



CASE ALERT

Restraining Orders Can Be Renewed While an Appeal Is Ongoing

A recent case, *In re Marriage of Carlisle*, 60 Cal.App.5th 244 (2021), makes it clear that trial courts have the authority to renew a domestic violence restraining order while the original restraining order is being appealed. This means that survivors can continue to be protected by a renewed restraining order even if the abuser has filed an ongoing appeal challenging the original restraining order.

The appellate court based its decision on previous cases affirming that a domestic violence restraining order is a type of injunction – injunctions are court orders preventing someone from doing something harmful, in this case domestic violence. Using that logic, the appellate court explained that, like any other order granting an injunction, trial courts have the power to extend the injunction while an appeal is ongoing, so long as it serves the ends of justice.

This case prevents abusers from trying to use appeals of restraining orders to stop or postpone renewal hearings– which was previously a method of litigation abuse used to continue to exert control over a survivor after a restraining order was granted.

PRACTICE TIP

Use this case if you have requested that your restraining order be renewed, and the other side has filed an appeal of the original restraining order that is still going on.

Reference this case in your renewal request. For example, you can write in question 4.c of the Form DV-700, which asks for other information: “Under *In re Marriage of Carlisle*, my restraining order can be renewed even while the original restraining order is being appealed.”

Print a copy of this case to take to court. When you go to your renewal hearing, if the judge says they do not have “jurisdiction” or authority to decide your renewal request, or they are unsure whether they can renew a restraining order that is being appealed, give a copy of this case to the judge.

For questions or clarifications, contact Family Violence Appellate Project: info@fvapl原因.org or (510) 380-6243.