CASE ALERT

New Case Explains that DVRO Requests Should Be Decided on the Merits, Not Dismissed for Docket-Management Reasons; and that Advance Notice Is Required Before Ending Existing Restraining Orders

In re Marriage of G.E. & I.D. (2026) 121 Cal.App.5th 1103

How Could This Case Help Your Clients?

- This is the first case to explain that Code of Civil Procedure section 533 allows courts to modify or dissolve existing restraining orders, **but does not let courts dismiss a pending Domestic Violence Restraining Order (DVRO) request that has not been decided.**
- This is also the first case to explain that parties must have advanced notice and a meaningful chance to respond to requests to **modify or terminate an existing restraining order under section 533.** A same-day oral request is not enough advance notice and does not give the other party enough time to respond**.**
- This is the first case to explain that a court's right to manage its calendar does not allow it to dismiss a DVRO request simply because the hearing is taking too long. The opinion emphasizes **that DVRO requests should be decided on their merits and that a court's concern for their calendar and efficiency are less important than the Domestic Violence Prevention Act's (DVPA's) purpose and the strong policy favoring decisions on the merits.** Here, the trial court improperly favored speed over justice by dismissing the DVRO request without deciding whether abuse had occurred.

Summary of the Case

Wife sought a DVRO protecting herself and the parties' child from Husband. The trial court issued a domestic violence temporary restraining order (DVTRO), and continued the DVRO hearing multiple times. During the DVRO trial that lasted three court dates, Wife presented extensive evidence of alleged abuse.

On the final hearing date, Husband's attorney orally asked the court to dissolve the DVTRO and dismiss the entire case under Code of Civil Procedure section 533, arguing, among other things, that the temporary order had been in place for long time and that Husband had not violated it. Rather than decide whether Wife had proved abuse, the trial court asked Husband a few questions—mainly about how he would interact with Wife in the future—and then dissolved the DVTRO and dismissed the entire DVRO action because neither side had finished presenting its case within the time allotted. The Court of Appeal reversed, holding:

1. **Code of Civil Procedure section 533 did not allow the trial court to dismiss Wife's unresolved DVRO request nor allow the trial court to dissolve of her DVTRO without acceptable notice.** Section 533 allows a court, "on notice," to modify or dissolve an **existing** injunction or temporary restraining order when certain circumstances exist, including when "the ends of justice would be served." **It does not**

allow a court to dismiss a pending DVRO request. And although section 533 gave the court authority to consider dissolving the DVTRO, the trial court erred because Wife did not get enough notice. **The Court of Appeal held that this same-day oral notice was insufficient because Wife did not have a meaningful opportunity to gather evidence and prepare an opposition.** The Court therefore reversed the dismissal of Wife's DVRO request and the dissolution of her DVTRO.

2. **The trial court's inherent authority to manage its calendar also did not justify dismissing the DVRO case.** Courts may impose reasonable time limits, exclude repetitive or irrelevant evidence, and otherwise keep proceedings moving. But the trial court here did more than regulate the hearing—it dismissed the entire DVRO action without deciding the merits.

3. **The Court of Appeal emphasized that case-management concerns and judicial efficiency cannot override the strong public policy favoring decisions on the merits, particularly in DVRO cases.** The Legislature has recognized domestic violence as an urgent public safety and public health crisis, and the DVPA is intended to help survivors obtain protection without delay. Because of this, the Court of Appeal decided the trial court incorrectly put court efficiency over justice when it dismissed the Wife's DVRO request for procedural reasons.

PRACTICE TIPS

- **If a court suggests dismissing a DVRO request because the hearing is taking too long, show the court this case.** Courts can impose reasonable time limits or restrict repetitive evidence, but docket-management concerns generally do not justify dismissing the entire DVRO action without deciding whether abuse occurred.
- **If the opposing party relies on Code of Civil Procedure section 533 to ask the court to dismiss a pending DVRO request, show the court this case.** Section 533 allows modification or dissolution of *an existing* DVRO or temporary restraining order; it does not authorize dismissal of a DVRO petition that has not yet been decided.
- **If a court focuses on efficiency instead of deciding whether the survivor proved abuse, show the court this case.**
- **If the opposing party unexpectedly asks at a hearing to terminate an existing DVTRO under section 533, object based on lack of advance notice and a meaningful opportunity to respond.** This case explains that a same-day oral request may be insufficient where the protected party has had no meaningful opportunity to prepare evidence and opposition.
- **If the opposing party argues that a DVTRO has been in place for a long time and therefore the court no longer needs to decide the underlying DVRO request, show the court this case.** The existence of a temporary order does not replace the court's obligation to decide the pending DVRO request on its merits.