the court date, copies of the request to serve on the respondent, and the temporary restraining order, if granted, shall be provided to a petitioner who filed the petition electronically, unless the petitioner notes, at the time of electronic filing, that these documents will be picked up from the court.*
- 6) *Clarifies that there shall not be a fee for service of process by a sheriff of a protective order in the following circumstances:*
 - a) *The protective or restraining order is based upon stalking, as prohibited by Section 646.9 of the Penal Code.*
 - b) *The protective or restraining order is based upon unlawful violence or a credible threat of violence.*

- 7) *Requires, as of January 1, 2027, the Judicial Council to prepare and develop forms for persons who wish to avail themselves of the services described in 6).*
- 8) *Requires, as of January 1, 2027, a court or court facility that receives petitions for a protective order prohibiting elder or dependent adult abuse to permit those petitions, and any filings related to those petitions, to be submitted electronically. Further requires the request, notice of the court date, copies of the request to serve on the respondent, and the temporary restraining order, if granted, shall be provided to a petitioner who filed the petition electronically, unless the petitioner notes, at the time of electronic filing, that these documents will be picked up from the court.*
- 9) Provides an exception to the requirement in existing law that an elder abuse protective order must be personally served on the respondent when the court determines at the hearing that, after a diligent effort, the petitioner has been unable to accomplish personal service, and that there is 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.
- 10) Allows, *as of January 1, 2027*, a party, representative of the county adult protective services agency, or witness to appear remotely at the hearing on a petition for an elder or dependent adult abuse protective order; prohibits *as of January 1, 2027*, the superior court from charging a fee for any of these persons to appear remotely at the hearing; *requires the courts to develop local rules; and to post, as of January 1, 2027*, instructions for remote appearances on its internet website.
- 11) Requires that the adult protective services agency shall make reasonable efforts to assist the elder or dependent adult to attend the hearing in person or by remote means in order to provide testimony to the court, if that person wishes to do so.
- 12) Requires, *as of January 1, 2027*, that information regarding electronic filing and access to the superior court's self-help center related to elder abuse and dependent abuse restraining orders shall be prominently displayed on each superior court's home page.
- 13) Requires that each court self-help center shall maintain and make available information related to elder and dependent adult abuse restraining orders.
- 14) Provides that the Judicial Council may adopt or amend rules and forms to implement changes that the bill makes related to elder and dependent adult abuse restraining orders.

Senate Amendments

- 1) *Clarifies that a court that receives petitions for domestic violence protective orders shall, as of January 1, 2027, permit those petitions and any filings related to those petitions to be submitted electronically at no charge to the petitioner.*
- 2) *Requires that in relation to petitions for domestic violence protective orders, the request, notice of the court date, copies of the request to serve on the respondent, and the temporary restraining order, if granted, shall be provided to a petitioner who filed the petition electronically, as of January 1, 2027, unless the petitioner notes, at the time of electronic filing, that these documents will be picked up from the court.*

- 3) *Clarifies that there shall not be a fee for service of process by a sheriff of a protective order in the following circumstances:*
 - a) *The protective or restraining order is based upon stalking, as prohibited by Section 646.9 of the Penal Code.*
 - b) *The protective or restraining order is based upon unlawful violence or a credible threat of violence.*
- 4) *Requires, as of January 1, 2027, the Judicial Council to prepare and develop forms for persons who wish to avail themselves of the services described in 3).*
- 5) *Requires, as of January 1, 2027, that in relation to an elder and dependent adult abuse restraining order, the request, notice of the court date, and copies of the request to be served on the respondent, and that the temporary restraining order, if granted, shall be provided to a petitioner who filed the petition electronically, unless the petitioner notes, at the time of electronic filing, that these documents will be picked up from the court.*
- 6) *Makes technical and conforming changes.*

COMMENTS

This bill makes various changes to the laws governing issuance of protective orders preventing abuse and harassment in order to expedite and facilitate issuance of such orders.

Background on Civil Harassment Protective Orders. The Code of Civil Procedure (CCP) permits a court to issue a protective order against a person who is "harassing" the petitioner, provided that the harassment causes the petitioner substantial emotional distress. (CCP Section 527.6(b)(3).) These protective orders can be granted to anyone who suffers harassment, without any need to show any special relationship between the parties (unlike a Domestic Violence Protective Order (DVRO)) or the vulnerable status of the protected party (unlike an Elder and Dependent Adult Protective Order (EDAPO)).

Existing law provides that there "is no filing fee for a petition that alleges that a person has inflicted or threatened violence against the petitioner, stalked the petitioner, or acted or spoken in any other manner that has placed the petitioner in reasonable fear of violence, and that seeks a protective or restraining order restraining stalking, future violence, or threats of violence[.]" (CCP Section 527.6(y).) However, the law is silent on whether petitions can be submitted electronically.

Background on Domestic Violence Protective Orders. Existing law provides that a "party, support person. . . or witness may appear remotely at the hearing on a petition for a domestic violence restraining order" and that the superior court of each county is required to develop local rules and instructions for remote appearances permitted in DVRO cases, which shall be posted on its internet website. (Family Code Section 6308.) However, current law does not specify that remote appearances at DVRO hearings must be at no charge to the petitioner. According to the Judicial Council, some courts charge parties who wish to remotely appear at a hearing up to \$25 per appearance for remote appearances in civil cases. It is unclear whether any courts charge these remote appearance fees in DVRO cases.

Background on Elder and Dependent Adult Protective Orders (EDAPOs). The Elder Abuse and Dependent Adult Civil Protection Act (EADACPA) was enacted to protect elder and dependent adults from abuse and exploitation. EADACPA recognizes that elders and dependent adults may have disabilities and cognitive impairments, such as Alzheimer's disease and other dementia disorders, which often leave them incapable of seeking help and protection from others; and that elders and dependent adults suffer physical impairments and poor health, conditions that place them in a dependent and vulnerable position. Under EADACPA, an action may be brought to protect an elder or dependent adult from abuse, which is defined broadly to include physical abuse, neglect, abandonment, isolation, abduction, or other treatment with resulting physical harm or pain or mental suffering; the deprivation by a care custodian of goods or services that are necessary to avoid physical harm or mental suffering; and financial abuse (Welfare & Institutions Code (WIC) Section 15610.07), resulting in the issuance of an EDAPO.

Current law governing elder or dependent adult abuse cases does not mandate that electronic filing or remote appearances are offered to persons seeking an EDAPO. There is no prohibition on petitioners being charged a fee for these conveniences. Unlike existing law regarding DVROs, current law does not specifically allow alternative service of an order issued after a hearing on a petition for an EDAPO if the court finds that the petitioner used diligent efforts to serve the restrained party, but there is reason to believe the restrained party has attempted to evade service.

This bill makes various changes to the laws governing the issuance of protective orders preventing abuse and harassment in order to expedite and facilitate issuance of such orders, including by allowing electronic submission of documents at no charge to the petitioner and remote hearings at no charge to the parties, and allowing substitute service of petitions for elder and dependent adult abuse protective orders. All of the mandates on the courts regarding electronic filing, posting of information, and services being provided at no cost are not effective until January 1, 2027.

According to the Author

AB 561 ensures that elder abuse restraining orders follow the same procedures as those for domestic violence and civil harassment. This includes allowing electronic filing for elder abuse restraining orders in all counties, permitting remote appearances via audio or video, and granting courts the authority to permit alternative service when in-person service is not possible.

Arguments in Support

In a joint letter, the bill's co-sponsors, Justice in Aging; Elder Law & Advocacy; and the San Diego City Attorney's Office write the following to explain why the bill is necessary:

In recent years, California law has been amended to make certain other kinds of restraining orders—such as those related to domestic violence and civil harassment—more accessible to the public by streamlining certain procedural requirements. For example, in 2018, AB2694 (Rubio) authorized alternative service in domestic violence restraining cases under certain circumstances, when the individual to be restrained could not be located or appeared to be evading service. . . . Unfortunately, these changes were not extended to elder abuse restraining orders, and as a result, seniors and adults with a disability seeking an EARO face a disproportionately difficult route to obtaining the justice and protection they need.

AB 561 will close that gap by applying the same rules to EAROs as those currently applicable to other kinds of restraining orders, providing our senior and dependent adult population the support and protections it deserves.

Arguments in Opposition

None on file

FISCAL COMMENTS

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.

VOTES:

ASM JUDICIARY: 12-0-0

YES: Kalra, Dixon, Bauer-Kahan, Bryan, Connolly, Essayli, Harabedian, Pacheco, Papan, Sanchez, Stefani, Zbur

ASM APPROPRIATIONS: 14-0-1

YES: Wicks, Arambula, Calderon, Caloza, Dixon, Elhawary, Fong, Mark González, Hart, Pacheco, Pellerin, Solache, Ta, Tangipa

ABS, ABST OR NV: Sanchez

ASSEMBLY FLOOR: 79-0-0

YES: 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

UPDATED

VERSION: July 10, 2025

CONSULTANT: Alison Merrilees / JUD. / (916) 319-2334

FN: 0001782