



CASE ALERT

Greater Protection to Renew Juvenile Court Restraining Orders in Family Court

Family Violence Appellate Project and co-counsel Manatt, Phelps & Phillips, LLP, won a landmark California case that may help some of your clients.

Summary of the Case

On November 30, 2017, the Court of Appeal published its opinion in *Priscila N. v. Leonardo G.* (Cal. Ct. App., No. B279584) which upholds and extends the very recent case of *Garcia v. Escobar* (Cal. Ct. App., No. B279530 ___ Cal.App.4th ___). *Garcia* held that after a juvenile court case is closed (the juvenile court has terminated its jurisdiction), domestic violence restraining orders issued by the juvenile court can be renewed by the family court, in the same way that a family court's restraining orders are renewed. *Priscila N.* extends that holding by finding that the language of the Family Code (which governs family court proceedings) and the Welfare and Institutions Code (which governs juvenile court proceedings) work together and should be applied broadly to effect the Legislature's intent to provide the best protection for survivors of domestic violence.

In this case, our client received a restraining order in the juvenile dependency court, based on domestic violence. Unlike Ms. Garcia, who applied for her DVRO in family court but had it issued by the juvenile court, Priscila N. did not originally file her request for a DVRO in family court. After the juvenile dependency case concluded, the case was transferred to family court. Prior to the restraining order expiring, Priscila N. filed in family court for a renewal of the restraining order. The family court decided it had no authority to renew an order issued by the juvenile court and treated her request as an application for a new Domestic Violence Restraining Order (DVRO).

The appellate court here reached the same conclusion as *Garcia*, holding that Family Code section 6345—which governs the *renewal* of a domestic violence restraining order—applies to the renewal of any domestic violence restraining order issued by a juvenile court and so family courts can renew these orders. However, *Priscila N.* goes further, clarifying that a restraining order issued under the Welfare and Institutions Code by a juvenile court should be considered to have been “issued” under the Domestic Violence Prevention Act of the Family Code for the purpose of section 6345 renewal. This is an important distinction, clarifying that all domestic violence restraining orders are to be treated the same.

How Could This Case Help Your Clients?

If you are working with a client who received a restraining order from the juvenile court and the juvenile court has issued exit orders to the family court, then this case, together with *Garcia*, should make it easier for your client to obtain a renewal of the restraining order in the family court.

For questions or clarifications, contact Family Violence Appellate Project: info@fvapl原因.org or (510) 858-7358. Thank you!

Practice Tips

1. Attach the JV-250 form restraining order to the DV-700 Request to Renew, just like you would attach a DV-130 (ROAH).
2. If the Clerk will not accept the DV-700 because you are not attaching a DV-130, use the DV-100 Form but write-in that it is a request to renew, and attach the JV-250.
3. Bring this case alert with you to court in case the Judge is not yet aware of this new case.