



## CASE ALERT

### **Guidance for Trial Courts in Fashioning Safe Parenting Plans and Understanding the Potential for Intimate Partner Abuse at Child’s Extracurricular Activities**

Family Violence Appellate Project and 11 DV and legal aid partners successfully sought publication of an important California case. **This case may help if your client is experiencing abuse during shared parenting time, or if your client is seeking renewal of a DVRO and the restrained party objects due to the potential “burdens” it could place on them.**

#### **Summary of the Case**

##### **1. Abuse at Shared Extracurricular Activities**

*Rybolt v. Riley*, 20 Cal.App.5th 864 (2018) establishes that “abuse” can include one parent using a child’s extracurricular activities as a way to harass, intimidate, manipulate, and/or control the other parent. This is a common scenario, and this case says trial courts should take this abuse into consideration when fashioning safe parenting plans. The case also says courts should consider this type of abuse when deciding whether to renew a domestic violence restraining order (DVRO).

The protected party sought to renew her DVRO based in part on her abuser’s violations of the DVRO, including his harassing and manipulating her through their shared parenting time at their child’s extracurricular and school activities. The appellate court upheld the renewal, noting any violations of a DVRO, especially those involving further abuse, strongly support renewal. The trial court also changed the parenting plan so the abuser could not attend extracurricular events except during his visitation time. This is a good example of how trial courts can appropriately address this kind of abuse as part of a DVRO or custody case.

##### **2. Considering “Burdens” on the Restrained Party When Renewing a DVRO**

When deciding whether to renew a restraining order, courts must take into consideration any “burdens” on the restrained party (unless there is a reasonable fear of future *physical* abuse; then burdens are not considered). *Rybolt* says trial courts should look at actual “burdens” imposed by a restraining order, not generic burdens. The abuser argued the renewed DVRO would affect his ability to become a lawyer, but since he had already been fired from law enforcement for dishonesty, a renewed DVRO would likely have no effect on his career.

#### **PRACTICE TIPS**

1. Document any abuse during shared parenting time, and explain how it is continuing abuse: if it causes your client to change their plans or experience trauma, it may be additional abuse the trial court should protect against.
2. Request specific parenting orders that prevent this type of abuse, or new abuse that occurs.
3. When requesting a DVRO renewal, make sure courts look at the actual “burdens” a renewal could have on the restrained party, and not just abstract or potential burdens.

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