

CALIFORNIA COURT OF APPEAL, FIRST APPELLATE DISTRICT, DIVISION
FOUR

X.K. v. M.C.

X.K. v. M.C. · No. A170020 · Decided July 25, 2025

SUMMARY

The California Court of Appeal, First Appellate District, Division Four, reversed the denial of X.K.'s request for a domestic violence restraining order against M.C. The court held that the trial court improperly treated the matter as merely a custody and visitation dispute and may have misunderstood the Domestic Violence Prevention Act's definition of abuse. The case was remanded for a new hearing, including consideration of the alleged abuse and the totality of the circumstances.

CASE DETAILS

COURT	California Court of Appeal, First Appellate District, Division Four
WRITING FOR THE COURT	Brown, P. J.; Streeter, J.; Goldman, J.
JURISDICTION	California Court of Appeal, First Appellate District, Division Four
DECIDED	July 25, 2025
DOCKET	A170020
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	X.K. appealed the Sonoma County Superior Court's denial of her request for a domestic violence restraining order under the Domestic Violence Prevention Act.
STANDARD OF REVIEW	An order granting or denying a domestic violence restraining order is reviewed for abuse of discretion. Whether the trial court applied the correct legal standard is reviewed de novo. Discretion is not properly exercised when based on an erroneous understanding of the governing law or an incomplete understanding of the court's discretion.
PRECEDENTIAL VALUE	published
PARTIES	X.K. v. M.C.

TOPICS

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

PRACTICE AREAS

family law

domestic violence

appellate procedure

statutory interpretation

remedies

QUESTIONS PRESENTED

1. Whether the trial court applied an erroneous definition of abuse under the Domestic Violence Prevention Act by treating the allegations as merely a custody and visitation dispute.
2. Whether the trial court was required to consider the totality of the circumstances, including alleged incidents occurring in China, when determining whether conduct in California disturbed X.K.'s peace and whether a restraining order should issue.
3. Whether the trial court prejudicially abused its discretion by denying the domestic violence restraining order without adequately evaluating the evidence of abuse.
4. Whether conduct occurring wholly in China itself constituted abuse regulated by the Domestic Violence Prevention Act.
5. Whether the trial court violated X.K.'s due process rights by failing to provide sufficient assistance to her as a self-represented litigant.

HOLDINGS

1. A domestic violence restraining order may not be denied merely because the alleged abuse arose in the context of marital dissolution, custody, or visitation disputes. The trial court must apply the Domestic Violence Prevention Act's statutory definition of abuse, including physical abuse, sexual abuse, and conduct that disturbs the other party's peace.
2. The trial court must consider the totality of the circumstances, including evidence of prior incidents in China, when assessing whether more recent conduct in California disturbed X.K.'s peace and when deciding whether to grant or deny relief based on alleged California acts of abuse.
3. The court did not decide whether conduct occurring wholly in China while both parties lived there independently constituted abuse regulated by the DVPA because X.K. forfeited the issue by failing to provide meaningful legal analysis and pertinent authority.
4. The trial court's legal error was prejudicial because, if credited, X.K.'s allegations could establish physical abuse, sexual abuse, and conduct disturbing her peace, creating a reasonable probability of a more favorable result absent the error.

KEY QUOTATIONS

“The term “refers to conduct that, based on the totality of the circumstances, destroys the mental or emotional calm of the other party.”” (at 7)

“The court was free to discredit X.K.’s facially sufficient evidence of abuse at the evidentiary hearing, but the court did not make an express credibility finding and the record does not support the conclusion that the court made an implied finding.” (at 9)

“The trial court’s comments during its ruling lead us to conclude that it erred—either by applying an erroneous definition of abuse under the DVPA, or by improperly denying the DVRO because the allegations of abuse occurred in the context of a marital dissolution action involving custody and visitation, or both.” (at 10)

FACTUAL BACKGROUND

X.K. and M.C. were married and had a daughter. X.K. alleged a history of physical, sexual, emotional, and coercive abuse, including physical assaults, forced sex after childbirth, strangulation, financial and movement restrictions, threats concerning custody and immigration status, and conduct that caused her to leave the marital home and seek shelter. At the hearing, X.K. testified about the alleged abuse, while M.C. did not testify or file a response. The trial court denied the restraining order primarily because it viewed the matter as a custody and visitation dispute.

PROCEDURAL HISTORY

X.K. sought a temporary and permanent domestic violence restraining order protecting herself and her daughter from M.C. The superior court denied her ex parte request for a temporary order and, after an evidentiary hearing, denied the request for a restraining order, reasoning primarily that the dispute concerned custody and visitation. The Court of Appeal reversed and remanded for a new hearing.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Conduct a new hearing on X.K.'s DVRO request consistent with the DVPA and the opinion. The trial court must consider the evidence of abuse, apply the proper statutory definition of abuse, evaluate the totality of the circumstances, assess credibility, and determine whether to exercise its discretion to issue a DVRO.

CASES CITED

- Hatley v. Southard (2023) 94 Cal.App.5th 579, 589-594
- In re Marriage of A.M. & R.Y. (2025) 110 Cal.App.5th 1115, 1130
- In re Marriage of F.M. & M.M. (2021) 65 Cal.App.5th 106, 118
- Phillips v. Campbell (2016) 2 Cal.App.5th 844, 853
- Sullivan v. Oracle Corp. (2011) 51 Cal.4th 1191, 1207
- Ross v. Figueroa (2006) 139 Cal.App.4th 856, 861

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