

CALIFORNIA COURT OF APPEAL, SECOND APPELLATE DISTRICT,
DIVISION ONE

R.M. v. A.G.

R.M. v. A.G. · No. B342515; B345395 · Decided June 25, 2026

SUMMARY

The California Court of Appeal held that the trial court erred in refusing to consider indirect contacts, including social media posts and communications with third parties, when evaluating a request for a domestic violence restraining order under the Domestic Violence Prevention Act. Because the parties sought mutual restraining orders, the court also required the trial court to reconsider both requests and determine whether either party was the primary aggressor or acted primarily in self-defense. The orders were reversed and the matter was remanded for a new evidentiary hearing.

CASE DETAILS

COURT	California Court of Appeal, Second Appellate District, Division One
WRITING FOR THE COURT	Justice Weingart; Presiding Justice Rothschild; Justice Bendix
JURISDICTION	California Court of Appeal, Second Appellate District, Division One
DECIDED	June 25, 2026
DOCKET	B342515; B345395
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Consolidated appeals from orders of the Los Angeles County Superior Court granting R.M.'s domestic violence restraining order request against A.G. and denying A.G.'s request against R.M.
STANDARD OF REVIEW	The grant or denial of a DVPA restraining order is reviewed for abuse of discretion. Whether the trial court applied the correct legal standard is reviewed de novo, and factual findings are reviewed for substantial evidence.
PRECEDENTIAL VALUE	Published and certified for publication; precedential under California law.
PARTIES	A.G., R.M. in appeal B345395 v. R.M., A.G. in appeal B345395

TOPICS

- domestic violence
- family law procedure
- appellate procedure
- statutory interpretation
- standard of review

PRACTICE AREAS

family law

domestic violence

appellate procedure

statutory interpretation

evidence

QUESTIONS PRESENTED

1. Whether the superior court abused its discretion by refusing to consider R.M.'s alleged indirect contacts with A.G., including social-media postings and communications with third parties, in deciding A.G.'s DVRO request.
2. Whether the superior court was required to consider evidence of abuse occurring during the parties' relationship and the totality of the circumstances rather than limiting its inquiry to recent post-separation conduct.
3. Whether the grant of R.M.'s DVRO could stand when the parties had sought mutual restraining orders and the court had not performed the primary-aggressor and self-defense analysis required by Family Code section 6305.

HOLDINGS

1. The trial court erred by excluding or failing to consider alleged indirect contact, including social-media activity and communications with third parties, because the DVPA encompasses conduct that indirectly disturbs the other party's peace.
2. The trial court must consider the totality of the circumstances, including relevant evidence of abuse during the parties' relationship and the history of domestic violence, rather than restricting the evidentiary hearing to conduct occurring after separation.
3. Because the parties sought mutual restraining orders, the DVRO granted to R.M. also had to be reversed and vacated so the superior court could rehear both requests and apply the primary-aggressor and self-defense requirements of Family Code section 6305.

KEY QUOTATIONS

“‘disturbing the peace of the other party’ refers to conduct that, based on the totality of the circumstances, destroys the mental or emotional calm of the other party. This conduct may be committed directly or indirectly, including through the use of a third party, and by any method or through any means including . . . [any] electronic technologies.” (12-13)

“The court’s statements about R.M. making no attempt to contact A.G. are true only if the court excluded indirect contact from its consideration. As described above, that is not the statutory standard.” (14)

“The determination of which party or parties are the primary aggressor “requires that the acts of the parties be weighed against each other. As a result, in deciding whether mutual restraining orders should issue, the trial court must consider the parties’ respective alleged acts of domestic violence in concert, and not separately.”” (17-18)

FACTUAL BACKGROUND

R.M. and A.G. were former romantic partners who lived together for several months and separated in late 2023. Each alleged that the other had physically, verbally, and emotionally abused them, and each sought a domestic violence restraining order. After the separation, A.G. sent R.M. more than one thousand communications and appeared at his mother's home, while R.M. allegedly made social-media posts and telephone calls to third parties that A.G. claimed disturbed her peace. At the combined hearing, the superior court largely limited its inquiry to post-separation conduct, granted R.M.'s request, and denied A.G.'s request without considering R.M.'s alleged indirect contacts or the parties' broader history of abuse.

PROCEDURAL HISTORY

R.M. and A.G. each petitioned for a domestic violence restraining order under the Domestic Violence Prevention Act. After a combined evidentiary hearing, the superior court granted R.M.'s request and denied A.G.'s request. A.G. appealed both orders, and the appeals were consolidated. The Court of Appeal reversed both orders and remanded for a new evidentiary hearing on both requests.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The superior court must vacate the DVRO granted in favor of R.M., conduct a new evidentiary hearing on both parties' DVRO requests, consider indirect contact and relevant evidence from the entire relationship and post-separation period, apply the totality-of-the-circumstances standard, and perform the Family Code section 6305 primary-aggressor and self-defense analysis. A.G. is awarded her costs on appeal.

CASES CITED

- In re Marriage of F.M. & M.M. (2021) 65 Cal.App.5th 106, 115-116
- Curcio v. Pels (2020) 47 Cal.App.5th 1, 12
- Melissa G. v. Raymond M. (2018) 27 Cal.App.5th 360, 372-374
- Parris J. v. Christopher U. (2023) 96 Cal.App.5th 108, 121
- In re Marriage of Davila & Mejia (2018) 29 Cal.App.5th 220, 226
- Rodriguez v. Menjivar (2015) 243 Cal.App.4th 816, 823
- K.T. v. E.S. (2025) 109 Cal.App.5th 1114, 1128
- In re Marriage of Evilsizor & Sweeney (2015) 237 Cal.App.4th 1416, 1423
- In re Marriage of Nadkarni (2009) 173 Cal.App.4th 1483, 1498-1499
- Nakamura v. Parker (2007) 156 Cal.App.4th 327, 334
- K.L. v. R.H. (2021) 70 Cal.App.5th 965, 979