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Abstract

Domestic violence restraining orders (DVROs), although a widely used legal intervention in preventing future risk of intimate partner violence (IPV), there is a lack of documentation on the facilitators and barriers of utilization of DVROs among IPV survivors in Los Angeles County (LAC). We conducted 19 key informant interviews with various professionals working in domestic violence prevention in LAC. Factors such as survivors' motivation, ease of navigating the legal procedures, and availability of community resources facilitate the use of DVROs. Fear, ambivalence, structural barriers to access DVROs, and issues with the criminal justice system make it harder for survivors to obtain DVROs.

Keywords

domestic violence, intimate partner violence, domestic violence restraining order, policy, protection orders

Background

In the United States, 1 in 4 women (45 million, 37.3%) and 1 in 7 men (35 million, 30.9%) have experienced intimate partner violence (IPV) in their lifetime (Smith et al., 2017). Although IPV is sometimes called domestic violence, domestic violence also includes child or elder abuse or abuse by any member of a household. This article focuses on IPV which is defined as physical violence, psychological aggression, sexual abuse, stalking, or coercive control of sexual or reproductive health by a current or

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former intimate spouse or dating partner (Centers for Disease and Control, 2019). IPV has many long-lasting negative consequences on survivors' physical and mental health and the society.

Survivors may suffer from physical injuries such as traumatic brain injury, sexually transmitted diseases, and chronic pain (Garcia-Moreno et al., 2012; Wong & Mellor, 2014; Yim & Kofman, 2019), and are three to five times more likely to report anxiety, posttraumatic stress disorder, and depression than individuals who did not experience IPV (Garcia-Moreno et al., 2012; Lagdon et al., 2014; Wong & Mellor, 2014; Yim & Kofman, 2019). IPV also imposes a substantial economic cost associated with healthcare for IPV-related injuries, loss of wages, and the involvement in the criminal justice system (Centers for Disease and Control, 2019). These devastating effects of IPV on society and individuals make it a significant public health issue.

IPV survivors are at a heightened risk for experiencing further violence, including more severe violence, if they attempt to leave their abusive partners; thus, legal interventions, such as protection orders or restraining orders, can reduce the risk of future threat, harm, or exposure of an alleged perpetrator (Campbell et al., 2003; Logan et al., 2006; Niolon et al., 2017). Civil restraining orders include *ex parte* or temporary restraining orders (TROs) and permanent or domestic violence restraining orders (DVROs) (Judicial Council of California, 2014). TROs or *ex parte* orders are self-initiated by the survivor in the family court against abuse or violence from a current or former spouse, cohabitant, current or former boyfriend or girlfriend, fiancé, or the other parent of their child (Judicial Council of California, 2014). The TRO is issued in the court and is valid until the date of the hearing which is no later than 21 days after it is issued (Judicial Council of California, 2014). After the hearing, a permanent restraining order (DVRO) may be issued depending on the judge and is valid for five years from the date of the order (Judicial Council of California, 2014).

A study in 2010 estimated that the state of California maintained 880 restraining orders for every 100,000 adults, out of which 84% to 92% of these were utilized for domestic violence (Benitez et al., 2010). DVROs have been associated with a reduced risk of subsequent violence toward the survivor (Benitez et al., 2010; Conner, 2014; Holt et al., 2002). One study found that women who obtained permanent restraining orders were 80% less likely to experience physical abuse in the year following the IPV incident initially reported to the police, compared to women without a permanent protective order (Benitez et al., 2010; Holt et al., 2002). Other studies reported that those women who applied and qualified for two-year restraining orders, reported a significant reduction in violence subsequently after 18 months regardless of whether the restraining order was implemented (McFarlane et al., 2004). Moreover, women with permanent restraining orders were also at significantly less risk of physical abuse, fewer odds of contact, and fewer odds of sustained psychological abuse by the perpetrator compared to women who reported IPV but did not obtain restraining orders (Conner, 2014; Holt et al., 2003).

A protective order is one mechanism that IPV survivors use to cope with continuous IPV; however, only a small proportion of women at risk for domestic violence obtain a restraining order and many of those have experienced a history of severe IPV

(Logan et al., 2006; Messing et al., 2021; Niolon et al., 2017). In previous studies, survivors described that substantial socioeconomic barriers, complex partner dynamics, a risk of an increase in their partner's violence, and differences in judicial decision-making are some of the reasons that survivors chose to not seek a restraining order (Logan et al., 2005; Messing et al., 2021). Moreover, Benitez et al. (2010) also estimated that 147 of 880 restraining orders initiated in California go unserved to the perpetrator or are not enforceable on a technicality. There is some evidence that survivors face barriers when seeking DVROs, but little has been documented about what these barriers are in California, particularly the Los Angeles County (LAC), the context in which they occur (Hawkins, 2010; Messing et al., 2021). Furthermore, there is a lack of data on what factors enable and assist the survivors to get the DVROs in this region. Lastly, a lot of work in the field of DVROs focuses on firearm restrictions through DVROs, but there is a lack of new and recent data that focuses particularly on factors that inhibit or facilitate a survivor to get the DVRO initially.

This study aims to explore trends, barriers, and facilitators of how survivors utilize and acquire DVROs through the lens of expert domestic violence professionals in LAC in California, a densely populated, diverse, and multicultural area. Research questions addressed challenges related to DVRO implementation, survivors' use of DVROs, and legal processes that dictate DVRO use. Data reported are based on qualitative interviews with key informants who work professionally in the field of domestic violence.

Methods

Sample and Recruitment

We conducted a qualitative study using key informant interviews among those who work in the field of domestic violence, some of who directly worked with IPV survivors. Nineteen participants were recruited through both purposive and snowball sampling, to represent at least one of the following professional sectors: policy and advocacy, legal, healthcare, public health, and law enforcement. Participants were 18 years or older, lived in California, and most were residents of LAC. At the end of each interview, each participant was asked to recommend additional participants from the field of domestic violence prevention in LAC who professionally worked with or understood the DVRO process. All eligible participants who agreed to be interviewed were provided with an informational sheet for the study and an informed oral consent form. Participants were provided \$40 gift cards as a token of appreciation for their time. The research protocol and all study instruments were approved by the University of California Los Angeles (UCLA) Office of the Human Research Protection Program.

Instrument Development and Interview Process

Qualitative key informant interviews were semistructured based on an interview guide with questions designed to elicit open-ended responses. Each interview was conducted

by a UCLA researcher, in English over the phone between February 2020 and May 2020, lasting approximately 45–60 minutes. During each interview, the interviewer asked about the participant's professional background and encouraged participants to share their experiences and perspectives on facilitators, barriers, and recommendations regarding the DVRO process. The interviewer asked about the process to request a DVRO; avenues that survivors use to obtain DVROs; how easy the process is for survivors; barriers or challenges survivors face while obtaining the DVRO, and systems changes that can be made to improve the DVRO process in LAC. The interviews were audio recorded with oral consent from each participant, transcribed, and deidentified for analysis.

Data Analysis and Theoretical Framework

Interview transcripts were coded and analyzed using Dedoose software (Dedoose, 2018). We performed a narrative content analysis to identify the similarities and uniqueness among the interviews and identify major “themes.” We used a grounded theory approach which emphasizes the generation of a theory “grounded” on data that has been systematically collected (Glaser & Strauss, 2009). The study also utilized constructs from implementation science such as service utilization, service delivery, client satisfaction, service provider concerns, recommendations about delivery and engagement, and outcomes. A codebook was constructed reflecting major “themes” and to develop appropriate definitions. Based on the codebook, four research team members coded the transcripts by extracting relevant statements from each interview. Each of these themes (“parent codes”) included multiple subthemes (“child codes”) that were informed by the interview questions and research team discussions. Using thematic analysis, themes were constantly compared for similarities and uniqueness across the interviews and sectors. The “coders” met and resolved the differences in coding by a consensus agreement. All the differences were discussed by the coders and clarified until a 100% agreement was reached. A pooled Cohen’s Kappa of 0.76 was used to summarize the interrater agreement across the items which indicate “good or substantial agreement” among coders (Landis & Koch, 1977). The analysis was focused on three major topics: DVRO facilitators, barriers, and recommendations. This article will focus on the facilitators and barriers that survivors face to obtaining DVROs and emphasize issues with DVRO utilization and implementation in LAC.

Results

Sociodemographic Characteristics

There were 18 female and 1 male participants, reflective of the gendered nature of the field of IPV. The majority of the participants were in the age bracket of 31–40 years, four had a bachelor’s degree, seven had a master’s degree in Public Policy, Social Work, or Public Health, and eight had doctoral degrees such as Juris Doctorate and Medical Doctorate. Some participants had dual degrees. The length of time that the

participants worked in the field of domestic violence and IPV ranged from three to 36 years, with an average of 18 years, a median of 15 years, and a mode of 12 years. Five participants had direct contact with survivors, seven participants had indirect contact with the survivors, and two participants had both direct and indirect contact with the survivors in their professional experiences. Those with direct, individual-level contact helped survivors file DVROs, represented them in court, answered calls at domestic violence crisis hotlines, or were first responders to domestic violence calls. Those with indirect survivor contact worked in domestic violence advocacy, research, policy, and legislation at the county or state levels. We interviewed seven domestic violence service providers, seven legal service providers/professionals, two law enforcement officials, two public health professionals, and one medical health professional.

Perceptions of DVROs

Study participants reported that survivors find out about DVROs through a variety of sources such as the city attorney, district attorney, self-help clinics in the courthouses, law enforcement officers, domestic violence clinics/organizations, domestic violence hotlines, healthcare providers, and child welfare caseworkers. One participant highlighted that DVROs are important because they provide survivors a choice or “a path they want to take on” (6, DV Service Provider), and the DVRO process “gives [survivors] a level of control and agency over choosing to seek out this protection and to speak the truth of what they’ve experienced and the protections that they need” (6, DV Service Provider).

Many participants mentioned that if perpetrators abide by the law, DVROs are helpful; however, they may not be a “perfect solution” in dealing with IPV (1, Legal Service Provider; 8, DV Service Provider; 10, DV Service Provider; 19, DV Service Provider). As noted, “some [perpetrators] are really reluctant to get into further trouble ... For those people, just the existence of the protective order can be very protective” (8, DV Service Provider). But for other perpetrators, “having a piece of paper telling them, ‘No, you specifically need to follow the law’ won’t necessarily change their behavior” (8, DV Service Provider). A participant from the legal sector noted that “while restraining orders are effective in about 69% of cases in terms of helping victims to separate from their abusers and stopping the abuse, there’s that other 31% of cases in which they do nothing” (1, Legal Service Provider).

It was agreed that DVROs are not “a one size fits all,” approach (1, Legal Service Provider; 8, DV Service Provider; 10, DV Service Provider; 15, DV Service Provider). A lawyer referred to a restraining order as “one tool in the toolbox that victims can use ... to protect themselves” (1, Legal Service Provider). Education surrounding DVROs was felt to be extremely important for survivors given the danger they face after obtaining this type of permanent order (17, Legal Service Provider). A DV service provider noted that it is important for the survivor to “be able to make an informed decision about [requesting a DVRO] whether that comes from their own gut feeling or ideally to be informed by research,” such as online communication, attending support groups, or meeting an expert who can help evaluate their situation

(8, DV Service Provider). They added that although useful in dangerous situations, DVROs may not solve all the problems and thus safety planning services should be incorporated for the survivors' safety (8, DV Service Provider). In summary, key informants recognized that DVROs are a valuable tool, and if "done correctly in the beginning, [DVROs] can make life a thousand times easier for a victim of domestic violence from there on in" (12, DV Service Provider).

Facilitators for Obtaining DVROs

See Table 1 for a summary of facilitators.

Table 1. Key Facilitators That Support Survivors' Decision to Obtain DVROs.

Facilitators	Themes
Survivors' motivation	<ul style="list-style-type: none"> • Want violence to stop • Protect children • Ability to choose
Legislation and procedures	<ul style="list-style-type: none"> • Free of cost • Self-certification • Speed of application process • Alternate methods for service of process • Delinking the federal immigration system from courts • Increased access to interpreters in court
Community resources	<ul style="list-style-type: none"> • Self-help clinics in a courthouse • Survivor advocacy and safety planning

Note. DVRO=Domestic Violence Restraining Order.

Survivors' Motivation. Participants mentioned that the main reason survivors consider a DVRO is because they "want the violence to end" and their relationship with their partner to be different (5, Legal Service Provider). Although this is a major factor in survivors' motivation, key informants indicated that it can also be a barrier that survivors must overcome through their own decision-making. Many key informants mentioned the fear that "their abuser is going to retaliate in the most awful way possible and that's by attempting to kill them" motivates them to obtain a DVRO (1, Legal Service Provider). In addition, key informants also mentioned that if there have been threats with weapons, survivors may be afraid and may want the legal system to help them to get out of the situation. However, key informants recognized that some survivors may also stay with their perpetrators and do not take any legal action to minimize violence or protect their families.

Key informants who work with survivors noted that some survivors are motivated to obtain a DVRO when they "realize that they can actually protect their children with the

restraining order” (12, DV Service Provider). Moreover, a social worker mentioned that sometimes survivors have a legal order to obtain the restraining order because “if [they] don’t, then [they] may lose [their] children” (19, DV Service Provider). One key motivation for obtaining a DVRO, according to a direct service provider, was that “survivors get to choose ... the path they want to take on. Their voice is very directly heard and weighed as part of the decision that’s made” (6, DV Service Provider). In this regard, key informants recognized that applying for and getting a DVRO empowers a survivor to have agency over their path and ability to control their choice of receiving protection from their perpetrator.

Legislation and Procedures. Multiple legislative and legal procedures support survivors in obtaining DVROs in the state of California, especially in the LAC. Applying for DVROs is free of cost, reducing the financial burden for survivors. A participant mentioned that although the “[DVRO] legislation could always be better, [the process] is pretty good as far as allowing for victims to be able to get it without any proof” (10, DV Service Provider). Legal service providers noted that survivors do not need to notify their intent to request a DVRO to their perpetrators nor do they need police records or law enforcement involvement to apply for the DVRO as it “can simply be based on the victim’s declaration of the abuse” (1, Legal Service Provider), also known as “self-certification.” This key informant expanded that if a survivor has all the necessary paperwork for the application, they can get the temporary restraining order or ex parte order in less than half a day.

A key informant described the timeline of the DVRO process: “Once the temporary restraining order is issued, it is essentially put in place for 3 weeks ... survivors have 2-weeks to serve the batterer with that restraining order” (15, DV Service Provider). Other key informants explained that survivors have multiple options for serving orders to the perpetrator, also known as “service of process.” The primary option is to utilize the sheriff’s office in the courthouse that can serve the restrained party (15, DV Service Provider). An alternate route is to have “a process server, or a third party, who is not a party to the case ... to personally hand the abuser a copy” of the temporary restraining order and inform them of the court process that could lead to a permanent restraining order (1, Legal Service Provider). If a survivor shows that the opposing party is evading service and was not able to serve them after diligent efforts, survivors “can request permission of the court to utilize an alternative method of service... whatever mode of communication they have with the abuser, they may be able to use that” (1, Legal Service Provider).

Domestic violence service providers also mentioned that the “delinking” of court systems from the federal immigration system supports survivors regardless of immigration status to utilize court services. Key informants mentioned that the court systems are also continually trying to “improve language access and access to interpreters” (6, DV Service Provider) of common languages to make it easier for survivors with various language abilities to utilize the legal system and follow the procedures required by the court system.

Overall, according to the key informants, the process to apply for the DVRO is “fairly straightforward” and the courthouse has “fairly friendly” staff which includes volunteers, lawyers, and clerks who try to “make [the process] as simple as possible” for the survivors (3, Legal Service Provider; 7, Legal Service Provider). Experts who work with IPV survivors also mentioned that the restraining order clinics housed in the main courthouse are excellent resources for the survivors applying for a restraining order to “get assistance with filling out the paperwork” and “walk them through” the process if they are unsure of the procedures or paperwork (7, Legal Service Provider; 9, Law Enforcement). They added that the self-help clinics at the courthouse have “practices [and] structures in place to help victims who can’t afford their own attorneys” by having pro bono attorneys to help survivors with the DVRO process (7, Legal Service Provider).

Community Resources. In addition to courthouse self-help clinics, several community resources also support and help survivors with the DVRO process. Key informants mentioned that the advocates from the domestic violence community clinics often make the process easier for the survivors, represent survivors in courts, and present the case to the judge to help “secure restraining orders and protections” for the survivors (6, Legal Service Provider; 4, Legal Service Provider; 13, Law Enforcement). Domestic violence service providers also discussed that domestic violence organizations also link survivors with organizations that provide shelter, counseling, legal support, hotlines, and DVRO application workshops; moreover, some advocacy organizations have advocates who may accompany survivors to the court and “help them navigate all the fear and confusion and logistics” in the courthouse (8, DV Service Provider).

Barriers to Obtain and Enforce DVROs

Survivors considering a DVRO are already in a disadvantaged situation and may face many barriers that prevent them from navigating the civil and criminal justice system, applying for DVROs, obtaining a DVRO, and enforcing DVROs. See Table 2 for a list of barriers.

Fear and Ambivalence. Survivors often consider whether obtaining a DVRO will help or worsen their current situation. According to the key informants, the main barrier to considering a DVRO is the survivors’ fear that their perpetrator may retaliate with more anger and violence or kill them when they find out that the survivor is leaving or utilizing the criminal justice system. These key informants indicated that some survivors fear their perpetrators finding out before they receive the restraining order as it could put them in harm’s way.

“[Survivors] weigh the options of: ‘Am I going to be hurt? I’m going through all this pain and suffering. I’m going to get this thing and then it’s going to be served on the person that hurt me and then I run the risk that they’re going to be so pissed off that I went to some governmental entity that they’re going to come here and kill me.’” (10, DV Service Provider)

Table 2. Key Barriers to Obtain and Enforce DVROs.

Barriers	Themes
Fear and ambivalence	<ul style="list-style-type: none"> • Retaliation and increase in violence • Losing economic stability • Involvement of children and family • Poor relationship with the criminal justice system • Fear due to immigration status
Structural barriers	<ul style="list-style-type: none"> • No paid time off work • Lack of childcare • Poor access to transportation and parking to court • Lack of language accessibility in a courthouse • Lack of education and awareness of restraining orders • Lack of legal resources in court
Criminal justice system	<ul style="list-style-type: none"> • Lack of DV training and implicit bias in judges • Challenges with serving DVROs • Poor or lack of enforcement and prosecution

Note. DVRO=Domestic Violence Restraining Order; DV=domestic violence.

“Things that are taken into consideration are: ‘Is me obtaining the restraining order going to escalate the abuse? Is it now going to put them on notice, that I am taking the necessary steps to protect myself?’” (15, DV Service Provider)

Moreover, key informants added that survivors weigh if going through the DVRO process would be a financial burden if they are economically dependent on their perpetrators. Key informants added that many times, survivors may fall through the cracks because they may be wealthy on paper but do not have access to that wealth since the perpetrator is controlling it. According to DV service providers, due to the financial dependence on their perpetrator, many survivors do not have financial resources to leave their perpetrator and financially support themselves during the DVRO process or “to make their own money, to hire an attorney, to hire their own babysitter” (8, DV Service Provider).

“It is about the financial aspect: ‘Am I able to feed my children tonight or make my rent at the end of the month? Do I have to explain to my employer why I’m taking the day off?’” (8, DV Service Provider)

Some key informants discussed that in some cases, survivors are also at a higher risk of becoming homeless after requesting a DVRO if they are dependent on their perpetrator for housing. Thus, direct service providers noticed that some survivors may sacrifice and stay with the perpetrator because “they cannot afford to leave or take care of their family without being in place with their abuser” (14, Legal Service Provider) and are fearful of “how they’re going to survive” (11, Health Professional).

When seeking DVROs, survivors also have to consider the repercussions of having to separate their children from their parents. In some cases, legal service providers mentioned that the children “will be upset with the victim for the loss of contact with the abuser,” making the survivor feel guilty to get the DVRO (7, Legal Service Provider). They added that some survivors may feel guilty to get a restraining order because they fear that if their children are also receiving the restraining order protections, they may not be able to see their restrained parent. Other legal service providers stated that survivors may refrain from including their children in the DVRO because they want their abuser to continue to support the children or have a relationship with them (17, Legal Service Provider). Key informants noted that oftentimes, fear rises when children are involved, and the perpetrator may use children as leverage to manipulate or threaten the survivor before or after obtaining a restraining order (1, Legal Service Provider). Some key informants acknowledged that survivors often fear that using the legal system to get a restraining order may lead to them losing the custody of their children. Key informants working with the survivors noticed that survivors may also feel ambivalence along the way because they love or think they still loved the person and do not want to divide up their family.

“The fear ... [for] their children because their children are on the DVRO as well. So, ‘oh my goodness, they’re not going to be able to see, the children aren’t going to be able to see the father or vice versa the mother.’” (13, Law Enforcement)

“Some victims do not want to [obtain restraining orders] in cases where the person, the perpetrator, isn’t allowed access to the children as part of the order. A lot of victims will [say] that the children will be upset with the victim for the loss of contact with the abuser. That’s a consideration too, that guilt, that sort of preventing the abuser from seeing the children as part of the order that issues.” (7, Legal Service Provider)

Some survivors are reluctant to engage the criminal justice system due to “the way that law enforcement’s presence in their communities is often felt and experienced” (6, DV Service Provider). An attorney discussed that many low-income, marginalized communities have a “conflicted relationship with the court where their voices aren’t heard, or they feel court isn’t where justice is achieved” (4, Legal Service Provider). Another attorney also mentioned that implicit bias toward females and people of color also impacts courtroom hearings due to their assumptions about the survivor’s credibility.

“I think that a judge that looks at a person of color is having different assumptions in their head of that person’s credibility and that person’s life that they’re not having when there’s a white person standing in front of them and same thing with a woman standing in front of them versus a man.” (14, Legal Service Provider)

Although courts have made an effort to delink the federal immigration system with the court system, key informants commented that some survivors are often reluctant to utilize the court system because of their fear of detention and deportation due to

their immigration status. They remarked that survivors fear that they or their family members do not have a legal status and may be discovered by the legal authorities for removal proceedings.

Structural Barriers. In addition to the financial, personal, and social barriers that survivors may face when utilizing restraining orders, key informants listed structural barriers such as lack of paid time off, childcare, transportation to and parking at the courthouse, and language accessibility in the court decreases the likelihood of a survivor obtaining a DVRO. Since courthouses are only open for a limited period, professionals working with survivors noticed that survivors often have to make multiple trips to the courthouse; thus, needing a lot of time for the application and hearing process. Key informants discussed that the DVRO application can take two to three hours, but a survivor may need to take a full day to complete the whole DVRO process at the courthouse which is burdensome for many. DV service providers remarked that some populations of survivors, such as the immigrant population, may be unable to go to the courthouse due to their inability to take time off work, risk of losing wages or employment, and not having appropriate childcare. They added that the lack of transportation to travel to the courthouse and parking become a major barrier for other survivors.

“In practice, it’s still extremely difficult for somebody to actually be able to access and get [to the court] just because people are poor and they don’t have transportation.” (10, DV Service Provider)

Access to interpreters was a major theme mentioned by multiple key informants from various work sectors. Although the courts have increased accessibility of interpreters, a domestic violence service advocate mentioned that interpreters for languages that are not dominantly spoken in the community are not necessarily present in court or it can take time for interpreters to get there, which may lead to rescheduling or postponing of the hearings. Key informants also noted that survivors may not have an adequate social support system to help them go through the legal proceedings. Other structural barriers discussed were lack of access to computers or Wi-Fi which can create additional barriers in learning about the restraining orders.

A common theme among the key informants was that survivors often do not have the education, awareness, and training regarding what restraining orders are, what protections are provided or not provided with a restraining order, what evidence is needed, how to build a convincing case, knowing how to fill out the application, and knowing how to navigate the legal system. An attorney mentioned that some survivors may think that they need a police report and do not apply for a restraining order. Other key informants added that some survivors who may be worried about deportation due to their immigration status may also not be aware of file law, U-visa, or T-visa which may be available to them in situations of domestic violence. Key informants recognized that survivors often are confused and overwhelmed going into the court to try and navigate an unfamiliar system to obtain a DVRO and “support their claims of abuse and fear of future abuse” (14, Legal Service Provider).

“I think a huge barrier is that there’s not enough understanding around [DVROs] and that’s not just for the general public.” (16, Public Health Professional)

The court system often creates many barriers for the survivors to request a DVRO as noticed by many legal and DV service providers. The application, for some survivors, can have a lot of legal terminologies that they may not understand which in turn is exacerbated when survivors do not have access to interpreters needed for uncommon languages. They added that the survivors are overwhelmed by lengthy and convoluted paperwork that is legally written and hard to understand.

Key informants mentioned that there is a lack of legal support available in court for survivors who can advise them on their options, strategize whether or not to fill out a restraining order application, and help with filing paperwork. Many survivors are also not represented by lawyers who can impact their case because the attorney knows “how to present evidence and how to object to something and how to ask a judge what actually needs to be proven” (14, Legal Service Provider). Overall, according to the key informants we interviewed, the DVRO process is an incredibly burdensome process for the survivors because survivors “have to file it; they have to serve the perpetrator. They have to cause him to get served” (3, Legal Service Provider).

“For a lot of the barriers discussed earlier, whether it’s taking time off work, its transportation, its childcare, fear, its threats from the abuser. So, [DVRO process] this multi-stepped process that any of those [barriers] could knock somebody off that sequence because it takes a lot to complete one step of the process.” (16, Public Health Professional)

Criminal Justice System. Key informants mentioned that survivors often are revictimized in courts because judges are not trauma-informed and it is hard to prove emotional and psychological abuse. An attorney mentioned that “there are a lot of very good laws in place to protect domestic violence victims with domestic violence restraining orders, and there are a lot of problems with the correct application of those laws by judges” (14, Legal Service Provider).

“Judges aren’t necessarily trauma informed or trained about the dynamic of domestic violence and so they can re-traumatize people who come into the courtroom, which means they’re not going to be able to give people their side of the case.” (5, Legal Service Provider)

Legal and public health practitioners identified that another gap in the legal system is the lack of “understanding that domestic violence is broader than just physical violence” (7, Legal Service Provider) and includes emotional and psychological abuse. This was thought to be particularly the case among judges and law enforcement officers. If a survivor fails to provide strong proof of physical abuse, it is harder to make a valid case and get a DVRO. Key informants also mentioned that there is a major gap in

judges' training, and they may lack implicit bias training, especially against women who have suffered abuse and people of color.

Experts from various sectors mentioned that service of process also becomes challenging when the survivor does not know the location of their perpetrator or if the perpetrator is homeless. Sometimes the defendants are intentionally trying to not be found. In many situations, key informants noted that if survivors cannot serve the restraining order, DVROs can "die on the vine because the victim wasn't able to affect service. Because of due process, lack of notice would prevent the case from being able to go forward" (1, Legal Service Provider). Without service, survivors are not protected by the restraining order since "it's not actually enforceable" (10, DV Service Provider). Although the sheriff's department helps serve the restraining order, key informants commented that they do not actively search the restrained party if their location is unknown, or the restrained party is purposely avoiding being served.

Another major barrier identified to using DVROs included reporting violations, enforcing the restraining order, and prosecuting violations. Reporting and prosecuting violations are important during hearings for DVROs or DVRO renewals. According to a DV service provider, sometimes survivors "instead of embracing this power, become very afraid to enforce it" (12, DV Service Provider). In some situations, survivors may not be aware of what constitutes a violation of the restraining order, and the violation may go unreported as per the key informants. There are also times when survivors do not want to report the violation to the police due to their community's relationship with law enforcement and it may be a dangerous and life-threatening proposition for some people as indicated by the key informants. Key informants noted that some survivors fear calling law enforcement because of their immigration status and worry that they or their families may be detained. Many communities of color have this same fear and feel "very reluctant to contact law enforcement and engage in the criminal system because of the way law enforcement's presence in their communities is often felt and experienced whether that's immigration concerns or concerns around over-policing and criminalization of their communities" (6, DV Service Provider).

"People don't want to involve law enforcement in their personal concerns because they're worried about what might happen as a result.... While you might want the abuse to stop, you most likely don't want your partner murdered by the police and so you have to consider calling the cops weighing that." (10, DV Service Provider)

"It is not that easy and can particularly for communities of color. This is particularly difficult because right now especially with COVID.... There's been this whole, lots of news reports about the increase in domestic violence overall.... There's a huge fear of accessing or calling law enforcement overall." (18, Public Health Professional)

"Particularly for many of our communities in particular communities of color and the African American communities reaching out to law enforcement does not feel, for many, like a safe option." (6, DV Service Provider)

If a violation is reported, key informants mentioned that there is a gap in prosecuting violations of restraining orders. Although a survivor follows all the steps to report a violation to law enforcement, a key informant mentions that “the police take no action. They don’t respond to the 911 call. They don’t take a police report. They don’t present the violation of the restraining order to a prosecuting agency for filing consideration for the criminal charge of violation of a restraining order” (12, DV Service Provider). A public health professional mentioned that there is variability in the response of law enforcement and the information they provide in terms of reporting of violations.

“[Los Angeles county is] such a large county, multiple law enforcement agencies, and the lack of consistency and response [to violation reports and calls]. I think there’s great variability throughout Los Angeles County.” (18, Public Health Professional)

The lack of action to file a police report or prosecute a violation increases distrust in law enforcement and the DVRO system as “the main agencies that’s responsible for enforcing that form of protection fails to do so” (1, Legal Service Provider). There is also an issue of law enforcement victim blaming and judging survivors. A participant gave an example of a survivor calling her boyfriend over because she needed diapers for her baby during the COVID-19 stay-at-home orders. Law enforcement believed that it was her fault for inviting her boyfriend over – judging the survivor instead of enforcing the law when the violence or abuse was committed (17, Legal Service Provider). These types of concerns were exasperated during the COVID-19 pandemic. While there was an increase of calls to law enforcement overall, key informants highlighted that survivors felt a “greater unknown” around how law enforcement would act when they called them (18, Public Health Professional).

“The police blame the victim ... here’s an example, I did a law enforcement training and they said, ‘well she invited him over, but then when he became abusive, she called us’ ... And folks that understand domestic violence understand that it is cyclical and that sometimes there’s periods where there’s not abuse happening. So, if the survivor called her ex-boyfriend to bring her diapers because she needed diapers, that’s not for the police officer to judge ... I think it’s not for them to decide why people in very vulnerable situations make the survival decisions that they make.” (17, Legal Service Provider)

Lastly, key informants discussed situations where the perpetrator uses the criminal and civil justice systems to help their case and evade DVRO hearings. Some perpetrators may have both a criminal restraining order (also known as criminal protective orders) and a DVRO. A criminal protective order is an order that protects a witness or victim of a crime (Superior Court of California County of Santa Clara, 2021). Many times, legal and DV service providers remarked that the survivors who have a criminal restraining order protecting them may want to get a civil DVRO since the criminal restraining order cannot be renewed. However, if the perpetrator is in prison, judges may be hesitant to approve a civil restraining order since the perpetrator “is in prison [and] hasn’t done anything” (12, DV Service Provider).

Other times, the perpetrator may use the two justice systems to “brutalize” the victim (3, Legal Service Provider) where they may keep getting extensions on the DVRO hearing due to their criminal restraining order hearings and letting the survivor’s temporary civil restraining order to expire.

Lack of Data on DVROs

Several key informants remarked about the lack of data on this issue with the following statements:

“I think that needs to be, just really . . . that description of how many are there being implemented in LA County? What does that look like? What are the types? What are the outcomes? That kind of research. Doing the research and having the data connected with restraining orders and differentiation by whether it’s a DV emergency protective order, a gun violence restraining order, and all the factors that are a part of that. Just research, understanding, education, and awareness.” (18, Public Health Professional)

“To me I think it’s always important to ask about or examine if it’s truly being implemented equally to everybody. Are same sex couples getting the same access to self-help clinics or responses like offers of emergency protective orders and certainly are they getting the same kinds of orders being implemented by the judges as heterosexual couples? Are people that don’t speak English being treated the same as people who do speak English?” (8, DV Service Provider)

Discussion

While DVROs have been a tool for IPV survivors for decades, and their existence in specific states and cities suggests they are effective in reducing injury and death for domestic violence survivors, often in situations of IPV, they are not used (Benitez et al., 2010; Conner, 2014; Logan et al., 2005; Messing et al., 2021). This study addressed some of the reasons survivors do and do not use DVROs, based on the experiences, perceptions, and observations of people working in sectors that interface with IPV survivors. Although our sample did not represent IPV survivors’ feelings or thoughts, we believe that the expertise of these professional key informants can be very valuable in understanding the barriers and facilitators survivors face especially since they directly or indirectly work with IPV survivors in various capacities. Similar to the results in Messing et al. (2021), this study showed that the reasons for adoption or nonadoption are complex and linked not only to the survivors’ concerns but also to systems of support and how the process of getting a DVRO plays out. Moreover, participants reported that, when obtained, DVROs do not always reduce threat or danger to the survivor or their families. That said, IPV is a pernicious and ongoing social and health problem that negatively impacts the lives of many every year and has worsened during the COVID-19 pandemic (Evans et al., 2020). Thus, legal interventions such as DVROs are important. However, this study implies that

more work is needed to increase the effectiveness and use of DVROs by those who can benefit most from their implementation.

Our findings paint a complex picture regarding how DVROs in LAC are implemented by officials and perceived by service providers. There are many services and options that courts and public defenders offer to IPV survivors to reduce their risk of future harm. Many court procedures are free of charge and courts have translation services available, as well personnel who specialize in family and domestic law. Likewise, domestic violence service providers have promoted the use of DVROs and provided support and services for their use among their clients. Finally, law enforcement has also adopted these types of tools to help them assure that IPV survivors and family members are safe.

However, despite these changes in policy, practices, and perspectives over the past few decades since DVROs were first introduced, these tools are still underutilized and still not well evaluated regarding their effectiveness. While this study is not a formal evaluation, the results suggest there remain many barriers in place that inhibit DVRO use. First and foremost, participants in this study suggested that many IPV survivors may not be fully aware of and/or educated about DVROs, precluding them from attempting to get them. Further, survivors who are knowledgeable about DVROs may feel that using them will make their situation worse. In other situations, because getting a DVRO entails filling out paperwork and spending hours in a courtroom setting, many IPV survivors may determine they don't have the time or the resources needed to pursue a DVRO as a course of action. And given the lack of trust in communities of color where many IPV survivors live, the idea of working with courts and police to restrain a partner is not something they are willing to do. Many survivors do not feel comfortable using a restraining order or using the criminal justice system because they do not want to criminalize the perpetrator. As shown in previous studies, our results also showed that survivors do not obtain a restraining order or report a violation because they do not want their perpetrator to go to jail and experience any negative consequences due to the concerns of the impact on their children for calling the police on their parent (Logan et al., 2009). Finally, many survivors have issues with their immigration status, a factor that inhibits working with police courts or legal staff, even though efforts have been made to separate these types of cases from immigration issues.

The systems, moreover, that are tasked with overseeing DVROs also present barriers to full implementation. Court system procedures may not be transparent, they may take time and resources to comply with, lawyers and judges may not always be able to assess the situations presented to them, and orders may not necessarily get served. Similarly, police departments may not be well trained in these orders and may be inconsistent about using them, especially as they may be difficult to obtain or IPV survivors may not want police intervention in family and personal matters. Finally, IPV service organizations may lack personnel who are trained or savvy in regard to obtaining DVROs for clients.

One issue that became apparent when doing this study is that while there are several descriptive and policy studies about DVROs, recent and new systematic data-driven

studies about how these tools are being used or implemented are lacking. There is very little publicly available quantitative data about the proportion of IPV survivors who use these tools in LAC, characteristics of those who use them, how processes vary between clients, courts, or jurisdictions, and who is more likely to benefit from LAC. While there are studies that suggest these policies may reduce harm for survivors and their families considered broadly, lack of systematic quality improvement or implementation of scientific research approaches make it hard to truly assess whether DVRO policies are effectively and equitably implemented. While findings from this qualitative study can inform policy efforts to address IPV efforts in LAC and other metropolitan areas of California and the U.S., more extensive reviews of cases, their context, processes, and outcomes are indicated.

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