



CASE ALERT

New Case Explains What to Show for a DVRO to Cover Other Family or Household Members.

J.H. v. G.H., 63 Cal.App.5th 633 (2021).

How Could This Case Help Your Clients? This case may help if your client wants to ask the trial court to have their domestic violence restraining order (DVRO) protect other family or household members, such as children.

Summary of the Case

G.H. got a two-year DVRO against J.H. after he had physically, sexually, and verbally abused her, sometimes in front of their children. However, the trial court refused to have G.H.'s DVRO cover the children as well as herself. The court believed J.H. wasn't a threat to the children and there was a long time since the last act of abuse. Plus, the court wanted to fix J.H.'s relationship with the children. G.H. challenged that decision with an appeal, arguing her DVRO should have covered the children as well. The appeals court decided the trial court's decision was ok.

In its opinion, the appeals court gives trial courts direction for whether to have someone's DVRO cover other family or household members, such as children. The trial court just needs to find "good cause" to include them. The court must think about the safety of those other family or household members, but the DVRO can include them even if there is no risk to their safety or well-being. As with any DVRO, the court must look at "the totality of the circumstances" when deciding whether to cover a family or household member. The court explained that whether to cover other family or household members in a juvenile court restraining order, issued under the law [Welfare and Institutions Code section 213.5](#), is different and may require more than in DVPA cases because the laws are written differently.

PRACTICE TIPS

1. When asking the court to have your DVRO cover other family or household members, give the court as much detail as possible for why they need protection. For instance, if your child was upset because the restrained parent showed up at events outside of scheduled visitation, like their sports games or religious services.
2. If the court doesn't have your temporary restraining order (TRO) cover the other family or household members you asked for, you can still ask that they be covered in your restraining order after hearing (ROAH). Make sure to explain at your hearing why you want your restraining order to cover your family or household member.
3. The court should use "good cause" as the basis for deciding whether to have your DVRO cover other family or household members. If the court tries to use another basis, show them a copy of this *J.H. v. G.H.* opinion.
4. If you want to know why the court won't cover other family or household members in your DVRO, you can ask the court to say why in a Request for a Statement of Decision. FVAP has many free resources on [its website](#) to help you ask the court to give reasons for why it did or did not do something.

For questions or clarifications, email or call Family Violence Appellate Project at info@fvaplaw.org or (510) 380-6243. Thank you!