California Family Law Firm, APC Firm Highlights Restraining Order Fee Ruling

November 05, 2026

IRVINE, CA - November 05, 2026 -
California Family Law Firm, APC, a family law practice in Irvine, is highlighting a published opinion filed October 28, 2026, holding that a request for attorney fees under the Domestic Violence Prevention Act must meet the deadline in California Rules of Court, rule 3.1702. In In re Marriage of A.O. and Vologodskaya, the Court of Appeal reversed a $39,000 fee award because the request, filed 14 months after the restraining order, was untimely.

The First Appellate District, Division Three, certified the opinion for publication, so it may be cited in other California cases.

According to the opinion, the husband filed for divorce in August 2023 and requested a restraining order and attorney fees, and the wife later requested her own restraining order. In January 2024, the parties settled their competing requests on the record. They agreed to a one-year restraining order protecting the husband, and the wife admitted committing one or more acts of domestic abuse and dismissed her request.

The agreement did not mention attorney fees, and the findings and order stated that fees were not applicable. In April 2025, the husband moved for $75,476 in fees under Family Code section 6344. In February 2026, the San Mateo County Superior Court ordered the wife to pay $39,000.

Section 6344 provides that, upon request, a court shall order attorney fees and costs for a prevailing petitioner. For a prevailing respondent, a court may do so only if the respondent establishes that the request was frivolous or solely intended to abuse, intimidate, or cause unnecessary delay, according to the opinion.

Rule 3.1702 requires a motion for statutory attorney fees for services up to the rendition of judgment to be filed within the time for filing a notice of appeal. The court said that time is 180 days at most for an order granting or denying a domestic violence restraining order, which is appealable as an injunction, and that the

rule has no exception for family law cases.

The court rejected the husband?s argument that he preserved his claim by requesting fees in his petition and through the order?s general reservation of other issues. It said the parties did not address fees or reserve jurisdiction to award them, although they explicitly reserved jurisdiction over any future bonus or additional income. It rejected the argument that the rule did not apply while the dissolution was pending, saying the competing restraining order requests were final.

The court declined to send the case back to decide whether good cause existed to extend the deadline, because the husband did not raise that issue in the trial court. It reversed the fee order and ordered each party to bear their own costs on appeal.

The opinion addresses requests under section 6344 and does not decide the underlying restraining order requests, which the parties settled.

California Family Law Firm, APC practices only family law, including divorce, child custody and visitation, child support, spousal support, domestic violence restraining orders, paternity, and military divorce.

The legal information in this release is based on the published opinion in In re Marriage of A.O. and Vologodskaya, filed October 28, 2026. It is presented for general public awareness and is not legal advice. How the ruling applies to a particular case depends on the facts, the court?s orders, and the applicable deadlines.

California Family Law Firm, APC, located in Irvine, represents clients in restraining order matters in Orange County.

###

For more information about California Family Law Firm, APC, contact the company here:California Family Law Firm, APCJeffrey Wittliff+19495037200jeff@calfamilylawyer.com19200 Von Karman Ave Ste 454, Irvine, CA 92612

California Family Law Firm, APC

California Family Law Firm, APC serves Irvine and Orange County, providing representation in divorce, child custody, child support, spousal support, paternity, and domestic violence restraining order matters. California Family Lawyer

Website: https://calfamilylawyer.com/

Email: jeff@calfamilylawyer.com

Phone: +19495037200

