



## California Civil Harassment and Domestic Violence Actions

### Research Guide

Last Updated: March 2011

This Research Guide provides information about civil harassment and domestic violence-related legal actions in California; it is not intended as a substitute for legal advice.

#### **Introduction:**

Generally, Domestic Violence refers to family and couple-related violence or abuse. Civil Harassment pertains to all other, non-domestic types of violence and abuse situations.

**NOTE:** If you have an **emergency or dangerous situation** involving domestic violence or harassment dial **911** immediately. The telephone number for the 24-hour National Domestic Violence Hotline is **1-800-799-SAFE (1-800-799-7233)**.

#### **Internet Resources:**

Free Internet access is available at the San Diego Law Library. The following websites are useful for researching domestic violence or civil harassment issues.

California Courts Self-Help Center—Abuse and Harassment site:

<http://www.courts.ca.gov/selfhelp-abuse.htm>

This web site explains: Restraining Orders; Domestic Violence; Civil Harassment Restraining Orders; Elder or Dependent Adult Abuse; and Workplace Violence. It describes the differences among the various types of harassment, and it explains when each type applies. This site also links to the Domestic Violence and Civil Harassment forms.

San Diego Superior Court Domestic Violence Court:

[http://www.sdcourt.ca.gov/portal/page?\\_pageid=55,1524115&\\_dad=portal&\\_schema=PORTAL](http://www.sdcourt.ca.gov/portal/page?_pageid=55,1524115&_dad=portal&_schema=PORTAL)

This web site has information on the Domestic Violence Court in San Diego, including Domestic Violence Clinics available at the branches of the San Diego Superior Court.

#### **Print Resources and Forms:**

The California forms for Civil Harassment and Domestic Violence are at: <http://www.courts.ca.gov/forms.htm>  
Domestic violence forms DV-500, through 550 provide information on forms needed and getting ready for the hearing. Form 560 answers how to make the order permanent, and form 600 is to register an out-of-state

restraining order.

The *Judges Guide to Domestic Violence Cases*, located at the reference desk (KFC 115.J83), explains the domestic violence and civil harassment-related laws. Some of the topics covered include: Emergency Protective Orders; Workplace Protective Orders; Firearms Restrictions; Immigration and Domestic Violence, Elder and Dependent Adult Protective Orders, and Stalking.

The *Domestic Violence Handbook: A Survivor's Guide* (HV 6626.22C35 D66 2002) is published by the California Attorney General's Office Crime and Violence Prevention Center. It provides strategies for living violence-free and lists resources for domestic violence victims (including general information on pursuing legal options).

The *California Forms of Pleading and Practice* (KFC 1010 .A65 C3) contains a detailed discussion on domestic violence and civil harassment and provides the necessary forms. Volume 25, chapter 293 covers harassment, workplace violence, and domestic violence. Volume 26, chapter 303 contains a general discussion of TROs and injunctions in California.

**Statutory law:**

Domestic Violence Protection Act - Family Code §6200 et seq.

Emergency protective orders - Family Code §6215, and §6240 et seq.

Criminal Battery - Penal Code §243(e),

Civil Domestic Violence - Civil Code §1708.6

Injunctions - Code of Civil Procedure §525 et seq.

Procedure for obtaining a preliminary injunction - Code of Civil Procedure §527

Temporary restraining orders (TROs) and injunctions which prohibit harassment- Code of Civil Procedure §527.6

Injunctive relief by employers, in connection with workplace threats or violence - Code of Civil Procedure §527.8

Enforcement-related statutes: Penal Code §273.5, Code of Civil Procedure ' 1209(a)(5), and Penal Code §12021(g) (firearm)

Criminal Stalking - Penal Code §646.9

Civil Stalking - Civil Code §1708.7

Interstate Stalking - 18 United States Code §2261A

Elder and Dependent Adult Protective Orders - Welfare and Institutions Code §15657.03

Gender violence - Civil Code §52.4

*Consult a Reference Librarian for Additional Assistance*