

RESTRAINING ORDERS

Q: What are restraining orders?

A: A restraining order is one way to protect yourself from physical, emotional or financial abuse, and property destruction. There are different kinds of restraining orders available through the court system. Each has different eligibility requirements, and some are limited in the relief that they can provide.

- [Domestic Violence Restraining Order](#)
- [Elder or Dependent Adult Restraining Order](#)
- [Civil Harassment Restraining Order](#)
- [Workplace Violence Restraining Order](#)

Q: What is an Emergency Protective Order (EPO)?

A: An EPO is a type of restraining order that only law enforcement can ask for by calling a judge. Judges are available to issue EPOs 24 hours a day. So, a police officer that answers a domestic violence call can ask a judge for an emergency protective order at any time of the day or night.

The emergency protective order starts right away and can last up to 7 days or as determined by the judge. The judge can order the abusive person to leave the home and stay away from the victim and any children for up to a week. That gives the victim of the abuse enough time to go to court to file for a temporary restraining order.

To get an order that lasts longer than an EPO, you must ask the court for a temporary restraining order (also called a "TRO").

Q: What is a Temporary Restraining Order (TRO) and how long does it last?

A: If a TRO is issued, it will expire at the first hearing date unless extended. When you go to court for the hearing that was scheduled with your TRO, the judge may issue a "permanent" restraining order which can last up to 5 years.

Q: How do I know what type of restraining order to file?

A: An interview tool that will help you determine which type of restraining order is best for your situation can be accessed at [E-File](#).

- To start a new Domestic Violence case using Odyssey Guide & File, click on: <https://california.tylerhost.net/SRL/SRL/ExecuteInterviews>
- To start a new Civil Harassment Restraining Order case using Odyssey Guide & File, click on: <https://california.tylerhost.net/SRL/SRL/ExecuteInterviews>

The [California Courts Abuse and Harassment website \(www.Courts.ca.gov\)](http://www.Courts.ca.gov) has more useful information.

Q: How do I file a request for a restraining order if the Clerk's office is closed?

A: We ask that all legal documents be filed electronically. You may select an E-File service provider of your choice, many of whom are listed on our web site at this link: <http://www.odysseyleftca.com/service-providers.htm>

If it impossible for you to file documents electronically, mail is the alternative. However, there will likely be significant delay due to shelter in place orders requiring the Court to operate with reduced staff.

There is a drop box located at 1050 Monterey Street or 1035 Palm Street, both located in San Luis Obispo. If you are dropping off your paperwork, please contact the clerk's office at (805) 706-3600.

Q: Where can I get help to obtain a restraining order?

A: Call 911 if it is an emergency. Your local law enforcement agency may be able to help you obtain an emergency protective order until you have time to request a restraining order from the court.

- Talk to a lawyer.
- Contact an agency from our Legal Resource List at <https://www.slo.courts.ca.gov/sh/selfhelp-resources.htm>

Q: I was just served with a Temporary Restraining Order (TRO). How do I respond?

A: First, read the TRO papers carefully and comply with every order made by the judge. Failure to abide by the orders is a crime and you could be arrested and charged.

- You may file an answer to the restraining order request, explaining your side of the story. If you prefer, you can wait until you attend the hearing to tell your side of the story.
- You may wish to talk to a lawyer.
- The [California Courts Abuse & Harassment website \(www.Courts.ca.gov\)](http://www.Courts.ca.gov) has more useful information.
- To respond to a Domestic Violence case using Odyssey Guide & File, click on: <https://california.tylerhost.net/SRL/SRL/ExecuteInterviews>

Q: What are Gun Violence Restraining Orders (GVRO)?

A: GVRO's as they are known is a court order that prohibits someone from having a gun, ammunition or magazines.

Q: Who can ask for a GVRO?

A: Only a close family member or a law enforcement officer can ask a judge for a Gun Violence Restraining Order. Close family members are:

- Your spouse or domestic partner
- Your parents, children, siblings, grandparents, grandchildren and their spouses (including stepparents or stepgrandparents)
- Your spouse's parents, children, siblings, grandparents and grandchildren
- Any person who regularly lives in your house now, or within the last 6 months.
- If you are not closely related to the person you want to restrain but are still concerned about what they may do with their gun, call the police.