

# **Finding Safety: A Parent's Guide to Domestic Violence Restraining Orders**

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A Practical Guide to Domestic Violence Restraining Orders

@BrieflyLegal\_ | @BrieflyGigliotti

**Dedication**

To those navigating hard truths, difficult decisions, and new beginnings.

## **DISCLAIMER**

This guide is meant to help you understand the domestic violence restraining order process in clear, everyday language. It is not legal advice. Domestic violence cases can be complex, emotional, and legally significant. Whenever possible, you should speak with a qualified attorney in your area who can explain the specific laws that apply to your situation and help you make informed decisions.

## **SECTION 1 — INTRODUCTION**

Domestic violence restraining orders (DVROs) affect thousands of families every year. Some people seek protection from real abuse. Some people are falsely accused. Some people have caused harm and need to change their behavior. Many parents simply want clarity so they can keep their children safe.

This booklet is designed for all of them. It does not take sides. It explains the DVRO process fairly so you can navigate it responsibly — whether you are a survivor, someone responding to allegations, or someone working to stop harmful behavior.

## **SECTION 2 — UNDERSTANDING DOMESTIC VIOLENCE**

Domestic violence includes more than physical harm. It includes behaviors that intimidate, control, frighten, or isolate someone.

Forms of domestic violence can include physical harm, threats, harassment, emotional manipulation, financial control, stalking, monitoring someone's phone or movements, and destroying property to scare them.

Children who witness fear, violence, or threats can be deeply affected. Courts know this and often consider it when making custody and visitation decisions.

## **SECTION 3 — HOW DVROS WORK**

DVROs generally have two stages: a Temporary Restraining Order (TRO) and a long-term DVRO after a hearing.

A TRO is granted quickly, based on paperwork only, to provide immediate safety. It does not decide guilt. A long-term DVRO is decided after a hearing where both sides testify and present evidence. Orders can last from 1 to 5 years.

A DVRO can order no contact, stay-away distances, move-out orders, custody and visitation terms, and firearms restrictions.

## SECTION 4 — IF YOU ARE SEEKING PROTECTION

You may need a DVRO if someone has hurt you, threatened you, controlled your life, destroyed property, stalked or monitored you, or hurt/threatened your children.

If you are in immediate danger, call 911, leave the home safely if you can, and consider contacting the National Domestic Violence Hotline at [thehotline.org](http://thehotline.org).

To seek a DVRO, you file forms with the court, legal aid, or a domestic violence shelter. You explain what happened, when it happened, and why you fear future harm. Evidence such as texts, photos, screenshots, police reports, or witness statements can help, but you can still file without them.

## SECTION 5 — IF YOU ARE FALSELY ACCUSED

Even if the accusations are false, you must take the restraining order seriously and follow all terms.

Do not contact the protected person directly or indirectly. Read all paperwork carefully. Gather evidence such as friendly messages, witnesses, timelines, screenshots, or alibis.

Prepare a written response that is calm, factual, and respectful. In court, speak clearly, answer the judge's questions, and avoid interrupting or insulting the other person.

## SECTION 6 — IF YOU HAVE COMMITTED ABUSE

If you have harmed a partner or family member, taking responsibility is the first step. This means no excuses, no minimizing, and no blaming.

Change is possible, but it requires work. Courts often expect Batterer Intervention Programs, therapy, anger management, or substance treatment where appropriate.

Follow all court orders. Complete required programs. Focus on long-term change for your sake and your family's.

## SECTION 7 — THE COURT PROCESS

Before the hearing, both sides prepare written statements and evidence. At the hearing, the petitioner (person asking for protection) usually speaks first, followed by the respondent (person accused). Each can present evidence and answer the judge's questions.

Judges look at facts, evidence, consistency, and credibility. They consider the impact on children and whether protection is needed.

## SECTION 8 — AFTER THE ORDER

If a long-term DVRO is granted, both sides must understand and follow all terms. If the order is denied, temporary orders usually end, and either party may seek other court options.

Violations of a DVRO should be documented and reported. Even accidental violations matter, so restrained persons should be careful to avoid any contact that breaks the order.

Co-parenting under a DVRO requires calm behavior, respect for the schedule, and keeping children out of adult conflict.

## SECTION 9 — RESOURCES FOR EVERYONE

Survivors can seek help from:

- National Domestic Violence Hotline: [thehotline.org](http://thehotline.org)
- [DomesticShelters.org](http://DomesticShelters.org) (shelter locator)
- [WomensLaw.org](http://WomensLaw.org) (legal information)
- [LawHelpCA.org](http://LawHelpCA.org) (legal aid)

People who are falsely accused can seek legal advice from:

- State bar referral services
- [LawHelpCA.org](http://LawHelpCA.org)
- Local legal aid offices

People who have caused harm can seek change through:

- DV Intervention Directory ([dvinterventiondirectory.com](http://dvinterventiondirectory.com))
- Batterer Intervention Programs
- Mental health and anger management professionals
- Substance treatment programs if needed

## SECTION 10 — GLOSSARY & QUICK REFERENCE

Key terms:

- TRO (Temporary Restraining Order): short-term order for immediate protection.
- DVRO: longer-term restraining order after a hearing.

- Petitioner: person asking the court for protection.
- Respondent: person responding to the accusation and order.
- Service: official delivery of court papers.
- Hearing: court date where both sides present their case.
- Violation: breaking any term of a restraining order.

Quick checklists can include steps for seeking protection, responding if falsely accused, taking responsibility if you've committed abuse, what to bring to court, and emergency steps such as calling 911 or contacting hotlines.

### CLOSING MESSAGE

This booklet is not a substitute for legal representation. Its purpose is to give you a clearer understanding of the domestic violence restraining order process so you can make informed decisions and navigate the system with confidence. Whether you are seeking protection, responding to allegations, or working to change harmful behavior, it is wise to consult with a qualified family law attorney in your area who can provide advice tailored to your specific situation.

## **DVRO Quick Snapshot Guide**

### **WHAT IS A DVRO?**

A Domestic Violence Restraining Order is a court order that protects someone from harm, threats, or control by a close relationship partner or family member.

### **IF YOU NEED PROTECTION:**

- Call 911 if you are in immediate danger
- Document incidents (dates, times, what happened)
- Save texts, photos, and any evidence of threats or harm
- File for a Temporary Restraining Order (TRO) at the court
- Contact the National Domestic Violence Hotline: [thehotline.org](http://thehotline.org)

### **IF YOU ARE FALSELY ACCUSED:**

- Read the order carefully
- Follow the order exactly
- Do NOT contact the protected person directly or indirectly
- Gather evidence that supports your side
- Prepare a calm, factual written response
- Consider speaking with an attorney

### **IF YOU HAVE COMMITTED ABUSE:**

- Take responsibility for your actions
- Avoid excuses and blaming
- Follow all court orders
- Enroll in a Batterer Intervention Program or counseling
- Work on long-term change to stop harmful behavior

#### KEY RESOURCES:

- National Domestic Violence Hotline: [thehotline.org](http://thehotline.org)
- [DomesticShelters.org](http://DomesticShelters.org) (find shelters and services)
- DV Intervention Directory: [dvinterventiondirectory.com](http://dvinterventiondirectory.com)
- [LawHelpCA.org](http://LawHelpCA.org) (legal aid and information)

## SECTION 1 — INTRODUCTION

Domestic violence restraining orders (DVROs) affect thousands of families every year. Many situations bring people into court:

- Some are seeking protection from real abuse.
- Some are falsely accused.
- Some have caused harm and are trying to change their behavior.
- Some are confused or overwhelmed and simply need clarity.
- Almost all are parents trying to do what is best for their children.

This guide was created for every one of those people.

Domestic violence is serious and sometimes life-threatening. But the court system is intimidating, especially for parents. The process feels complicated, the forms feel difficult, and the stakes — your safety, your children, your home — are enormous.

This guide explains the process in plain language, gives step-by-step help, and addresses **every side** of a DVRO:

- Those who need protection
- Those who have been falsely accused
- Those who have committed abuse and want to change
- Those who are co-parents caught in the middle of a crisis

This book is not meant to take sides; it is meant to offer **clarity**, **safety**, and **direction**.

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### 1.1 — Why This Guide Exists

The DVRO process is confusing. Many parents don't know:

- What counts as domestic violence
- Whether they should file
- What evidence the judge looks for
- What rights the accused have
- What happens to the children

- Whether they can defend themselves
- How the hearing will look
- What happens afterward

This guide answers all of that in everyday language so you can make informed decisions — not emotional or panicked ones — during a very stressful time.

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## 1.2 — Who This Guide Helps

This guide is for:

- Survivors
  - Parents seeking protection
  - Parents responding to false allegations
  - People who have committed abusive acts and want to make real changes
  - Co-parents trying to protect their children
  - Anyone navigating family court
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## 1.3 — What This Book Is NOT

This book is **not**:

- A substitute for a lawyer
- A judgment about guilt or innocence
- A complete explanation of every law in every state
- Therapy or counseling
- Legal advice

This is **education, support, and guidance.**

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## 1.4 — Children & Domestic Violence

Children are often the silent victims in domestic violence situations. Even when violence is not directed toward them, witnessing fear and intimidation affects them deeply:

- Nightmares
- Anxiety
- Behavioral issues
- Declines in school
- Difficulty trusting adults
- Overreaction to conflict
- Withdrawal or aggression

Courts know this.

That is why DVRO findings often affect **custody, visitation, and parenting plans**.

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## 1.5 — Important Reminder

You will see this message again later in this booklet:

**This guide is NOT a self-help legal manual. It is an overview. For legal advice, consult an attorney in your area.**

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## SECTION 2 — UNDERSTANDING DOMESTIC VIOLENCE

Domestic violence is not limited to physical injuries.

It includes patterns of fear, control, intimidation, and emotional or financial manipulation.

Below are the categories most courts recognize.

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### 2.1 — Physical Abuse

- Hitting, punching, slapping
- Pushing, grabbing, shaking

- Throwing objects
- Blocking someone from leaving
- Physical intimidation
- Strangulation or choking (considered extremely dangerous)
- Using weapons

**Important:** Even a single incident can qualify.

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## **2.2 — Emotional / Psychological Abuse**

- Insults and humiliation
  - Extreme jealousy
  - Threats
  - Manipulation
  - Belittling or name-calling
  - Isolation from friends or family
  - Gaslighting
  - Threats of self-harm to control someone
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## **2.3 — Coercive Control**

*(Increasingly recognized in many states)*

- Monitoring phone, messages, email
- Tracking someone without consent
- Controlling finances
- Dictating where someone can go
- Forcing someone to account for every minute
- Taking car keys or IDs

- Interfering with someone's job

**You do not need bruises for it to be domestic violence.**

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## **2.4 — Sexual Abuse**

- Forced sex
  - Unwanted touching
  - Pressuring someone into sexual activity
  - Sexual humiliation
  - Interfering with birth control
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## **2.5 — Financial Abuse**

- Controlling all money
  - Preventing someone from working
  - Taking paychecks
  - Hiding assets
  - Threatening to leave someone homeless
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## **2.6 — Digital Abuse**

- Reading private messages
  - Demanding passwords
  - Monitoring social media
  - Tracking location
  - Constant calling or texting
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## 2.7 — Behaviors That Are *Not Automatically* DV

- Normal arguments
- Relationship dissatisfaction
- Yelling in frustration (without threats or fear)
- Mutually heated disagreements
- Breakups and their emotional fallout

The key question is:

**Did one person's behavior create fear or control over the other?**

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## SECTION 3 — HOW DVROS WORK

Domestic Violence Restraining Orders generally follow a two-step process:

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### 3.1 — Step 1: Temporary Restraining Order (TRO)

A TRO is:

- Granted *quickly*
- Based solely on written paperwork
- Designed for immediate protection
- Usually lasts until the hearing

#### **Important:**

A TRO **does not** mean the accused is guilty.

It means the judge wants to prevent further harm until both sides are heard.

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### 3.2 — Step 2: The DVRO Hearing

At the hearing:

- Both sides speak
- Both sides present evidence

- Witnesses may testify
- Judges ask questions
- Each side may challenge the other's claims

Based on this, the judge decides whether to issue a **long-term DVRO**, usually lasting 1–5 years.

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### 3.3 — What a DVRO Can Order

- No contact of any kind
  - Stay-away distance
  - Move-out orders
  - Custody and visitation terms
  - No firearms
  - Counseling or intervention programs
  - Peaceful contact for co-parenting (if allowed)
- 

### 3.4 — What Judges Look For

- Credibility
  - Logical timelines
  - Supporting evidence
  - Whether someone is afraid or at risk
  - The effect on children
  - Whether the behavior is likely to continue
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### 3.5 — Service of Process

The accused must be legally served before the hearing occurs.

They cannot defend themselves unless they receive notice.

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### **3.6 — Standard of Proof in DVRO Cases**

DVRO cases usually follow a “**preponderance of the evidence**” standard.

This means:

**Is it more likely than not that abuse occurred?**

(51% vs. 49%)

This is NOT the same as proof beyond a reasonable doubt in criminal cases.

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## **SECTION 4 — IF YOU ARE SEEKING PROTECTION**

If you fear for your safety or your children’s, a DVRO may be appropriate.

This section offers clear steps.

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### **4.1 — When Should You File for a DVRO?**

If someone has:

- Hit, pushed, or harmed you
- Threatened you
- Destroyed property to scare you
- Controlled or monitored you
- Hurt or threatened your children
- Stalked you
- Prevented you from leaving
- Caused fear for your safety

...you may need protection.

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## 4.2 — Immediate Safety Steps

If you are in danger:

- Call **911**
  - Leave the location if safe
  - Disable location-sharing
  - Tell a friend or family member
  - Stay somewhere safe
  - Contact the hotline: <https://www.thehotline.org>
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## 4.3 — Filing Process

You can file:

- At the courthouse
- With legal aid
- Through a DV shelter
- In some states, online

You will fill out a declaration describing:

- What happened
  - When
  - How it made you feel
  - Why you fear future harm
  - What protection you need
- 

## 4.4 — What Evidence Helps

Not required, but helpful:

- Screenshots

- Photos
  - Emails
  - Police reports
  - Medical records
  - Witness statements
  - Voicemails
  - Social media posts
- 

#### **4.5 — After You File**

A judge reviews your request the same day or next day.

If granted:

- A TRO is issued
  - You receive copies
  - Law enforcement can enforce it
  - A hearing date is scheduled
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#### **4.6 — At the Hearing**

Tips for testifying:

- Stay calm
  - Be factual
  - Do not exaggerate
  - Answer the judge directly
  - Organize your evidence
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## **SECTION 5 — IF YOU ARE FALSELY ACCUSED**

False accusations do happen, especially during custody disputes or breakups.

Your rights still exist.

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### **5.1 — Take It Seriously**

Even if false, disobeying a TRO will harm your case.

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### **5.2 — Follow the Order EXACTLY**

No contact means:

- No texts
  - No emails
  - No social media messages
  - No asking others to speak for you
  - No indirect communication
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### **5.3 — Gather Evidence Immediately**

Your best defense is documentation.

Helpful evidence:

- Friendly messages contradicting abuse claims
  - Timelines showing you were not present
  - Witness statements
  - Screenshots
  - Video footage
  - Inconsistencies in the petitioner's story
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## **5.4 — Prepare Your Response**

In your written declaration:

- Be calm
  - Be factual
  - Do not insult the other person
  - Explain why the claims are false
  - Provide evidence
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## **5.5 — In Court**

- Dress respectfully
  - Answer questions clearly
  - Do not interrupt
  - Let your evidence speak for itself
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## **SECTION 6 — IF YOU HAVE COMMITTED ABUSE**

This section is written without judgment — only truth and responsibility.

If you have harmed someone, you can make real changes.

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### **6.1 — Accountability**

Accountability means:

- No excuses ("I was tired" or "They provoked me")
  - No minimizing ("It wasn't that bad")
  - No blaming
  - No denial
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## **6.2 — Why Change Matters**

- For your personal growth
  - For your children
  - For your relationships
  - For your legal future
  - For your safety and theirs
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## **6.3 — Getting Help Works**

Helpful resources:

- **Batterer Intervention Programs (BIP)**
  - **Therapy**
  - **Anger management classes**
  - **Substance abuse treatment** (if relevant)
  - **Parenting classes**
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## **6.4 — Court Expectations**

Courts often require:

- No contact
  - Program completion
  - Compliance with orders
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## **SECTION 7 — THE COURT PROCESS**

This section helps you prepare mentally and practically.

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### **7.1 — Before the Hearing**

- Prepare evidence
  - Organize your timeline
  - Review the TRO
  - Bring copies of everything
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## **7.2 — During the Hearing**

Typical order:

1. Petitioner testifies
  2. Petitioner's evidence
  3. Respondent testifies
  4. Respondent's evidence
  5. Judge questions
  6. Closing statements
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## **7.3 — What Judges Focus On**

- Credibility
  - Details
  - Consistency
  - Safety concerns
  - Risk of future harm
  - Children's best interests
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## **SECTION 8 — AFTER THE ORDER**

### **8.1 — If Granted**

Follow every term.

Even accidental violations count.

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## **8.2 — If Denied**

The TRO ends and the case closes.

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## **8.3 — Reporting Violations**

If someone violates a DVRO:

- Document it
  - Call law enforcement
  - Tell your attorney
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## **8.4 — Co-Parenting Under a DVRO**

- Communicate only as permitted
  - Follow the visitation schedule
  - Avoid conflict
  - Never use children as messengers
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# **SECTION 9 — RESOURCES FOR EVERYONE**

## **For Survivors**

- National Domestic Violence Hotline: <https://www.thehotline.org>
  - DomesticShelters: <https://www.domesticshelters.org>
  - WomensLaw: <https://www.womenslaw.org>
  - Local DV shelters
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### **For the Falsely Accused**

- LawHelpCA: <https://www.lawhelpca.org>
  - State bar attorney referral
  - Local legal aid
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### **For Abusers Seeking Change**

- DV Intervention Directory: <https://www.dvinterventiondirectory.com>
  - Batterer Intervention Programs
  - Therapists experienced in anger and trauma
  - Substance treatment programs
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## **SECTION 10 — GLOSSARY & QUICK REFERENCE**

**TRO:** Temporary Restraining Order

**DVRO:** Long-term Domestic Violence Restraining Order

**Petitioner:** Person asking for protection

**Respondent:** Person accused

**Service:** Official delivery of court papers

**Hearing:** Court date

**Findings:** Judge's conclusions

**Violation:** Breaking the order

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## **CLOSING MESSAGE**

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Whether you are seeking protection, responding to allegations, or trying to change harmful behavior, consult with a qualified attorney in your area.

