

CASE ALERT

Restraining Orders Issued in Juvenile Court Can Be Renewed by the Family Court

Family Violence Appellate Project and co-counsel Mayer Brown LLP, won a landmark California case that may help some of your clients.

Summary of the Case

On November 15, 2017, the Court of Appeal published its opinion in *Garcia v. Escobar* (Cal. Ct. App., No. B279530) which holds, for the first time, that after a juvenile court case is closed (the juvenile court has terminated its jurisdiction), domestic violence restraining orders the juvenile court issued can be renewed by the family court, the same way that family court's restraining orders are renewed.

In this case, our client received a restraining order in the juvenile dependency court, based on domestic violence. Juvenile Court restraining orders are issued on a Form JV-250, instead of a Form DV-130. After the juvenile dependency court concluded its matter, it issued exit orders continuing all its orders in place and ordered that the case be transferred to family court. Prior to the restraining order expiring, our client filed in family court for a renewal of the restraining order. The family court treated the request as a new Domestic Violence Restraining Order (DVRO) request, and not a renewal, and issued a 1-year DVRO.

The appellate court held that Family Code section 6345—which governs the *renewal* of a domestic violence restraining order—applies to the renewal of a domestic violence restraining order issued by a juvenile court and so family courts can renew these orders.

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 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.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.