

NOT TO BE PUBLISHED IN OFFICIAL REPORTS

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION FOUR

ASLAM CHAUS,

Plaintiff and Respondent,

v.

ALTAF CHAUS,

Defendant and Appellant.

A141054

(Alameda County
Super. Ct. No. HF13704640)

Appellant Altaf Chaus appeals from a domestic violence restraining order that respondent Aslam Chaus obtained against him for allegedly leaving threatening messages on Aslam’s cell phone.¹ Altaf asks this court to reverse the restraining order and remand for further proceedings because the trial court (i) did not provide a basis for its decision and (ii) did not give Altaf a genuine opportunity to defend himself. Finding no merit to these contentions, we affirm.

I. FACTUAL AND PROCEDURAL BACKGROUND

Aslam Chaus filed an application for a domestic violence restraining order on November 25, 2013 against his brother, Altaf Chaus, alleging that Altaf had been harassing Aslam, his family, and his business partner by leaving vulgar and threatening

¹ Given that they have the same surname, we use Altaf’s and Aslam’s first names for clarity, and intend no disrespect.

voicemail messages over the course of several months, since July 2013. Both parties appeared in propria persona.

Most of the voicemail messages at issue were spoken in Hindi, so Aslam provided the trial court with translated transcriptions of the messages. On appeal, Aslam states he translated some messages and others were translated by a “professional 3rd party.” As translated, the messages purportedly showed, among other things, Altaf’s threats to physically harm and sexually abuse family members of both Aslam and Aslam’s business partner.

To substantiate his claim, Aslam not only testified, providing his own account of Altaf’s conduct, but also provided documents evidencing a restraining order entered against Altaf in 1994 for the protection of Prem Dutt, Altaf’s alleged mistress. Dutt’s allegations in that prior proceeding included Altaf’s threats to kidnap her, threats of violence with a gun, and instances where Altaf followed her family members. The court in that proceeding entered mutual restraining orders against Altaf and Dutt.

During the hearing, Altaf first admitted to saying some of the things on the voicemail message transcriptions, but shortly afterward, denied saying such things. The trial court believed that Altaf was being untruthful, so it granted to Aslam a three-year restraining order on grounds of “sufficient cause.” After the order was granted, Altaf was allowed to explain himself. Among other allegations, Altaf alleged that “that display, that message” is an incorrect translation from Hindi.²

On February 18, 2014, Altaf filed a timely notice of appeal. Altaf asks this court to reverse the trial court order and remand for further proceedings.

II. DISCUSSION

Altaf claims that the restraining order should be reversed because the court did not provide a basis for its decision. In support of this contention, Altaf cites *Nakamura v. Parker* (2007) 156 Cal.App.4th 327, 335 (*Nakamura*), which states “[w]here, as here, a

² The reporter’s transcript is unclear as to whether “that” refers to all messages or just one of the messages.

trial court is not explicitly required by law to state reasons for the decision rendered, the integrity of adjudication does not *necessarily* require an explanation; but that certainly does not mean a court *should* decline to provide any reasons for a ruling.” In *Nakamura*, the appellate court reversed because the trial court denied the appellant a temporary restraining order summarily and without a hearing. (*Id.* at p. 332.)

Altaf’s reliance on *Nakamura* is misguided. First, it explains that a trial court considering a request for a domestic violence restraining order is not required to state reasons for a decision. (*Nakamura, supra*, 156 Cal.App.4th at p. 335.) Second, it explains that, even though articulated reasons are not required, that does not mean reasons should not be given. (*Ibid.*) But neither of these points requires anything more than what the trial court did in this case, which was to make a finding that Altaf made the statements alleged by Aslam, and that the statements were “horrible” and constituted “harassment” and “disturbing the peace.” Additionally, the court here did not rule on Aslam’s request for a restraining order summarily and without a hearing, as occurred in *Nakamura*. (*Id.* at p. 332.) Here, the trial court granted the restraining order after finding “sufficient cause.” Contrary to Altaf’s claim, the court did indeed provide a basis for its decision, even if not explained in a detailed manner.

Altaf also claims the trial court did not grant him a fair hearing because he was not given enough time to explain the true content of the messages and explain that the intended recipient of those messages—some of which were left on Aslam’s cell phone—was Aslam’s business partner. Further, Altaf claims the court violated its duty to clarify facts to self-represented litigants under the Domestic Violence Prevention Act (the Act), Family Code section 6200 et seq.³

³ Section 6200 provides that the Act may be cited as the “Domestic Violence Prevention Act,” but the term seems to be interchangeable with “Domestic Violence *Protection* Act,” the label Altaf uses in his brief. All code references are to the Family Code.

We see no error. Section 6300 allows the court to grant a domestic violence restraining order if the testimony of the person requesting the restraining order “shows, to the satisfaction of the court, reasonable proof of a past act or acts of abuse.” The Act defines “abuse” to include threats and other verbal abuse. (§§ 6203, subds. (a), (b), 6320, subd. (a).) The Act specifies several requirements that the court must follow to grant domestic violence restraining orders, for instance, “The court shall consider the totality of the circumstances” (§ 6301, subd. (c).) Here, we are satisfied that a hearing appropriate to the circumstances was afforded.

Contrary to Altaf’s claims, the court did indeed allow Altaf to explain himself during the hearing and did not need to confirm that the translations were substantially correct so long as Aslam’s testimony provided reasonable proof of verbal abuse “to the satisfaction of the court.” (§ 6300.) Moreover, the Domestic Violence Prevention Act does not require the court to clarify facts to self-represented litigants. It is not entirely clear what Altaf means here, but he likely refers to the Recommended Guidelines and Practices report by the Judicial Council’s Domestic Violence Practice and Procedure Task Force (the Guidelines), not the Domestic Violence Prevention Act itself, since he refers to the Guidelines earlier in his brief.

The Guidelines provide that judges “hearing domestic violence restraining order proceedings should conduct appropriate dialogue with self-represented litigants to clarify facts and explain the court’s procedures as necessary in the specific case.” (Judicial Council of Cal., Admin. Ofc. of Cts., Domestic Violence Practice and Procedure Task Force, Recommended Guidelines and Practices for Improving the Administration of Justice in Domestic Violence Cases (Final Report 2008) p. 18.) Certainly, these are—as their title indicates—nothing more than guidelines, not binding rules. The Guidelines express what every judicial officer who presides in matters involving pro se litigants knows as a matter of experience and common sense: Procedural fairness often requires some degree of heightened sensitivity to the circumstances of pro se litigants, particularly where translation and other language barrier issues arise. But affirmatively assisting pro se litigants, as Altaf would have us require, is beyond the judicial role. How to strike the

appropriate balance between these considerations will vary with the circumstances. Altaf does not come close to showing that, in this case, the trial court struck the appropriate balance improperly.

III. DISPOSITION

The judgment is affirmed.

Streeter, J.

We concur:

Ruvolo, P.J.

Rivera, J.