

OCTOBER APPELLATE UPDATE

Family Law Appeals

Jose Cardona appealed a domestic violence restraining order (DRVO) against him. The DVRO expired, but the Court of Appeal ruled that Cardona's appeal was not mooted by the expiration of the DRVO, because the DRVO created a presumption against him regarding custody of his minor daughter, which would last for the next five years. Furthermore, during the DRVO hearing, the trial judge heard testimony from the minor daughter and gave Cardona no opportunity to respond to her testimony, thereby violating Cardona's due process right to be heard.

Cardona v. Soto

Case no. A167089 (First District Court of Appeal)

9/17/24