



April 2, 2020

Chief Justice Tani Cantil-Sakauye
Chair, Judicial Council
455 Golden Gate Avenue
San Francisco, CA 94102

RE: Urgent Action to Protect Survivors of Domestic Violence and Sexual Assault

Dear Chief Justice Cantil-Sakauye:

We are a group of organizations that provide legal and social services to survivors of domestic violence and sexual assault in California and those that advocate for policies in support of this population. Sheltering-in-place will slow the spread of COVID-19 but it also will increase rates of domestic violence and sexual assault. China has reported increased incidents of domestic violence as a result of sheltering-in-place, and we know that disasters like Hurricane Katrina that created social isolation, financial stress, and decreased access to services, increased rates of domestic violence and sexual assault. It is difficult now for survivors to access help safely. For this reason, it is more important than ever for Californians to have clear and consistent access to Domestic Violence Prevention Act (DVPA) restraining orders. (Cal. Fam. Code § 6200, et seq.).

We, the under-signed organizations, strongly believe that it is essential for courts to continue receiving requests for restraining orders under the DVPA. This is critical for many reasons including the various remedies that are provided under the DVPA designed to protect adults and children at risk of harm. These orders can also help address concerns about access to firearms which we know can increase risk of injury and lethality significantly, especially during this time as there are reports of panic purchasing statewide. Continuing to allow law enforcement to access judicial officers so that they can obtain Emergency Protective Orders (EPO) also is an essential service, but access to EPOs alone is not sufficient to protect the public, particularly as pandemic-related restrictions remain in place. EPOs last only for 5-7 days and requesting this protection is within the discretion of individual law enforcement officers. (Cal. Fam. Code § 6256). EPOs were designed as very short-term protections that allow domestic violence survivors time to file Temporary Restraining Orders (TRO) under the DVPA, so survivors must continue to have the ability to file requests for DVPA TROs. (See Cal. Fam. Code § 6250). Otherwise, public safety will be comprised. California courts have implemented a wide range of procedures regarding DVPA TROs, including not allowing TRO filings during the first few weeks of sheltering-in-place. (See “Urgent Release: Court Closure Due to Coronavirus (COVID-19)”, *Contra Costa County Superior Court*, Mar. 13, 2020, Press Release: <http://www.cc-courts.org/general/news-releases.aspx>).



Additionally, we strongly recommend that California courts grant DVPA TROs for the duration of the time that pandemic-related restrictions remain in place, so as to ensure minimal confusion, expense, and contact with others for litigants regarding re-service of reissued paperwork to future hearing dates. In the alternative, we recommend that California courts transition to telephonic hearings for DVPA TROs, with accommodations for non-English speakers and litigants with limited access to technology, so that in-person hearings are not required during this time. We also recommend that courts develop processes whereby litigants can file and pick up processed DVPA TRO requests with minimal contact with court personnel. For example, Alameda County Superior Court has a drop box where filings can be submitted, and a sheriff's deputy is available to distribute processed DVPA TRO requests. (See "For Immediate Release," *Superior Court of Alameda*, Mar. 17, 2020, Press Release:

[http://www.alameda.courts.ca.gov/Resources/Documents/Alameda%20Court%20Closure%20Press%20Release%202020-03-17\(3\).pdf](http://www.alameda.courts.ca.gov/Resources/Documents/Alameda%20Court%20Closure%20Press%20Release%202020-03-17(3).pdf)). Sonoma County Superior Court is accepting DVPA TRO requests from attorneys without the litigant's signature or with an electronic signature authorized by the litigant. (Cal. Gov't. Code § 16.5(e); Cal. Civ. Code § 1633.2(h)). This ensures that litigants without access to technology such as printers and scanners can receive critical attorney assistance without person-to-person contact. San Francisco Superior Court also has both a drop box to submit DVPA requests and a pick up box to retrieve signed TROS. (See "SF Superior Court Announces Sweeping Operational Changes In Response To The Spread of The Coronavirus (COVID-19)," *San Francisco Superior Court*, Mar. 16, 2020, Press Release:

<https://sfsuperiorcourt.org/sites/default/files/images/News%20Release%20--%20Coronavirus%20%28COVID-19%29%20%28007%29.pdf?1585606127137>).

Finally, we recommend that California courts in each county collaborate with, and encourage, the local law enforcement to continue serving TROs and enforcing move out orders to ensure public safety during this urgent time.

In summary, we request the Judicial Council to recommend that all California superior courts do the following:

1. Receive and process DVPA TRO requests.
2. Extend DVPA TROs for the duration of the time that pandemic-related restrictions remain in place. In the alternative, California courts may transition to telephonic hearings for DVPA TROs, with accommodations for non-English speakers and litigants with limited access to technology.
3. Permit attorneys to submit DVPA TRO requests without the litigant's signature or with an electronic signature authorized by the litigant.



4. Develop processes whereby litigants can file and pick up processed DVPA TRO requests with minimal contact with court personnel.
5. Collaborate with local law enforcement to continue serving TROs and enforcing move out and firearms prohibiting orders.

Please use your discretion to keep survivors of domestic violence and sexual assault safe during this unprecedented public health crisis.

Thank you,

Erin Scott
Executive Director
Family Violence Law Center

On behalf of:

Safe Alternatives to Violent Environments	Public Interest Law Project
Women’s Daytime Drop-in Center, Bridget Transitional House	Legal Aid of Sonoma County
Tri-Valley Haven	California Partnership to End Domestic Violence
Cooperative Restraining Order Clinic	Legal Assistance for Seniors
Family Violence Appellate Project	Human Options
Legal Access Alameda	Narika
Mujeres Unidas y Activas	Building Futures
A Safe Place	La Raza Centro Legal – San Francisco
Ruby’s Place	The Justice and Diversity Center of The Bar Association of San Francisco
DOVES of Big Bear Valley, Inc.	Women’s Center – Youth and Family Services
Laura’s House	Legal Assistance to the Elderly

Family Violence Law Center



A Future Without Domestic Violence

Peace Over Violence

Community Services in East Palo Alto

Community Overcoming Relationship
Abuse

Giffords Law Center to Prevent Gun Violence

Bette & Wylie Aitken Family Protection
Clinic, Chapman University Fowler School
of Law