



CASE ALERT

New case explains that survivors do NOT need to prove their abuser’s “intent” to get a restraining order

R.R. v. C.R. (2025) ____ Cal.App.5th ____

How Could This Case Help Your Clients?

- This is the first California appellate decision to expressly hold that **a survivor does NOT need to prove their abuser intended to threaten, harm, or intimidate** them in order for them to prove abuse happened, and to get a restraining order.
- This case **reaffirms a point of law** important for DVRO cases: For an initial DVRO, the survivor does NOT need to show a “probability of future abuse”; they only need to prove *past* abuse.
- Also, if you or your client are **appealing the denial of a DVRO request or other DVRO relief**, you can use this case to argue that the Court of Appeal should not only reverse the denial but also remand (send back to the trial court) **with instructions to grant the DVRO or other relief**.

Summary of the Case

In this case, R.R. sought a domestic violence restraining order (DVRO) against his ex-wife C.R., with whom he has a child. R.R. filed for divorce in 2020 and then filed a request for a DVRO in 2024 based on C.R.’s escalating pattern of abuse, including stalking him “almost daily” and sending him threatening messages. For instance, C.R. followed R.R. while was driving with their child, C.R. rang R.R.’s doorbell incessantly at all hours of the day and night, and C.R. threatened to disparage R.R. to his employer. At the hearing on R.R.’s DVRO request, the trial court found that although C.R. acted in the ways R.R. testified, her actions weren’t abuse under the law because R.R. did not present enough evidence that she intentionally tried to threaten or intimidate him.

The appellate court reversed, finding that the trial court erred when it said that R.R. needed to prove C.R.’s intent in order to prove abuse happened and a DVRO was needed. The appellate court also explained that R.R. did not need to prove any probability of future abuse, because an initial DVRO requires only past abuse. Because of the undisputed evidence of C.R.’s abuse, and the trial court’s express findings about C.R.’s actions, the appellate court reversed the trial court’s denial and remanded the case back to the trial court to issue R.R. his DVRO against C.R.

PRACTICE TIPS

1. If the trial court asks whether the respondent “intended” to abuse the petitioner, show the court this case.
2. If the trial court says that abuse didn’t happen because the respondent didn’t “intend” to abuse or wasn’t “malicious,” even if the behavior is part of the definition of abuse (Fam. Code, §§ 6203, 6320), show the court this case.
3. If the trial court denies a request for a DVRO because the respondent didn’t “intend” to abuse or wasn’t “malicious,” show the court this case.

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