

## How a Domestic Violence Restraining Order (DVRO) Changes Everything in Family Law

In a standard family law case, the court's starting point is that both parents should share custody and that property should be divided 50/50. But when domestic violence is involved, all those assumptions are thrown out the window. A Domestic Violence Restraining Order (DVRO) is not just a "stay away" order; it is a legal tool that can completely change the outcome of your divorce, custody, and support case. This is a very serious and specialized area of law, and if you are a victim—or if you are being falsely accused—you must find a [family law attorney near me](#) immediately. A firm like JOS FAMILY LAW understands the critical intersection of domestic violence and family law.

The most powerful and immediate impact is on child custody. California Family Code 3044 creates a "rebuttable presumption" that it is not in the child's best interest for a parent who has committed domestic violence to be awarded joint or sole custody. A "presumption" means the judge must assume the abusive parent should not have custody. The burden of proof is then on the abusive parent to prove to the judge—with clear and convincing evidence—that they have changed and that giving them custody would be safe. This is a massive, uphill legal battle.

If a DVRO is granted, the abusive parent's time with the child will be severely limited. The judge will almost certainly order that their visitation be "supervised" by a neutral third party, either a professional monitor or a trusted family member. The judge will also make orders to ensure the safe exchange of the children, often at a police station or a supervised facility, so the parents never have to interact.

The second major impact is on spousal support. The law is very clear: a spouse who is found to have committed domestic violence in a final DVRO hearing can be barred from receiving spousal support from the victim. This is a massive financial consequence that is completely separate from the division of property.

Third, a DVRO can impact property division. While it does not change the 50/50 community property rule, it can have practical effects. For example, a judge can grant the protected person (the victim) the exclusive "use and possession" of the family home, car, and other essential property, forcing the abusive party to move out immediately.

Because the stakes are so high, DVRO hearings are often the "main event" in a divorce. If you are a victim, your attorney's job is to gather the evidence—police reports, text messages, photographs, witness statements—to ensure the judge grants the DVRO and triggers these legal presumptions. If you are a parent who has been falsely accused, the

stakes are equally high. You are not just fighting a "stay away" order; you are fighting to prevent a legal presumption that could cost you your relationship with your children and your right to spousal support. You must hire an attorney to aggressively defend you.

These are not "normal" family law cases. They are high-stakes, evidence-intensive, and have life-altering consequences. To get expert help navigating this complex issue, contact the legal team at JOS FAMILY LAW.