



CASE ALERT

New Case Explains How Indirect Contact, by Itself, Can “Disturb the Peace” and How Courts Must Consider the Full History of Abuse.

[R.M. v. A.G.\(2026\)121 Cal.App.5th 384](#)

How Could This Case Help Your Clients?

- This case explains that indirect contact, by itself, can count as disturbing the peace of another party under the Domestic Violence Protection Act (DVPA). Disturbing the peace of another party is a type of abuse under the DVPA.
 - The DVPA is not limited to direct contact.
 - Actions, whether committed directly, indirectly, or through a third party—including electronic technologies such as phone calls or social media—can be disturbing the peace.
- This case explains that the totality of the circumstances must be considered when granting or denying a Domestic Violence Restraining Order (DVRO).
 - The court must consider evidence of abuse ***over the full course of the relationship***.
 - The court may not limit its consideration of evidence to a particular time period, such as after the relationship has ended.

Summary of the Case

In this case, A.G., appealed the trial court’s denial of her request for a domestic violence restraining order (DVRO) against her former boyfriend, R.M., and granting R.M.’s request for a DVRO against her.

R.M. filed for a DVRO against A.G. alleging she had abused him, including physical abuse and repeatedly attempting to contact him after they broke up. A.G. filed her own request alleging R.M. had abused her during most of their relationship and after they broke up. Her allegations included many instances of physical and sexual abuse, harassment, violating her privacy, encouraging her to commit suicide, and damaging her professional reputation.

At the hearing on both A.G. and R.M.’s requests, the court heard testimony that after their dating relationship ended, A.G. had attempted to contact R.M. over a thousand times. The court also heard that R.M. had made numerous social media posts about A.G. These posts included intimate photographs of A.G., and personal information about A.G. and witnesses to his abuse. R.M. also changed his social media usernames to refer to A.G. using explicit and demeaning language, such as “[A.][G.]ispsycho”, “ketaminewhor[e]” and “pleasekillurself”. In addition, R.M. contacted A.G.’s witness and A.G.’s mother and told A.G.’s private information about A.G. Despite A.G.’s allegations, the court refused to hear testimony about the time period before A.G. and R.M.’s relationship ended.

The court decided not to issue a DVRO against R.M. because he had not directly contacted A.G. since their relationship ended. In response to R.M.’s posts about A.G., the

court suggested A.G. should stop looking at R.M.'s social media. The court granted R.M.'s request for a DVRO because of A.G.'s attempts to contact R.M. after their relationship ended.

The Court of Appeal reversed saying the trial court erred by failing to consider R.M.'s indirect contacts, such as through his social media posts and communications with her family and friends, could be abuse. The Court said A.G. had provided substantial evidence that R.M. was indirectly communicating with her in ways that disturbed her peace. Abuse under the DVPA is not limited to direct contact but includes indirect contact including through use of another person. Abuse includes contact through any means including electronic technologies.

The Court of Appeal also held that courts must consider evidence of abuse over the course of the parties' relationship and evaluate the totality of the circumstances, instead of just considering conduct that occurred after the dating relationship ended. The Court reversed both A.G.'s denied DVRO and the DVRO granted to R.M. because in mutual DVRO cases the trial court must consider all the relevant conduct by both parties before issuing any restraining order.

PRACTICE TIPS

Practice Tip 1

Ask the court to keep in mind that "disturbing the peace" includes indirect contact.

- Phone calls to third parties, such as your client's friends or family members, discussing your client or revealing their personal information can constitute indirect contact.
- Social media posts that reference or identify your client can also constitute indirect contact.

Practice Tip 2

Ask the court to consider the totality of the circumstances which the court is required to do.

- The history of the parties' relationship, and any abuse that occurred throughout the course of that relationship, must be considered by the court.
- In mutual DVRO cases, courts must consider all the relevant conduct of both parties before issuing a restraining order and the conduct must be looked at together not separately to determine whether any party is a primary aggressor and whether mutual DVROs should be issued