Types of Restraining Orders

There are several different types of restraining orders available, depending on the relationship between the parties, the nature of the abuse, and the orders sought. It's important that you request the correct type of restraining order. If you file the wrong type, the court will not be able to issue any orders, and you will need to start over again.

Domestic Violence Restraining Order

These types of restraining orders provide protection from current or former spouse/romantic partner or close relative (parent, child, grandparent, in-laws). If the protected person and the restrained person do not have this type of relationship, the court cannot consider a domestic violence restraining order.

Although "violence" is in the name of the order, physical violence is not a requirement for the court to issue this type of restraining order. For the purposes of a domestic violence restraining order, abuse can include:

- Physical, verbal, emotional or psychological abuse
- Threats of abuse or violence
- Stalking, harassing, threatening
- Destruction of property

If the court finds it is necessary to issue a domestic violence restraining order, the court can make a variety of orders, including:

- The restrained person have no contact with listed protected people
- Personal conduct orders for the restrained person
- The restrained person stay away from protected person's home, work, or schoolsThe protected person move out of a residence they share with the protected person
- The protected person relinquish their firearms
- Child custody, visitation and child and/or spousal support orders
- The possession and care of pets/animals
- The transfer a cell phone number and account to the protected person

- The payment of certain bills
- Prohibitions against changing to insurance policies, incurring large expenses, or anything to affect property rights if married
- The release or return property to the protected person
- That the restrained person attend a batterer intervention program

For more information, visit the California Courts' page on "Domestic Violence Restraining Orders in California." (https://www.selfhelp.courts.ca.gov/DV-restraining-order)

Civil Harassment Restraining Order

A Civil Harassment Restraining Order offers protection from non-relatives, such as neighbors, roommates, coworkers, or more distant relatives such as cousins or aunts and uncles.

This type of restraining order offers protection from abuse such as

- Unlawful violence, like assault or battery or stalking
- A credible threats of violence
- The violence or threats seriously scare, annoy, or harass someone

If the court finds it is necessary to issue a civil harassment restraining order, the court can make orders that:

- The restrained person have no contact with the listed protected people
- Personal conduct orders for the restrained person
- The restrained person stay away from the protected person's home, work, or schools
- The restrained person relinquish their firearms
- The possession and care of pets/animals

It is important to note that, with a civil harassment restraining order, the court CANNOT make orders that the restrained person move out of a residence they share with the protected person.

For more information, visit the California Courts page on "Civil Harassment Restraining Orders in California." (https://www.selfhelp.courts.ca.gov/CH-restraining-order)

Elder/Dependent Adult Abuse Restraining Order

Protects seniors (over 65) or dependent adults (aged 18-64 with physical or mental disabilities) from abuse such as:

- Physical or financial abuse
- Neglect or abandonment
- Treatment that is physically or mentally harmful
- Deprivation by a caregiver of basic things or services necessary to avoid physical, mental, or emotional suffering

The court can issue orders that

- The restrained person have no contact with listed protected people
- The restrained person stay away from the protected people
- Personal conduct orders for the restrained person
- That the restrained person move out of a residence they share with the protected person
- That the restrained person relinquish their firearms

When the person seeking protection is over 65 or a disabled adult, there may be more than one type of restraining order available to them. They should consider the types of abuse they are experiencing, and the types of orders they need, when determining which application to file with the court.

For more information, visit the California Courts page on “Elder or Dependent Adult Abuse Restraining Orders in California.” (https://www.selfhelp.courts.ca.gov/EA-restraining-order)

Gun Violence Restraining Order

Gun violence restraining orders are requested by the police or an immediate family member. This type of restraining order prohibits the restrained person from possessing a firearm or ammunition because that person’s possession of a firearm poses a threat to themselves or others.

For more information, visit the California Courts page on “Gun Violence Restraining Orders in California.” (https://www.selfhelp.courts.ca.gov/GV-restraining-order)

Workplace Violence Restraining Order

A workplace violence restraining order may be requested by an employer, to protect staff from violence or threats of violence in the workplace.

For more information, visit the California Courts page on "Workplace Violence Restraining Orders in California." (https://www.selfhelp.courts.ca.gov/WV-restraining-order)

Private Postsecondary School Violence Restraining Order

These types of restraining orders must be requested by a school official to protect students from violence or threats of violence on campus.

For more information, visit the California Courts page on "School Violence Restraining Orders in California (https://www.selfhelp.courts.ca.gov/SV-restraining-order) ."